



## COUNCIL UPDATE

April 15, 2021

### MEETINGS & REMINDERS

Please note meetings are being held as webinars and conference calls. Information for residents to participate may be found on the [clevelandheights.com](http://clevelandheights.com) calendar.

Thursday, April 15	-	6:00 p.m.	-	Administrative Services Committee
Monday, April 19	-	10:00 a.m.	-	Nuisance Abatement Board of Review
	-	6:30 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council
Tuesday, April 20	-	7:00 p.m.	-	Architectural Board of Review
	-	7:00 p.m.	-	Citizens Advisory Committee
Wednesday, April 21	-	7:00 p.m.	-	Board of Zoning Appeals
Monday, April 26	-	6:30 p.m.	-	Committee of the Whole

### LEGISLATION

- **FutureHeights.** A Resolution authorizing the City Manager to enter into a First Extension of Development Services Agreement and Project Approval with FutureHeights for the performance of certain work
- **County HOME.** A Resolution authorizing the City Manager to enter into an agreement with Cuyahoga County for funding through the HOME Program for the City's affordable housing programs through April 30, 2023
- **HRRC for HOME.** A Resolution authorizing the City Manager to enter into an agreement with the Home Repair Resource Center, a non-profit corporation, for the use of HOME

Funds to administer its down payment assistance loan program; providing compensation therefor

- **Family Connections.** A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Parent Café Program; providing compensation therefor
- **Start Right CDC.** A Resolution authorizing the City Manager to enter into an agreement with Start Right CDC, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Good Neighbor Home Rehab Program; providing compensation therefor
- **Third Party Delivery Fee Cap, Second Reading.** An Ordinance enacting new Chapter 765 of the Cleveland Heights Codified Ordinances, pertaining to third-party food delivery services; establishing a limit on the commission that third parties can charge to restaurants located in the City of Cleveland Heights to 15% of the purchase price on delivery or pick-up orders while restaurants are unable to provide unrestricted dine-in service; prohibiting a reduction in compensation for delivery drivers as a result of this limit
- **Source of Income, Third Reading.** An Ordinance amending various Sections of Chapter 749, “Fair Practices” of the Codified Ordinances of the City of Cleveland Heights to include Source of Income as a prohibited, discriminatory rationale for the purposes of fair housing practices.
- **Appropriations.** An ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021
- **Local Fiscal Recovery Fund.** A Resolution establishing the Local Fiscal Recovery Fund and affirming that funds received by the City pursuant to the American Rescue Plan Act of 2021 shall be used only to cover costs incurred by the City of Cleveland Heights consistent with the requirements of the Act and applicable law and regulations

#### **UPDATES FROM CITY MANAGER**

- **Communication:**
  - PR staff will prominently feature the next CSU Police Forum on April 27<sup>th</sup> with the registration link provided. A banner on the City’s homepage and also on the police page makes registration for the April 27th forum easier and accessible. This is also the page where residents can leave comments on police policies.

- The Centennial year is in good hands as articles, banners and a specific website cleverheights100.com that will provide information, history and photographs. This all ties in with the All are Welcome Campaign.
- **Director Reports**
  - Considering all of the issues/projects going on in the City, I have asked the Directors/Chiefs to provide more detailed information in the packets. As my first Supervisor told me many years ago, "No surprises for Council," hopefully this will work.
  - Staff is also working on the Informational/transitional book which should be ready by the middle of May.
- **Organizational Timelines**
  - Staff and Law are working on an organizational calendar that will benefit both staff and Council regarding timelines for when legislation requests and legislation must be submitted for Council Agendas. In addition, depending on the request how quickly staff can respond in detail to Council inquiries.
  - This chart will be in the packet next Wednesday, April 21. Also, internally staff will be on a timeline/calendar as well.
- **Top of the Hill garage**
  - Flaherty has advised that they do intend to install cameras in the garage.
- **City space next to the Salt Dome (Short Noble)**
  - Public Works has begun the collection of lawn waste bags which are taken to the Salt Dome lot and then transferred for mulching. Unfortunately, it has been discovered that many of the bags have been polluted with plastic, bottles and cans. As a result, they cannot be easily mulched. PR will send out a reminder notice about what goes into the bags, but this does not solve the already collected leaves. We're working on a solution.
- **Parklets:**
  - Parnell's owners at Cedar Fairmount have requested the placement of parklets from in front of their place to the front of AppleTree Books. Parklets are a way to expand pedestrian space and allow for outdoor tables. This would mean eliminating 9 parking spaces and also a redesign of the space. The City will be putting orange barrels/stations in the space as a temporary way to determine the pluses and minuses.

- **Retirement:**

- Jim Lambdin, the City's IT Director, is retiring at the end of June. In over 30 years with the City, Jim has been the dependable, realistic, intelligent "go to guy" for every technology issue and innovation. He always made sure we were ready for the next step. Jim has led the way - City computers, iPads, phone systems, cameras, printers, systems and more, whatever was needed for every City facility and the Court. He kept us up to date! But most of all he has been a solid and trusted member of our City Hall family. A good listener and wise counsel, we all thank him with appreciation for these many years and wish him the very best in the years ahead.

(The IT Director job description has been posted on our website and Jim has agreed to assist with the interviews.)

## **COMMUNICATIONS**

- Focus delivered
- Prepared press release on Landmark Committee
- Prepared quotes and materials about fishing on Shaker Lakes. Responded to media inquiries
- Prepared/initiated communications on Police Policy Forum
- Launched Centennial website - [clevelandheights100.com](http://clevelandheights100.com)
- Finalized press release to rollout 100-year website and festivities
- Scouted CH for locations for 40-50 100 Year Anniversary banners
- Presented to FH Civic Engagement Committee on Centennial plans

## **POLICE**

- On April 13, 2021 the Police Department in conjunction with the Diversity Institute at Cleveland State University held the first of two Town Halls to discuss two newly revised Police Department policies. The two policies discussed with the Recruitment & Selection Policy and the Vehicle Pursuits Policy. There were 56 community members who either

participated in the Town Hall or tuned in to listen. During the Town Hall panelists discussed how and why the City has undertaken the review of police policies, our goals and objectives, the current status of our policy review and the key elements of both policies. The Police Department then provided answers to questions that were submitted in advance from the community after which the participants were divided into four groups and placed in breakout rooms with a representative from the Diversity Institute who facilitated further discussion on the policies. After the discussion was complete, each group reported back to all participants what they discussed and what recommendations were suggested for the policies. All of this information will be taken back by the Diversity Institute who will review it, analyze it, and make further recommendations to the Police Department. Overall the Town Hall was very informative and we appreciate all the residents and community members who participated and engaged in the policy review process. There were a lot of good recommendations that were made regarding the policies and we look forward to the final report from the Diversity Institute.

The next Town Hall forum will be held on Tuesday, April 27th at 7:00 pm and the policies that will be discussed are Bias-Based Policing and Use of Force. These policies are currently available for review on the City's website. We are also increasing our outreach to the community in hopes of attracting even more residents to participate in the next forum. In addition to posting information about the Town Hall on the City's website and on social media, we have also made up flyers that are being taken to all branches of the library and some of the business merchants willing to post in the flyers in their windows.



Division of Diversity,  
Inclusion and  
University Engagement



## **Police Policy Review & Community Virtual Town Hall Meeting #2**

# **April 27, 2021**

## **7-8:30 PM**



Working with **The Diversity Institute at Cleveland State University**, the **Cleveland Heights Police Department** is updating some of its policies and is seeking input. Community participation, from residents and other interested parties, is important to this process.

All community members are invited to submit comments and questions on these policies by April 23 at 5 PM.

You can find police policies, comment form, and the Zoom link here: [clevelandheights.com/CHPD-Town-Hall](http://clevelandheights.com/CHPD-Town-Hall)

# Memo

**To:** Susanna Niermann-O'Neil, City Manager

**From:** Amy Himmelein, Finance Director

**Date:** April 12, 2021

**Re:** March 2021 Financial Statements

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Attached are the March 2021 Unencumbered Balances Statement for All Funds and the Review of General Fund Statement. The review below encompasses activity from January through March 2021.

During March, it was found a transaction related to a Coronavirus grant was not recorded in 2020. This increased the General Fund balance by \$118,000.

## **Review of General Fund**

### **Revenue**

- Property tax revenue increased 2.6% from 2020 due to the collection of Special Improvement District special assessment revenue in the first half of the year. In 2020 this revenue was not collected until the second half of the year.
- Municipal Income Tax increased 9.1%. March 2021 revenue is from February 2021 collections by RITA. The increase is mainly in the collections of individual income tax.
- Charges for Services decreased 44.2% as the result of the community center shut-down.
- Fees, Licenses, Permits increased 31.2% due to the collection of occupancy permits.
- Interest Earnings decreased 93% from this time in 2020 due to the decline in interest rates from the pandemic.
- All Other Revenue increased 283% due to the timing of recording administrative fees owed from foreclosure bonds. The revenue recorded in January was for 2021 administrative fees. The additional revenue recorded in February was the proportional amount charged for bonds received during 2020. Going forward the Building department will charge the admin fee at the beginning of the year and whenever a bond is received.

### **Expenditures**

- Personal Services overall has decreased because there was one more pay as of this time in 2020.
- Public Health Administration Other decreased 97.6% due to the timing of the payment to the Board of Health.
- Overall, Parks and Recreation has decreased significantly due to the closure of the community center as a result of COVID-19.
- Police Administration Other increased due to an encumbrance to pay for a full year's lease of the body cameras.
- Joint Dispatch increased due to encumbering the full year's anticipated payments to HHCC.
- Refuse Collection Other increased due to new costs associated with recycling and landfill.
- General Operations Personal Services increased due to encumbering larger unemployment fees from COVID-19 unemployment claims.

- General Operations Other increased due to the payment for liability insurance which Council approved at the end of December 2020.
- Law Department Other increased due to encumbering estimated legal fees at the beginning of 2021 instead of encumbering them later in the year as was done in 2020.
- Special Improvement Districts increased due to encumbering the entire estimated payment to the SID's at the beginning of 2021 instead of encumbering them later in the year as was done in 2020.

### **Review of All Funds**

Overall, the negative unencumbered fund balances mean the City has not received enough revenue to cover the expenditures plus encumbrances currently incurred. These negative balances will be corrected by year end, unless they are related to grants or another revenue source that has yet to be received.

- The Street Lighting Fund and Tree Fund fund balances increased due to receiving the first half special assessment from the County.
- The Financed Capital Projects fund balance decreased due to encumbering capital equipment approved by Council.
- The Water Fund balance decreased due to encumbering the Shannon Road Waterline Replacement project.
- The Sewer Fund balance decreased due to encumbering the Delamere Basement Flooding Relief project.

**UNENCUMBERED BALANCES FOR ALL FUNDS  
AS OF MARCH 31, 2021**

FUND NUMBER	FUND NAME	UNENCUMBERED BALANCE AS OF 1/1/21		YTD EXPENDITURES + ENCUMBRANCES	12/31/2020 ENCUMBRANCES	UNENCUMBERED BALANCE AS OF 3/31/2021
		BALANCE AS OF 1/1/21	YTD REVENUE			
101	GENERAL	\$18,147,004	\$13,772,580.37	\$13,694,367	\$660,671	\$18,885,889
102	BUDGET STABILIZATION ACCOUNT	\$100,000	\$0	\$0	\$0	\$100,000
201	STREET CONSTRUCTION	\$1,301,343	\$489,720	\$533,964	\$366,338	\$1,623,437
202	FOUNDATION GRANTS	(\$50,138)	\$0	\$165,750	\$0	(\$215,888)
203	FIRST SUBURBS CONSORTIUM	\$2,501	\$0	\$0	\$0	\$2,501
204	COMMUNICATION SYSTEMS OPERATION	(\$73,642)	\$0	\$0	\$0	(\$73,642)
205	PUBLIC WORKS FACILITY IMPROVEMENT	\$423	\$0	\$0	\$0	\$423
206	LAW ENFORCEMENT TRUST	\$161,775	\$9,079	\$29,964	\$11,858	\$152,749
207	DRUG LAW ENFORCEMENT TRUST	\$107,575	\$11,200	\$45,770	\$463	\$73,467
208	CDBG RESOURCE	(\$671,920)	\$1,413,487	\$582,740	\$111,901	\$270,728
210	EPA BROWNFIELD GRANT	\$0	\$0	\$0	\$0	\$0
211	HOME PROGRAM	\$246,352	\$21,548	\$66,955	\$350	\$201,295
212	FEMA	\$159,866	\$0	\$44,372	\$19,375	\$134,869
213	POLICE FACILITY IMPROVEMENT	\$3,533	\$0	\$7,588	\$10,303	\$6,248
214	LOCAL TV PROGRAMMING	\$953,085	\$127,276	\$181,375	\$2,856	\$901,843
215	CAIN PARK	\$5,080	\$0	\$15,244	\$0	(\$10,164)
216	RECREATION FACILITY IMPROVEMENT	\$494,921	\$272,890	\$244,101	\$33,371	\$557,082
217	PUBLIC RIGHT OF WAY	\$164,932	\$0	\$0	\$0	\$164,932
221	INDIGENT DUI TREATMENT	\$271,196	\$3,079	\$0	\$0	\$274,275
222	MUNICIPAL COURT COMPUTERIZATION	\$56,017	\$13,103	\$0	\$0	\$69,120
223	DUI - ENFORCEMENT/EDUCATION	\$121,432	\$1,522	\$0	\$0	\$122,954
225	MUNI COURT - SPECIAL PROJECTS	\$2,130,836	\$21,862	\$2,905	\$1,241	\$2,151,034
226	LEAD SAFE PROGRAM - CUYAHOGA CNTY	(\$111,820)	\$169,250	\$50,970	\$0	\$6,459
227	NEIGHBORHOOD STABILIZATION PRGM	\$123,584	\$0	\$0	\$0	\$123,584
228	CDBG-COVID	(\$165,286)	\$106,829	\$52,255	\$15,000	(\$95,712)
230	STREET LIGHTING	\$1,301,403	\$524,824	\$218,871	\$0	\$1,607,355
231	TREE FUND	\$529,493	\$638,575	\$423,160	\$73,622	\$818,529
232	POLICE PENSION	\$143,750	\$116,967	\$270,475	\$0	(\$9,759)
233	FIRE PENSION	\$43,893	\$116,967	\$384,391	\$0	(\$223,532)
234	EARNED BENEFITS	\$476,987	\$0	\$151,087	\$0	\$325,900
237	FIRST SUBURBS DEVELOPMENT COUNCIL	\$57,754	\$0	\$0	\$0	\$57,754
238	CORONAVIRUS RELIEF FUND	\$26,659	\$219	\$447,989	\$458,264	\$37,154
239	REFUSE GRANT FUND	\$0	\$0	\$0	\$0	\$0
240	FEDERAL MISCELLANEOUS GRANTS	\$0	\$0	\$0	\$0	\$0
301	G.O. BOND RETIREMENT	\$558,728	\$664,374	\$788	\$0	\$1,222,314
402	FINANCED CAPITAL PROJECTS	\$914,836	\$0	\$3,194,046	\$0	(\$2,279,210)
411	ECONOMIC DEVELOPMENT	\$1,095,857	\$3,954	\$141,712	\$125,725	\$1,083,825
412	CITY HALL MAINTENANCE AND REPAIR	\$100,949	\$6,383	\$14,922	\$0	\$92,409
415	SEVERANCE RING ROAD RECONSTRUCTION	\$35,045	\$0	\$0	\$0	\$35,045
416	REFUSE CAPITAL FUND	\$0	\$0	\$0	\$0	\$0
601	WATER	\$705,213	\$18,457	\$1,260,523	\$76,506	(\$460,347)
602	SEWER	\$4,669,776	\$1,518,757	\$3,327,221	\$664,055	\$3,525,367
603	PARKING	\$218,194	\$66,665	\$357,531	\$11,521	(\$61,151)
606	AMBULANCE SERVICES	\$1,321,006	\$209,103	\$245,482	\$21,710	\$1,306,337
701	HOSPITALIZATION	\$1,568,362	\$1,674,488	\$1,674,488	\$0	\$1,568,362
703	WORKERS COMPENSATION	\$204,767	\$0	\$0	\$0	\$204,767
804	OFFICE ON AGING	\$14,311	\$70	\$131	\$0	\$14,251
808	YOUTH RECREATION SCHOLARSHIP	\$59,826	\$0	\$0	\$0	\$59,826
809	POLICE MEMORIAL TRUST FUND	\$11,808	\$0	\$0	\$0	\$11,808
810	YOUTH ADVISORY COMMISSION	\$71	\$0	\$0	\$0	\$71
811	JUVENILE DIVERSION PROGRAM	\$6,903	\$3,858	\$0	\$0	\$10,760
857	SALES TAX	\$535	\$7	\$190	\$0	\$352
858	MISCELLANEOUS AGENCY	\$2,020,412	\$101,864	\$268,210	\$0	\$1,854,066
864	NEORSD	\$214	\$0	\$63	\$0	\$151

## TOTALS

**CITY OF CLEVELAND HEIGHTS  
REVIEW OF GENERAL FUND  
AS OF MARCH 31, 2021**

<b>REVENUES:</b>	3/31/2020	2021	3/31/2021	Percentage	Difference
	Actual	Budget	Actual	2021 Budget	2021 vs 2020
Property Taxes	\$3,908,005	\$7,175,859	\$4,008,671	56%	\$100,666
Municipal Income Tax	\$6,720,067	\$28,000,000	\$7,329,325	26%	\$609,257
Other Local Taxes	\$12,162	\$50,000	\$0	0%	(\$12,162)
State Levied/Shared Taxes	\$453,595	\$1,554,900	\$447,059	29%	(\$6,536)
Intergovernmental Grants & Contracts	\$11,640	\$910,000	\$32,152	4%	\$20,513
Charges For Services	\$1,162,007	\$3,100,000	\$648,584	21%	(\$513,423)
Fees, Licenses, Permits	\$592,357	\$2,295,000	\$781,060	34%	\$188,703
Interest Earnings	\$126,422	\$200,000	\$9,084	5%	(\$117,338)
Fines and Forfeitures	\$309,873	\$1,720,000	\$318,317	19%	\$8,444
All Other Revenue	\$48,957	\$786,500	\$187,429	24%	\$138,471
Sale of Assets	\$0	\$0	\$10,900	0%	\$10,900
<b>Total Revenues</b>	<b>\$13,345,085</b>	<b>\$45,792,259</b>	<b>\$13,772,580</b>	<b>30%</b>	<b>\$427,495</b>

<b>EXPENDITURES:</b>	3/31/2020	2021	3/31/2021	Percentage	Difference
	Expenditures + Community Services	2021 Encumbrances	Expenditures + Budget Amended	2021 Budget Encumbrances	2021 vs 2020
Commission on Aging	\$0	\$0	\$0	0%	\$0
Community Relations Personal Services	\$15,859	\$106,386	\$0	0%	(\$15,859)
Community Relations Other	\$1,878	\$12,550	\$255	2%	(\$1,622)
Public Relations Personal Services	\$61,136	\$175,358	\$40,429	23%	(\$20,707)
Public Relations Other	\$31,262	\$117,000	\$5,587	5%	(\$25,674)
Community Services Admin Personal Services	\$56,513	\$0	\$0	0%	(\$56,513)
Community Services Administration Other	\$330	\$6,600	\$0	0%	(\$330)
Public Health Administration	\$126,275	\$243,500	\$2,975	1%	(\$123,300)
<b>Total Community Services</b>	<b>\$293,251</b>	<b>\$661,395</b>	<b>\$49,247</b>	<b>7%</b>	<b>(\$244,005)</b>

**Parks and Recreation**

Parks & Recreation Admin Personal Services	\$64,872	\$317,547	\$73,105	23%	\$8,233
Parks & Recreation Administration Other	\$5,557	\$37,388	\$2,669	7%	(\$2,888)
Swimming Pools Personal Services	\$6,689	\$273,629	\$0	0%	(\$6,689)
Swimming Pools Other	\$14,765	\$131,450	\$1,068	1%	(\$13,698)
Cain Park (Transfer)	\$0	\$0	\$0	0%	\$0
Ice Programs Personal Services	\$74,717	\$250,987	\$14,509	6%	(\$60,208)
Ice Programs Other	\$7,597	\$19,928	\$1,778	9%	(\$5,818)
General Recreation Programs Personal Services	\$19,205	\$144,222	\$13,257	9%	(\$5,949)
General Recreation Programs Other	\$10,758	\$34,300	\$1,019	3%	(\$9,739)
Sports Programs Personal Services	\$24,990	\$126,995	\$0	0%	(\$24,990)
Sports Programs Other	\$24,878	\$105,100	\$2,765	3%	(\$22,113)
Community Center Personal Services	\$148,067	\$644,839	\$82,377	13%	(\$65,689)
Community Center Other	\$178,804	\$496,933	\$47,115	9%	(\$131,690)
Office on Aging Personal Services	\$40,546	\$169,838	\$23,907	14%	(\$16,639)
Office on Aging Other	\$30,253	\$34,300	\$1,543	4%	(\$28,710)
<b>Total Parks and Recreation</b>	<b>\$651,698</b>	<b>\$2,787,456</b>	<b>\$265,112</b>	<b>10%</b>	<b>(\$386,586)</b>

**Finance Department**

Finance Department Personal Services	\$79,841	\$440,679	\$92,683	21%	\$12,842
Finance Department Other	\$88,656	\$194,300	\$81,650	42%	(\$7,006)
Income Tax	\$313,604	\$1,015,000	\$251,817	25%	(\$61,787)
<b>Total Finance Department</b>	<b>\$482,101</b>	<b>\$1,649,979</b>	<b>\$426,150</b>	<b>26%</b>	<b>(\$55,951)</b>

**Planning & Development**

Landmark Commission	\$51	\$16,100	\$0	0%	(\$51)
Planning Department Personal Services	\$91,711	\$521,991	\$78,647	15%	(\$13,064)
Planning Department Other	\$4,610	\$33,000	\$2,350	7%	(\$2,260)
Planning Commission Personal Services	\$581	\$8,138	\$678	8%	\$97
Planning Commission Other	\$2,308	\$3,900	\$1,056	27%	(\$1,253)
Architectural Board of Review Personal Services	\$1,453	\$11,492	\$1,356	12%	(\$97)
Architectural Board of Review Other	\$0	\$500	\$0	0%	\$0
Board of Zoning Appeals Personal Services	\$775	\$5,813	\$1,260	22%	\$484
Board of Zoning Appeals Other	\$1,009	\$2,975	\$1,082	36%	\$73
<b>Total Planning &amp; Development</b>	<b>\$102,498</b>	<b>\$603,910</b>	<b>\$86,429</b>	<b>14%</b>	<b>(\$16,070)</b>

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**CITY OF CLEVELAND HEIGHTS**  
**REVIEW OF GENERAL FUND**  
**AS OF MARCH 31, 2021**

<b>Public Safety</b>	3/31/2020 Expenditures + Encumbrances	2021 Budget Amended	3/31/2021 Expenditures + Encumbrances	Percentage 2021 Budget	Difference 2021 vs 2020
Traffic Signs & Signals Personal Services	\$15,624	\$61,039	\$13,769	23%	(\$1,855)
Traffic Signs & Signals Other	\$98,378	\$146,450	\$89,753	61%	(\$8,626)
Police Administration Personal Services	\$2,145,003	\$9,212,469	\$1,832,393	20%	(\$312,610)
Police Administration Other	\$293,316	\$725,264	\$361,385	50%	\$68,069
Police Academy Personal Services	\$107	\$0	\$0	0%	(\$107)
Police Academy Other	\$39,277	\$110,107	\$44,935	41%	\$5,658
Police Vehicle Maintenance Personal Services	\$0	\$0	\$0	0%	\$0
Police Vehicle Maintenance Other	\$0	\$0	\$0	0%	\$0
Fire Administration Personal Services	\$1,811,886	\$6,670,509	\$1,523,575	23%	(\$288,311)
Fire Administration Other	\$113,030	\$298,087	\$126,483	42%	\$13,453
Joint Dispatch (Transfer)	\$0	\$0	\$0	0%	\$0
Joint Dispatch	\$1,116,323	\$1,500,000	\$1,500,000	100%	\$383,677
Fire Prevention Personal Services	\$31,774	\$96,500	\$22,402	23%	(\$9,372)
Fire Prevention Other	\$276	\$6,300	\$253	4%	(\$23)
Building Department Personal Services	\$0	\$0	\$0	0%	\$0
Building Department Other	\$159,447	\$545,700	\$146,957	27%	(\$12,490)
Housing Inspections Personal Services	\$105,797	\$531,324	\$90,540	17%	(\$15,256)
Housing Inspections Other	\$22,817	\$110,800	\$33,792	30%	\$10,976
Street Lighting (Transfer)	\$0	\$0	\$0	0%	\$0
Animal Control Personal Services	\$18,683	\$73,634	\$17,943	24%	(\$740)
Animal Control Other	\$25,000	\$33,934	\$26,934	79%	\$1,934
<b>Total Public Safety</b>	<b>\$5,996,738</b>	<b>\$20,122,118</b>	<b>\$5,831,114</b>	<b>29%</b>	<b>(\$165,623)</b>

**Public Works**

Service Administration Personal Services	\$44,822	\$317,380	\$51,476	16%	\$6,654
Service Administration Other	\$1,408	\$8,992	\$665	7%	(\$743)
Capital Projects Administration Personal Services	\$0	\$0	\$0	0%	\$0
Capital Projects Administration Other	\$21,000	\$23,000	\$23,000	100%	\$2,000
Refuse Collection Personal Services	\$427,792	\$1,911,340	\$364,753	19%	(\$63,039)
Refuse Collection Other	\$198,991	\$940,847	\$430,202	46%	\$231,211
Vehicle Maintenance Personal Services	\$228,698	\$875,271	\$186,082	21%	(\$42,615)
Vehicle Maintenance Other	\$572,496	\$1,528,329	\$593,702	39%	\$21,205
Street Maintenance Personal Services	\$341,727	\$1,318,930	\$238,294	18%	(\$103,432)
Street Maintenance Other	\$238,088	\$345,818	\$189,590	55%	(\$48,497)
Public Properties & Park Maint Personal Services	\$291,086	\$1,204,883	\$259,592	22%	(\$31,494)
Public Properties & Park Maintenance Other	\$399,437	\$1,093,189	\$425,612	39%	\$26,175
Forestry (Transfer)	\$0	\$0	\$0	0%	\$0
<b>Total Public Works</b>	<b>\$2,765,544</b>	<b>\$9,567,979</b>	<b>\$2,762,969</b>	<b>29%</b>	<b>(\$2,575)</b>

**General Government**

City Council Personal Services	\$19,549	\$77,884	\$15,503	20%	(\$4,046)
City Council Other	\$4,576	\$9,563	\$5,213	55%	\$637
City Manager Personal Services	\$120,869	\$564,445	\$96,432	17%	(\$24,437)
City Manager Other	\$12,244	\$19,912	\$4,471	22%	(\$7,774)
Civil Service Commission Personal Services	\$194	\$2,381	\$1,163	49%	\$969
Civil Service Commission Other	\$805	\$30,300	\$22,930	76%	\$22,125
General Operations Personal Services	\$108,214	\$421,752	\$241,795	57%	\$133,581
General Operations Other	\$730,902	\$1,451,669	\$1,097,066	76%	\$366,164
Management Information Systems Personal Services	\$72,710	\$338,715	\$65,855	19%	(\$6,855)
Management Information Systems Other	\$79,727	\$248,261	\$80,964	33%	\$1,237
County Fiscal Officer Deductions	\$103,314	\$215,000	\$88,827	41%	(\$14,488)
Law Department Personal Services	\$153,200	\$601,065	\$117,273	20%	(\$35,927)
Law Department Other	\$323,350	\$532,426	\$456,447	86%	\$133,097
Special Improvement Districts	\$217,881	\$396,591	\$394,973	100%	\$177,092
Municipal Court Personal Services	\$257,279	\$1,018,710	\$216,066	21%	(\$41,213)
Municipal Court Other	\$61,368	\$192,043	\$92,304	48%	\$30,935
<b>Total General Government</b>	<b>\$2,266,183</b>	<b>\$6,120,716</b>	<b>\$2,997,281</b>	<b>49%</b>	<b>\$731,098</b>

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**CITY OF CLEVELAND HEIGHTS**  
**REVIEW OF GENERAL FUND**  
**AS OF MARCH 31, 2021**

Other	3/31/2020	3/31/2021	Percentage 2021 Budget	Difference 2021 vs 2020
	Expenditures + Encumbrances	2021 Budget Amended		
Transfers & Advances	\$0	\$5,050,000	0%	\$0
Hospitalization	\$1,267,110	\$6,838,953	19%	\$8,956
<b>Total Other</b>	<b>\$1,267,110</b>	<b>\$11,888,953</b>	<b>11%</b>	<b>\$8,956</b>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$13,825,123</b>	<b>\$53,402,506</b>	<b>26%</b>	<b>(\$130,756)</b>
Excess Revenue Over/(Under) Expenses	<u>(\$480,038)</u>	<u>\$78,213</u>		
Unencumbered Balance Beginning of Year	\$10,436,981	\$18,147,004		
Add: Prior Year Encumbrances	<u>\$1,266</u>	<u>\$660,671</u>		
Estimated Unencumbered Balance	<u><b>\$9,958,209</b></u>	<u><b>\$18,885,888</b></u>		

# Memorandum

To: Susanna Niermann O'Neil, City Manager  
From: Joseph P. McRae, Parks and Recreation Director  
Subject: Parks and Recreation Department Update  
Date: April 13, 2021

Please find a brief summary of the Parks and Recreation Department announcements and activities attached for your review:

- The Community Center will host the second dose County Vaccination Pod this Friday, April 16 from 10am – to 4pm. Residents attending this pod received their first vaccination on March 26. The event was specifically targeted at seniors that are unable to access other vaccine events.
- Virtual classes continue on the Cleveland Hts. Recreation Facebook Live page. All classes are free. Expanded offerings have started this month and will continue through the month of May.
- Outdoor recreational activities have begun including youth sports, adult sports and outdoor senior activities. Outdoor activities allow a safer option for recreation during this pandemic.
- Staff is actively working on safety protocols for the June reopening of the Fitness Center, North Ice Rink and Cumberland Pool. Safety protocols are also being developed for Cain Park as well.
- The Community Center and Cumberland Pool will reopen around the first full week of June. More details to come.
- Cain Park will reopen in July with annual Cain Park Art Festival. The 2021 summer season will be July – September this year.
- Senior Center staff continues to provide for the many needs of seniors in need of resources such as food, toiletries and technology. Residents can call 216-691-7377 for assistance.
- The Parks and Recreation Department is proud to announce that our new online registration system is live and working well. Residents can now visit [www.chparks.com](http://www.chparks.com) and click on Online Registration to sign up for class offerings. This software will be essential in providing safer and more convenient ways for residents to access recreational services. More details to come.
- The City is partnering with the CH-UH District to sponsor 5 free Jump Start Sports Camp spots for needy kids who could not otherwise afford the camp. The school district will select the families, the City will use the scholarship fund to cover the costs.
- The annual Earth Day Run has been cancelled this year.



## MEMORANDUM

**To:** Susanna Niermann O'Neil, City Manager

**From:** Eric Zamft, Planning Director

**Date:** April 16, 2021

**Subject:** Bi-Weekly Planning Department Update

## HIGHLIGHTS OF PLANNING INITIATIVES

### HISTORIC PRESERVATION DESIGN GUIDELINES

Both the Landmark Commission and Architectural Board of Review (ABR) have desired to have a set of clear design guidelines to utilize as they review applications to properties within the City. In 2019, the City was designated as a Certified Local Government (CLG). This allowed the City, in 2020, to receive a grant from the State of Ohio to prepare historic preservation guidelines. Naylor Wellman was selected as the consultant to lead the project. A stakeholder public kick-off meeting was held with staff, the Landmark Commission, and ABR on April 8, 2021. Staff is working closely with Naylor Wellman on the project schedule and upcoming stakeholder and public meetings; a public meeting is tentatively anticipated to be scheduled the week of June 7<sup>th</sup>. Staff will continue to provide updates on the initiative in each Planning Report.

### COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME ADMINISTRATION

The City's Consolidated Annual Performance and Evaluation Report (CAPER) was prepared, available for comments, and ultimately submitted to HUD. A number of pieces of legislation related to Strategic Investment Opportunities (SIO) and HOME contracts are included for Council's consideration on April 19, 2021. Staff has participated in the regional conversation regarding on American Rescue Plan funding. An internal "Community Development Working Group" has been established to strategize on how to best leverage HUD funding for the community. Staff will update Council on the outcomes of that strategic planning at future meetings.

### PLACEMAKING

Planning is helping to guide a number of placemaking activities, working collaboratively with the Manger's Office and other departments:

- South of Cedar Parking and Traffic Study Implementation
- Mayfield Road Corridor Multimodal Plan Implementation
- Compton Road Greenway
- Parklet Trial Run on Cedar Road
- Additional opportunities for passive and active spaces

### **ZONING**

The City's Zoning Code is central to development within the City and the activities of the Planning Department. Planning staff is looking at ways to improve the zoning approach, regulations, and process, with the intent of pursuing a comprehensive rezoning effort in the hopeful near future. That intent should not prevent the City and staff from addressing pressing zoning issues within the City's existing code. To that end, Planning staff is working with the Law Department on legislation that would propose to simplify and clarify the regulations related to private parking garages. Planning staff is also working with the Law Department on proposed legislation that would clarify the regulations related to rain gardens/rain barrels.

### **METROHEALTH EXPANSION**

After review and approval by a number of City boards and commissions (see below), MetroHealth has begun the phased construction of its approximately 79,000 sf behavioral health facility expansion at 10 Severance Circle. After tremendous community input, the approved plans were changed to decrease the number of trees removed and natural ecosystem impacted. Staff continues to work with MetroHealth on the project, including the preparation of the final landscaping plan and will advise Council on progress.

### **COORDINATION WITH ECONOMIC DEVELOPMENT DEPARTMENT INITIATIVES**

- *Neighborhood Redevelopment Program (NRP), Phase 1* – Planning staff participated in the review and interviews for the Neighborhood Redevelopment Program (NRP), Phase 1. Planning staff continues to provide support with the selected developers and implementation, as necessary.
- *Cedar-Lee-Meadowbrook Redevelopment* – Planning staff has coordinated with Economic Development staff on the Cedar-Lee-Meadowbrook Redevelopment RFP review currently before Council and has provided a memorandum.
- *Unitarian Church Redevelopment* – Planning staff has been participating in discussions regarding the potential redevelopment of the Unitarian Church site and adjacent properties, including the potential implications with regards to public parking.

## BOARDS AND COMMISSIONS

The Department of Planning assists the activities of the Architectural Board of Review (ABR), Board of Control, Board of Zoning Appeals (BZA), Landmark Commission, and Planning Commission, and provides staff assistance to the Citizens Advisory Committee (CAC), Transportation Advisory Committee (TAC), and City Council (when needed). Below are tables of both active and recently approved applications managed by the Department.

### **ARCHITECTURAL BOARD OF REVIEW (ABR) – 1<sup>st</sup> and 3<sup>rd</sup> Tuesday**

At the April 6, 2021 ABR meeting, the following applications were discussed and approved:

Address	Case #	Project Description
1035 Helmsdale Road	ABR 2021-61	Request to install solar panels on the roof of the home
2857 Noble Road	ABR 2021-62	Request to install new signage
1929 Revere Road	ABR 2021-63	Request to convert a flat roof to a hip roof
2855 North Park Boulevard	ABR 2021-64	Request to install an above-ground swimming pool
3281 Kildare Road	ABR 2021-65	Request to build a two-car, detached garage
2448 Kingston Road	ABR 2021-66	Request to build a two-car, detached garage
3346 Bradford Road	ABR-2021-67	Request to install a concrete pad and hot tub, brick paver patio, wood-burning fireplace/chimney, and replace fencing
3401 Fairmont Boulevard	ABR 2021-68	Request to install a deck and patio in the rear yard
3011 Yorkshire Road	ABR 2021-69	Request to rebuild the front porch, replace windows, remove vinyl siding, and build an addition on the rear of the home
1549 Wood Road	ABR 2021-70	Request to install new windows
2373 Euclid Heights Boulevard	ABR 2021-71	Request to install new windows and doors and replace the drop-off drive and sidewalks
3499 Meadowbrook Boulevard	ABR 2021-72	Request to install a deck in the rear yard
2439 Demington Drive	ABR 2021-73	Request to replace windows and alter the opening size

The next ABR meeting will be held on April 20, 2021. The agenda is available here: <https://www.clevelandheights.com/306/Architectural-Board-of-Review>

### **BOARD OF CONTROL (As needed for the S-1 District)**

The Board of Control met on March 18, 2021 to discuss one (1) application, which was approved:

Address	Case #	Project Description
10 Severance Circle	BOC 2021-01	Conditional use permit and Amendment to the Detailed Development Plan for the construction of 79,000 s.f., 100-bed behavioral health hospital and the addition of 12-beds in the existing MetroHealth hospital, reconfiguration of the east parking lot, and variance for a reduction in the required parking

Note that this approval by the Board of Control was approved by City Council with additional conditions on March 24, 2021.

**BOARD OF ZONING APPEALS (BZA) – 3<sup>rd</sup> Wednesday**

At the March 17, 2021 BZA meeting, the following applications were discussed and granted variances:

Address	Case #	Project Description
3465 Marlboro Road	Cal. No. 3510	Variance to permit a fence in front yard to be taller than 4'
3413 Meadowbrook Boulevard	Cal. No. 3511	Variance to permit attached garage with visible door on the street (visible door on the street not permitted)

For the following case, the variance request was not granted:

Address	Case #	Project Description
3489 Shannon Road	Cal No. 3512	Request for a variance to permit tandem parking spaces in 2-car garage & to permit an attached garage with a visible door on the street

The next BZA meeting will be held on April 21, 2021. An agenda will be posted shortly.

**LANDMARK COMMISSION – 1<sup>st</sup> Tuesday of Odd Numbered Months**

The Landmark Commission has been discussing a number of initiatives with City staff. These have included potentially landmarking the City-owned Cinder Path (which would ultimately require Council approval), inviting City staff and City Council to the upcoming virtual preservation webinar series that will take place around April-May, and the possibility of landmarking properties for their cultural heritage instead of (or in addition to) their architecture.

The next Landmark Commission meeting will be a joint meeting with the ABR on April 20, 2021.

**PLANNING COMMISSION – 2<sup>nd</sup> Wednesday**

The Planning Commission met on March 10, 2021 and held a special meeting on March 17, 2021 to discuss two (2) applications, which were approved:

<b>Address</b>	<b>Case #</b>	<b>Project Description</b>
10 Severance Circle	Proj. No. 21-01	Conditional use permit and Amendment to the Detailed Development Plan for the construction of 79,000 s.f., 100-bed behavioral health hospital and the addition of 12-beds in the existing MetroHealth hospital, reconfiguration of the east parking lot, and variance for a reduction in the required parking
2425 North Taylor Road	Proj. No. 21-02	Conditional use permit for the adaptive reuse of non-residential building in residential district for 16-resident boarding house and variance for the reduction of parking requirements

The April 14, 2021 Planning Commission meeting included two (2) applications. The agenda is available here: <https://www.clevelandheights.com/410/Planning-Commission>

**CITIZENS ADVISORY COMMITTEE (CAC) – 3<sup>rd</sup> Tuesday**

At the March 16, 2021 CAC meeting the Director of Communication and Public Engagement discussed the upcoming 100<sup>th</sup> Anniversary with the CAC. The next CAC meeting will be held on April 20, 2021. The agenda is available here: <https://www.clevelandheights.com/396/Citizens-Advisory-Committee>

**TRANSPORTATION ADVISORY COMMITTEE (TAC) – 4<sup>th</sup> Wednesday**

At the March 24, 2021 TAC meeting a number of items were discussed. These included a presentation from Bird (a shared scooter provider), the Compton Road Greenway, sidewalks, deer, and other matters. The next TAC meeting will be held on April 28, 2021. The agenda will be posted shortly.

RESOLUTION OF THE CLEVELAND HEIGHTS TRANSPORTATION ADVISORY COMMITTEE

Whereas this Committee is charged with serving as a civic forum dedicated to improving conditions for walking, bicycling and riding transit for residents of all ages and abilities, and to finding optimal solutions for transportation issues facing the City; and

Whereas, this Committee finds that a substantial portion of the sidewalks of the City of Cleveland Heights (the "City") are in need of repair or replacement and thus may represent trip hazard to residents and visitors walking within the City; and

Whereas, Howard Maier, a member of the Committee, has prepared a report to this Committee summarizing his consultations with the Chief Administrative Officer ("CAO") of the City of Shaker Heights and the former Mayor of the City of Lyndhurst about their sidewalk repair and replacement programs, under which each city has undertaken the periodic repair and replacement of sidewalks within portions of that city as a public works project, with the city preparing the plans and specifications and contracting for such project and assessing all or a portion of the cost of that project proportionately upon the benefited properties; and

Whereas, said CAO and former Mayor report that their respective sidewalk repair and replacement programs have been effective and well received by property owners; and

Whereas, the members of this Committee have concluded that sidewalk repair and replacement within the City, including the protection of impacted treelawn trees, can most effectively and economically be done as a public work project of the City, as with the sidewalk repair and replacement programs of the Cities of Shaker Heights and Lyndhurst;

This Committee therefore requests that the City Manager and the Directors of the appropriate City departments proceed with further study and analysis of the sidewalk repair and replacement programs of the Cities of Shaker Heights and Lyndhurst with the goal of implementing a similar City sidewalk repair and replacement program as a public works project of the City of Cleveland Heights.

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Sam Bell, Transportation Advisory Committee Chair

Memorandum

To: Cleveland Heights Transportation Advisory Committee  
From: Howard Maier  
Subject: How Shaker Heights and Lyndhurst deal with sidewalk repairs  
Date: March 24, 2021

Per the discussion of the TAC at our February meeting, I talked to Jeri Chaikin, Chief Administrative Officer of Shaker Heights, and Joe Cicero, former Mayor of Lyndhurst. I told them that their cities were noted by members of our TAC as having enlightened means of dealing with sidewalk repairs. Both were pleased with the approaches their cities take in solving this persistent public safety, environmental, and esthetic problem.

Here's what I learned: In Shaker, the inspectors issue citations to a fifth of the city each year. Homeowners are notified and told they can either handle the repairs themselves or be part of a city contract. Because the cost advantage is so great, most homeowners work with the city. They can either pay the bill when the work is done or have it attached to their property taxes. They will reroute the sidewalks, if needed, to protect the trees. (They are concerned about having lost a great deal of tree canopy due to diseases and storms over the years so they use the sidewalk program as a means of protecting existing trees and planting new ones.) Jeri offered to meet with us, or anybody else in the city government, to more fully explain their program.

In Lyndhurst, a similar program is followed. They go a step further by splitting the cost with the homeowner if the sidewalk damage is due to tree roots. If financial difficulty is present, the city works with the homeowner to solve the problem. Joe said their program has met with community satisfaction. He also pointed out that they haven't lost any trees as the contractor works in tandem with the city arborist. He also offered his assistance.

In conclusion, this memo is just a start, but I think we have some potential models to study. It's quite possible that the matter has been reviewed by council and staff in the past. If we want to pursue this issue, we should find out more about the reasoning behind the Cleveland Heights approach. We should discuss what further action should be taken.



Date: April 13, 2021

To: Susanna Niermann-O'Neil, City Manager  
From: Collette Clinkscale, Director of Public Works  
Subject: Public Works Update

### **Sanitary Sewer Evaluation Survey**

<b>Requirements</b>		<b>Due</b>
Phase 1 SSES	CCTV - 393,658 LF	Complete
Phase 2 SSES	CCTV - 224,792 LF	30-Jun-21
Phase 1 SSES	1,980 Manhole Inspections	Complete
Phase 2 SSES	1,125 Manhole Inspections	Complete
CMOM	132,000 LF/yr Pipe Cleaned	31-Dec-21
Model	Calibrated Model	Complete

**Completed Through April 9, 2021**

	<u>Completed Thru April 9, 2021 (LF)</u>	<u>Overall Remaining (LF)</u>	<u>Overall Remaining (%)</u>
CCTV Phase 1	395,097	-	-
CCTV Phase 2	196,125	28,667	13%
MHs Phase 1	1,978	-	-
MHs Phase 2	1,115	-	-
<b>Cleaning Total</b>	<b>670,113</b>	-	-
<b>Cleaning (2018) only</b>	<b>173,355</b>	-	-
<b>Cleaning (2019) only</b>	<b>304,188</b>	-	-
<b>Cleaning (2020) only</b>	<b>140,713</b>	-	-
<b>Cleaning (2021) only</b>	<b>51,857</b>	<b>80,143</b>	<b>61%</b>

## Work Completed by Entity

	<u>City</u>	<u>Contractor</u>	<u>County</u>
<b>CCTV (Phase 1)</b>	19% <b>75,464 LF</b>	54% <b>215,287 LF</b>	27% <b>104,346 LF</b>
<b>CCTV (Phase 2)</b>	15% <b>33,407 LF</b>	36% <b>81,739 LF</b>	36% <b>80,979 LF</b>
<b>Cleaning (2021) only</b>	3% <b>4,111 LF</b>	14% <b>18,460 LF</b>	22% <b>29,286 LF</b>
<b>Cleaning Total</b>	28% <b>185,361 LF</b>	43% <b>292,611 LF</b>	29% <b>192,141 LF</b>

## Model Update

Tasks	% Complete
1. Flow and rainfall Analysis	100%
2. Model Expansion in GIS	100%
3. Model Expansion in Infoworks ICM	100%
4. Delamere - Model Setup	100%
5. Delamere - DWF and WWF calibration	100%
6. Delamere - Capacity evaluation	100%
7. Delamere - Alternative development	100%
8. DWF and WWF Calibration for all flow meters	100%

\*DWF = dry weather flow, WWF = wet weather flow

## **Capital Projects**

### **#20-01 - 2020 Street Resurfacing & ADA Curb Ramp Replacement Program**

This project is substantially completed. There are some minor remaining punch list items to be addressed by the contractor but will not be completed until early spring.

### **#20-06 – Delamere Drive Basement Flooding Relief**

The Delamere project is moving right along. To date there has been 250 LF of 24" sanitary sewer and 175 LF of 48" storm sewer installed on Nottinghill Lane, west of Delamere Drive. Two sanitary and 1 storm sewer manholes have been installed and a spot repair was made on Nottinghill Lane between Tudor and Woodmere.



### **#21-01 – Shannon Road Resurfacing & Waterline Replacement**

We hosted the pre-construction meeting today. The project is scheduled to begin on May 3<sup>rd</sup>. Prior to the project start, resident notices will go out describing the project along with other important information. Due to the width of this street and the project type, the street will be closed to through traffic. Traffic maintenance will be critical for this project to stay on schedule.

## **#21-02 – 2021 Street Resurfacing & ADA Curb Ramp Replacement Program**

Contract documents have been sent to the contractor and we are waiting for them to be returned.

## **#21-03 – 2021 Surface Treating Program**

Contract documents have been sent to the contractor and we are waiting for them to be returned.

## **Solar Panel Update**

Melink is working with First Energy on some voltage issues from the supply (Utility) side at the Community Center. All other systems are operating normally.

## **Refuse Automation Update**

All of the equipment has been ordered with exception to the refuse carts which are scheduled to be bid out sometime during the month of May to secure cart prices. Our engineers are currently working on the proposal for the repairs to the transfer station. This project is currently on track with no set-backs.

## **Streets Maintenance Division**

Spring loose leaf collection has been going very well, and the crews are staying on schedule.

The Street Division has been also out picking up yard waste and loose brush in Kraft paper bags. Due to the huge problem of people putting contaminants (plastic, cans, etc.) in with kraft bags, workers have been screening all the bags for non-organic materials and tagging and rejecting them if there are any contaminants. This is very important, since the **facilities that accept our yard waste are not allowed to accept yard waste with trash in it**. Often when large amounts of yard waste with trash is delivered to a facility they will notify the City that they can no longer accept it, which has occurred on occasion. This leaves the City to allocate resources to sifting through the yard waste to pick-out the garbage before taking it to a facility. See the graphic below which will periodically be in the bi-weekly email newsletters to keep our residents informed about the importance of keeping trash out of their yard waste bags.



The new street sweeper was delivered this today. It'll be out on the road keeping our streets clean and dirt and debris out of our storm drains. Vehicle Maintenance Staff and Operators received training.



### **Sewer Maintenance Division**

In addition to SSES work previously reported, the Sewer Division performed road restoration of Cleveland Water cut outs while the Street Division is engaged in Spring Loose Leaf collection. The following road holes were repaired:

• 3418 Washington	*	3063 Edgehill
• Edgehill @ Cottage Grove	*	1912 S. Compton
• 3095 Scarborough	*	1397 Westover
• 3063 Edge Hill	*	2394 Queenston
• 2207 Westminster		

A catch basin repair was made at 3413 Silsby and a storm lateral was dug and replaced at 2879 N. Park Blvd.

### **Forestry Division**

The Forestry Division has been out planting trees and performing tree work. The division was recently awarded the Cuyahoga County Healthy Urban Tree Grant to offer financial assistance towards the planting of 400 trees this year as part of both the spring and fall planting seasons.

### **Refuse & Recycling**

Bulk week went very well, and we had a lot of resident participation last week. The Refuse & Recycling Division continues to work the best they can with some of the older equipment, but the staff are optimistic and excited that there's new equipment on the way and light at the end of the tunnel.

**Cleveland Heights Police Department**  
Policy Manual

*Use of Force*

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Policy  
**300**

**Cleveland Heights Police Department**  
Policy Manual

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## **Use of Force**

### **300.1 PURPOSE AND SCOPE**

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices policy.

#### **300.1.1 DEFINITIONS**

Definitions related to this policy include:

**Chokehold** - a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Imminent** - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

**Totality of the circumstances** - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

#### **300.1.2 CERTIFICATION STANDARDS**

This policy contains content that pertains to the Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards.

See attachment: OCLEAC Standards Compliance Checklist 5-19-2020.pdf

### **300.2 POLICY**

The use of force by law enforcement personnel is a matter of critical concern, both to the public

# Cleveland Heights Police Department

## Policy Manual

### *Use of Force*

and to the law enforcement community. Officers are involved daily in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Cleveland Heights Police Department recognizes that the preservation of human life is of the highest value. Therefore, vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests with respect to the value of all human life and dignity without prejudice to anyone.

#### **300.2.1 DUTY TO INTERCEDE AND REPORT**

Any officer present and observing another law enforcement officer or a member using force that is potentially beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

#### **300.2.2 PERSPECTIVE**

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

#### **300.3 USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

Cleveland Heights Police Department is cognizant that in tense, uncertain, and/or rapidly evolving incidents, an officer may have to use technique(s)/tactic(s), weapon(s), and/or objects that can be modified/used as weapons, that are not part of the Department's formal training program; as well as may not have been identified, nor even contemplated, in this policy to be used as weapons, but must be used to respond to a real and/or perceived threat.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury,

# Cleveland Heights Police Department

## Policy Manual

### *Use of Force*

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nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

#### **300.3.1 DE-ESCALATION – ALTERNATIVE TACTICS**

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

#### **300.3.2 USE OF FORCE TO EFFECT AN ARREST**

Any officer who has reasonable cause to believe that the person to be arrested has committed a crime or public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested, nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

#### **300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.

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- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

### **300.3.4 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the Individual can comply with the direction or orders of the officer.
- (c) Whether the Individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

### **300.3.5 CAROTID CONTROL HOLD**

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

### **300.3.6 USE OF CHOKEHOLD**

The use of the chokehold is limited to those circumstances where deadly force is authorized. See the Medical Considerations section of this policy and the Medical Aid and Response Policy for

# Cleveland Heights Police Department

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additional guidelines.

#### **300.3.7 USE OF FORCE TO SEIZE EVIDENCE**

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. Officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

#### **300.4 DEADLY FORCE APPLICATIONS**

When feasible, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

##### **300.4.1 MOVING VEHICLES**

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

Generally, an officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

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#### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

1. Any response to a threat(s) which involves the Use of Force by an Officer will be documented in a Case report in accordance with CHPD reporting writing procedures, including but not limited to the following:
  - a. Officer action that results in, or is alleged to have resulted in, injury or death of another person.
  - b. Officer applies force or attempted force using less lethal weapons.
  - c. Officer applies weaponless physical force.
  - d. Response to a Deadly Threat

When an Officer's actions amount to, result in, and/or are alleged to have resulted in injury or attempted injury or death to another person, the Officer's actions will be documented in accordance with CHPD report writing procedures. See the Officer-Involved Shootings and Deaths Policy for additional information.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

##### **300.5.1 NOTIFICATIONS TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) Anytime an officer points a firearm at any person.
- (b) The application caused a visible injury.
- (c) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (d) The individual subjected to the force complained of injury or continuing pain.
- (e) The individual indicates intent to pursue litigation.
- (f) Any application of the control device.
- (g) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (h) The individual subjected to the force was rendered unconscious.
- (i) An individual was struck or kicked.
- (j) An individual alleges unreasonable force was used or that any of the above has occurred.

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#### **300.6 MEDICAL CONSIDERATION**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Generally, Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel, at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

#### **300.7 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.

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2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention and submitted into evidence.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained in accordance with the records retention schedule.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) In all cases involving serious injury, death or long-term hospitalization, the Supervisor shall contact the Chief and Detective Bureau Captain. The Chief or Captain will determine if the Detective Bureau is required to direct an investigation.

(h) The Supervisor shall prepare and submit to the Captain of the Detective Bureau a complete review of any use of force not investigated by the Detective Bureau. That report shall include but shall not necessarily be limited to the following:

1. Full explanation of the incident, including statements(recording) of witnesses, the suspect(s) and medical personnel; copies of medical reports.
2. Any photographs or videotapes of injuries.
3. Any other information pertinent to a complete understanding of the incident.

(i) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.7.1 DETECTIVE BUREAU CAPTAIN RESPONSIBILITY**

The Detective Bureau Captain, or Chief's authorized designee, shall review each use of force by any personnel to ensure compliance with this policy and to address any training issues.

- (a) All incidents where deadly force or use of force has been applied, on-duty or off-duty, shall be reviewed by the Detective Bureau Captain.
- (b) The Detective Bureau Captain's report will be completed in a timely fashion of the incident and will make a confidential report of his/her findings to the Chief.
- (c) The Chief will review the facts and make a final determination in a timely fashion, as soon as is reasonably possible, as to whether the use of force was justified.

# Cleveland Heights Police Department

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#### **300.8 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding, at least annually, including use of deadly force, use of force and use of deadly force reporting, and use of force and use of deadly force reviews/investigations.

Annually, Officers shall be trained and tested on the Department's Use of Force Policy and demonstrate proficiency with any departmentally approved weapon and less lethal weapons. Training will be documented, signed for and maintained in the office of the Training Coordinator.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

#### **300.9 USE OF FORCE ANALYSIS**

Annually, the Patrol Captain will prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. Generally, the report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

## Attachments

## **OCLEAC Standards Compliance Checklist 5-19-2020.pdf**



## STANDARDS COMPLIANCE CHECKLIST

This document shall accompany all agency compliance submissions consisting of agency directive(s) and proofs of compliance documentation specific to each standard.

The agency directive and associated compliance documentation shall:

- 1) Adequately cover each standard and associated bullet;
- 2) Be clearly marked with each standard number and bullet, and;
- 3) Include an explanation in the space provided for any areas where compliance could not be met.

Any submissions not meeting the above criteria will be forwarded to a subject matter expert for assistance and may result in a delay in the agency obtaining Ohio Collaborative Certification.

### STANDARD 8.2015.1

#### USE OF FORCE / DEADLY FORCE

The agency maintains a Use of Force / Deadly Force written directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. when a written report shall be conducted;
- c. investigation / report reviews for policy compliance; and
- d. annual read and sign and testing over directive content for sworn agency personnel.

#### GUIDING PRINCIPLES

##### USE OF FORCE

Employees may only use the force which is reasonably necessary to effect lawful objectives including: effecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

##### USE OF DEADLY FORCE

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. to defend themselves from serious physical injury or death; 2. to defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

*For agency completion: Agency compliance feedback for Use of Force / Deadly Force*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 8.2015.2

### RECRUITMENT AND HIRING

The agency maintains a Recruitment and Hiring directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. establishment of an agency recruitment plan;
- c. establishment of agency EEO plan;
- d. identification of sworn officer applicant qualifications;
- e. identification of sworn officer application and selection process;
- f. annual review of agency hiring and recruitment process; and
- g. initial read and sign over agency hiring and recruitment directive, for applicable personnel.

### GUIDING PRINCIPLES

The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

*↖ For agency completion: Agency compliance feedback for Recruitment and Hiring Standard*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 8.2016.3

### COMMUNITY ENGAGEMENT

The agency maintains a written directive on Community Engagement activities that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. identification of agency specific programs;
- c. methods for sharing and receiving information within the agency's service area; and
- d. initial read and sign over agency community engagement directive for all agency personnel.

### GUIDING PRINCIPLES

Agencies shall utilize proven strategies or develop their own strategies that are focused on community engagement. Examples may include: youth programs, educating the community on police policy and procedures, educating officers about the community they serve, sharing , receiving and providing information to the public, jointly identifying areas of concern, and communicating, when appropriate, significant changes in agency operations or other areas.

The intent of this standard is to establish agency accountability for the community involvement function in writing. The function should be developed and operated to effectively meet the needs of the agency, with consideration of the department size and budget, as well as the community it serves.

*↖ For agency completion: Agency Compliance Feedback for Community Engagement*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 12.2016.4

### BODY WORN CAMERAS

If applicable, the agency maintains a written directive on Body Worn Cameras that includes:

- a. the purpose and organizational philosophy regarding use in support of the Ohio Collaborative guiding principles;
- b. requirements and restrictions for activation and deactivation of the device;
- c. criminal and administrative use of the camera captured data;
- d. data storage, retention and disclosure requirements reflective of public records law and privacy concerns;
- e. requirements for a documented review of camera captured data; and
- f. initial read and sign for users and supervisors

### GUIDING PRINCIPLES

Agencies utilizing body worn cameras must develop strong and consistent policies that provide guidance to their personnel as to the appropriate use of body worn cameras. Policies need to address, at a minimum, activation and deactivation, auditing, storage, retention, public records and releases video related to victims, especially child victims, injured victims, victims of sexual assault and other privacy concerns. It is recognized the audio and video data is viable recorded evidence that may provide a means of accountability for those officers and the public. It is also recognized the audio video data may not be an accurate reflection of all that is involved with an incident. Audio video data cannot reflect the human cognitive conditions associated with officer in public contact. Additionally, A/V shall not supersede the principles established by *Graham v. Connor*.

*↖ For agency completion: Agency Compliance Feedback for Body Worn Cameras*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 12.2016.5

### LAW ENFORCEMENT TELE-COMMUNICATOR TRAINING

If the agency employs Tele-communicators, as defined by [ORC 4742.01](#), the agency must ensure a training program and directives exist to allow for Tele-communicators to be proficient in:

- a. obtaining complete and accurate information callers requesting law enforcement assistance;
- b. accurately classifying and prioritizing requests for assistance; and
- c. obtaining and accurately relaying information which may affect responder and / or citizen safety.

### GUIDING PRINCIPLES

Training shall meet and support minimum standards as established by legislation for 911 call centers and public safety answering points (PSAPs).

*↖ For agency completion: Agency Compliance Feedback for Tele-communicator Training*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 3.2017.6

### BIAS FREE POLICING

The agency maintains a written directive on Bias Free Policing that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. training on bias based profiling issues and relevant legal aspects;
- c. corrective measures to address violations of this policy to include a Supervisor's review and discipline on violations to the policy;
- d. data collection on all self-initiated traffic stops; and
- e. annual administrative review that is made available to the public.

### GUIDING PRINCIPLES

Criminal Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Officers shall not consider race / ethnicity to establish reasonable suspicion or probable cause, except that officers may take into account the reported race / ethnicity of a potential suspect(s) based on trustworthy, locally relevant information that links a person or persons of a specific race / ethnicity to a particular unlawful incident(s).

Law enforcement agencies should prohibit the use of any bias based profiling in its enforcement programs, as it may lead to violations of the constitutional rights of the citizens served, undermine legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community and may result in media scrutiny, legislative action and judicial intervention.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support.

*↖ For agency completion: Agency Compliance Feedback for Bias Free Policing*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 3.2018.7

### INVESTIGATION OF EMPLOYEE MISCONDUCT

The agency maintains a written directive on Investigations of Employee Misconduct that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. describe formal complaint process, outline how and where to file a complaint;
- c. outline procedures for accepting, processing, and investigating the complaint;
- d. have a timeline for the resolution of the complaint;
- e. include safeguards to protect legal and contractual rights of employees; and
- f. ensure the public has access to complaints and / or commendations through social media or the agency's community relations programs.

### GUIDING PRINCIPLES

A well-constructed complaint process is an integral tool in community-police relations. There is a significant impact when a community knows and understands its concerns can be legitimately addressed in a proper setting. Further, officers can be better served when they can refer aggrieved individuals to a trusted process. Neither officers nor community members benefit from attempts to have concerns addressed and redressed during a traffic stop or in the midst of an incident. It may prove beneficial for law enforcement agencies to reach out to community members in an effort to publicize, promote and develop processes that are mutually beneficial to all.

↓ *For agency completion: Agency Compliance Feedback for Investigation of Employee Misconduct*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

AGENCY NAME	O.R.I.#
AGENCY CONTACT	CONTACT #

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

The Cleveland Heights Police Department is dedicated to providing services and enforcing laws in a professional, unbiased, fair and equitable manner based on mutual trust and respect with Cleveland Height's diverse residents and visitors. Bias-based policing is strictly prohibited. Bias-based policing erodes the public's confidence in police and is detrimental to effective law enforcement because it fosters distrust in the community and undermines the ability to effectively enforce the law and ensure public safety.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-Based Policing:** When a CHPD member takes a law enforcement action or decides to provide or not provide police services, and that action or decision is motivated by discrimination on the basis of an individual's demographic characteristics.

### 401.2 POLICY

The Cleveland Heights Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Nothing in the policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and geographically proximate, distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair, objective, unbiased and equitable manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

# Cleveland Heights Police Department

## Policy Manual

### *Bias-Based Policing*

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To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **401.4.2 REPORTING TRAFFIC STOPS**

Each time an officer makes a traffic stop, the officer shall report the gender, race, or ethnicity of the driver.

#### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any actual or alleged violations or issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy in a timely manner.
- (c) Supervisors should document these discussions on a PD101.
- (d) The Patrol Captain shall ensure that Shift Supervisors conduct bi-monthly reviews of Mobile Video Recorder recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers under their command and the public to ensure compliance with this policy. Each review should consist of a random selection of at least 10% of the uniform division.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (e) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.
- (f) If applicable based on position, supervisors will monitor field training officers to ensure that biased free policing policies are applied

#### **401.6 ADMINISTRATION**

Each year, the Patrol Captain should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

# Cleveland Heights Police Department

## Policy Manual

### *Bias-Based Policing*

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

*Bias-Based Policing*

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**401.6.1 PUBLISHING AN ANNUAL REPORT TO THE PUBLIC**

The Chief of Police or the authorized designee shall prepare an annual report for the public that documents the annual administrative review of agency practices, data collected and citizens' concerns.

**401.7 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Academy.

**401.7.1 TRAINING FREQUENCY AND TOPICS**

The Training Academy should provide annual training that includes topics, such as field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.

- (a) All officers shall be made aware and receive initial training and annual training in bias free policing and best practices, including legislative updates and case law, to ensure that the constitutional requirements and departmental standards for conducting searches and seizures are met.
- (b) Training on conducting constitutional law enforcement investigations shall be held annually, or at intervals recommended after the Annual Administrative Review and adopted by the Chief of Police.
- (c) Training may be in the form of classroom training (in-service or outside agency), roll call training, group training or handout materials for officer review.



# CLEVELAND HEIGHTS

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## Committee of the Whole

**April 19, 2021**

**6:30 p.m.**

**Agenda**

**Online Only**

**[http://www.youtube.com/cityofclevelandheights/live](https://www.youtube.com/cityofclevelandheights/live)**

1. Legislation
2. Vacancy Appointment – Charter Amendment
3. Curfew History and Implementation
4. Council Operating Rules
5. Executive Session - *1. To consider the appointment of a public official; and 2. To consider the sale or lease of City-owned real property.*



## CLEVELAND HEIGHTS

# Request for Qualifications and Preliminary Development Proposals (RFQ/RFP)

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For the **Taylor Tudor Plaza – Building #1**

**Rehabilitation/Redevelopment Project**

in the City of Cleveland Heights, Ohio

RFQ/RFP Issued: **April 8, 2021**

Response Deadline: **May 21, 2021 (4:00 pm EST)**

3/12/2021

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# I. INTRODUCTION

## A. RFQ/RFP OVERVIEW

The City of Cleveland Heights, Ohio seeks to identify a qualified developer or development team whom the City can work collaboratively with, to rehabilitate and redevelop the property located at 1932 – 1946 S. Taylor Road. This currently vacant building is owned by the City and is known as the **“Taylor Tudor Plaza – Building #1”** site (the “Site”). The Site is roughly bounded by S. Taylor Road to the east, and Superior Park Drive to the north, with private residential development on the west, and the Taylor Road Synagogue property to the south. The Site consists of Cuyahoga County parcel number 684-27-001, and is within easy walking distance to businesses along S. Taylor Road, as well as Cain Park, the City-owned arts and entertainment complex.

The building is a currently vacant, 3-story structure with 5,500 square feet of ground floor commercial space, currently divided in 8 commercial spaces, and 16 upper floor residential units, and is located in the Stadium Square Historic District. This Request for Qualifications and Preliminary Development Proposals (“RFQ/RFP”) provides details about the Site and surrounding areas, establishes the rehabilitation and redevelopment goals of the City, and outlines the information required from interested development partners, as well as the process by which a development partner will be selected. **Qualifications and supporting materials must be received by May 21, 2021 at 4:00 pm EST.**

In the interest of efficiency, rather than undertaking separate Request for Qualifications (“RFQ”) and Request for Proposals (“RFP”) processes, the City wishes to use this single process, which is a hybrid between a true RFQ and an RFP, to understand each developer’s or team’s qualifications as well as their proposed vision(s) of this Site’s rehabilitation and redevelopment potential. Through this process, the City seeks to identify and select a development partner with whom to work collaboratively with to refine and implement the final rehabilitation and redevelopment concept. A high degree of input from the City and the public is expected to shape the final development plan for this site. The City will require that conceptual drawings or renderings be submitted as part of the responses to this RFQ/RFP for consideration at this time. At the conclusion of the evaluation process, the City anticipates entering into a Memorandum of Understanding (MOU) followed by a Development Agreement with the selected development partner that will outline the roles and responsibilities of each party and establish timelines for completing the project. Upon commencement of this project, the City envisions consideration of several site control options such as selling the Site to the selected developer, entering into a long-term ground lease, or other arrangements to be negotiated with the developer.

## **B. REHABILITATION AND REDEVELOPMENT GOALS**

The City seeks to develop the Site in a way which, at a minimum:

1. Creates a rehabilitated and revitalized building consistent with the architectural integrity of this historic building and the Stadium Square Historic District within which it is located, and able to be occupied by ground floor office, commercial, retail, restaurant uses, with upper floors available for residential purposes resulting in a successful mixed-use development that leverages the placemaking opportunities of the Site;
2. Dovetails with the architecture and aesthetics of the surrounding area;
3. Complements and is harmonious with adjacent residential neighborhoods;
4. Creates positive economic and fiscal benefits for the neighborhood and the City;
5. Incorporates a strong landscaping plan into the design and redevelopment;
6. Effectively incorporates community feedback into the design;
7. Strongly encourages the use of commercially reasonable efforts to achieve inclusion of minority-owned and female-owned business enterprises in the construction of the development, as well as the use of commercially reasonable efforts to ensure that laborers and mechanics employed on the project shall be paid at a prevailing wage rate to an extent reasonably practicable at an acceptable aggregate level to be negotiated;
8. Developer shall use commercially reasonable efforts to achieve the goal of local worker participation by having a majority of workers participating in the construction of this project being residents of Northeast Ohio; and
9. Strives to achieve LEED “Silver” certification or substantially equivalent rating system as determined by the City and, at a minimum, implements sustainability best practices.

## **C. USES**

The City welcomes and encourages highly creative ideas and approaches from the development team regarding the rehabilitation and redevelopment of the Site. Proposed uses should be consistent with the City’s development goals and Master Plan. The City believes this is an excellent opportunity to create an amenity-filled development that will add to the unique character of the surrounding Taylor Road Corridor neighborhood and the City.

## **D. SURROUNDING AREA**

Cleveland Heights is a diverse, progressive, inner-ring suburb of Cleveland, Ohio, with approximately 46,000 residents. The City’s homes have architectural styles ranging from Craftsman bungalows and front porch Colonial Revival homes to historic mansions, new townhouses and condominiums. The City has a thriving arts community that includes galleries, theatre and dance companies, and Cain Park, a municipally owned arts and entertainment complex. The City is home to eleven (11) commercial districts, including the Cain Park Village District, and

over 500 small businesses, with more than 50 of these businesses located in the Cain Park Village District. The Site is located in the heart of the S. Taylor Road Corridor neighborhood.

Transportation of all types provide patrons with easy access to this Site. A Cleveland Regional Transit Authority (RTA) bus stop is located at the intersection of Taylor and Cedar Roads to the south as well as at Severance Town Center to the north. Nearby businesses include a variety of small businesses primarily serving the local retail market and the Orthodox Jewish community. The Cain Park Village/Taylor Road area is a focal point of the Orthodox Jewish community in Northeast Ohio, with significant investment and interest in both the commercial and residential real estate in the district in recent years. The Site is located approximately three miles from University Circle, a world class center of education, medical, arts and cultural institutions including the Cleveland Clinic, Case Western Reserve University, University Hospitals Case Medical Center, the world-renowned Cleveland Orchestra, the Cleveland Museum of Art, and many more institutions and employers.

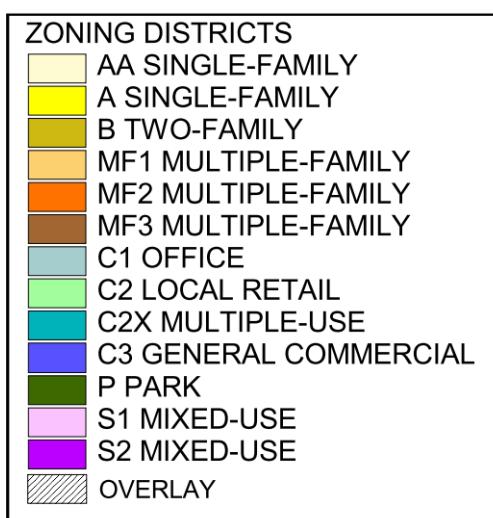
## **II. SITE INFORMATION**

### **A. SITE DESCRIPTION**

The Site is located on land situated between Mayfield Road and Cedar Road. The Site consists of parcel number: 684-27-001. This 3-story building is currently vacant and includes approximately 5,500 square feet of ground floor space, currently divided into 8 commercial spaces, and 16 upper floor residential units. The following maps and table identify the Site as being zoned C-2 Local Retail, and the applicable zoning in the immediate vicinity. In addition, recent and historical photographs of the Site and surrounding neighborhood are also provided below:



## Zoning Map



## Current and Historical Photos of Property



Ca. 1930



Ca. 1930



## Development Adjacent to Property

Berkowitz-Kuman-Bookatz Funeral Home



Additional Taylor Tudor Buildings (not included in RFQ)



Retail Plaza Across Street



Taylor Road Synagogue



Cain Park



Adjacent Apartment Buildings



## **B. DEVELOPMENT HISTORY**

Building #1, along with the two other buildings that comprise the Taylor Tudor Plaza development, was constructed in 1928. The building is listed on the National Register of Historic Places and is part of the Stadium Square Historic District, which includes the Taylor Tudor Buildings and extends westward along Superior Park Drive incorporating the residential uses on both sides of the street.

## **C. ADDITIONAL INFORMATION**

Links to additional information about the Site can be found in “Section VII. Additional Resources” section at the end of this document. Additional information that is available includes the following:

***City of Cleveland Heights Master Plan – Land Use Plan:*** The Master Plan calls for the area where the Taylor Tudor Plaza is located to develop as a mixed-use project consisting of commercial & retail uses, with attached or multi-family development. This would include commercial and retail uses in walkable buildings with upper floor residential or office uses. Multi-family uses could include a range of high-density options including townhouses and apartment buildings.

***Zoning:*** The Site is zoned “C-2” Local Retail that includes dwelling above first floor commercial uses.

***Incentives:*** The Site is eligible for **tax abatement** under the **City’s “Grow Program” (Community Reinvestment Area (CRA) Tax Abatement)**. Remodeling activities for mixed-use projects, such as those contemplated by this RFQ/RFP, are eligible for up to 100% tax abatement on the increased value of the Site as a result of rehabilitation activities, including up to a 12-year term, subject to school district approval as evidenced by a negotiated agreement. Additional information on the City’s CRA program can be found on the City website at <https://www.clevelandheights.com/1075/Community-Reinvestment-Area-CRA> .

As a building in the Stadium Square Historic District, the Site is eligible for application to the **State of Ohio for State Historic Tax Credits (HTC)**. Please refer to the following link for more information of the State’s HTC program: [https://development.ohio.gov/cs/cs\\_ohptc.htm](https://development.ohio.gov/cs/cs_ohptc.htm)

In the past, the City has also provided the opportunity for **Tax Increment Financing (TIF)**, most recently with the Top of the Hill Redevelopment project, to assist City-owned land redevelopment projects. The City recognizes that Tax Increment Financing may be necessary to finance the

construction of project improvements, and that this tool has the ability to provide strong and significant school compensation opportunities for our school district partners.

### **III. SUBMISSION REQUIREMENTS**

All proposals submitted for consideration shall include, but not be limited to, the following components. If development teams consist of more than one company, please provide the requested qualifications for all companies.

#### **A. DEVELOPMENT TEAM INFORMATION**

Provide a narrative description of the proposed development team, including the following:

- Brief history and overview of your company and your experience with urban development projects having similar characteristics with the Site;
- Identification of key members of your development team, their proposed roles for this project, and their qualifications and experience;
- Summary of the team's past experience working together;
- Identification of the principal person who will speak for the development team and any other key participants who will be involved in negotiating the project terms;
- Specification of whether the development entity is or intends to form a corporation, a general or limited partnership, a joint venture, or other type of business association to carry out the proposed development; and
- Your firm's long-term goals related to ownership of the development.

#### **B. RELEVANT DEVELOPMENT EXPERIENCE**

Describe at least three recent urban development projects that your company has successfully completed or that are currently underway. Include a project summary, location, project cost, funding sources, development challenges and solutions, and municipal references. List development team members and their role in each project.

#### **C. FINANCIAL CAPACITY**

Present evidence of your company/team's ability to finance the development project including commitments of equity and debt capital and any public (city, county, state, or federal) financial assistance necessary for the project to proceed.

#### **D. PROPOSED DEVELOPMENT VISION(S)**

Provide a narrative description of the proposed development vision(s), including the following:

- Estimated capital investment;
- Description and evidence of how the vision(s) addresses existing market conditions;
- An indication of the level of quality of the materials to be used and the amenities to be provided in this rehabilitation of the building;
- Proposed ownership structure of the building;
- Description and evidence of how the vision(s) addresses existing market conditions;
- Design approach and discussion of its compatibility with surrounding neighborhoods, activities, uses, architecture, and aesthetics;
- Plan for any new parking and traffic needs created by the redevelopment of this Site, and the potential impact of the proposed development on the existing and surrounding neighborhoods; and
- Discussion of the Development Team's understanding of the significance of this site to the City and adjacent commercial district and neighborhoods;

The City requires a conceptual drawing or rendering of the Developer's proposed rehabilitation vision at this time. Such drawings or renderings will be considered as part of the Team's submission.

The future Developer of this site may acquire certain property in the vicinity of the project site (collectively, the "Added Property"), which, if acquired by Developer, will be incorporated into the project site, and if necessary, the Developer and City will enter into easements, leases or other mechanisms mutually agreed to by the Developer and the City with respect to such Added Property.

#### **E. COMMUNITY ENGAGEMENT**

The development process must be inclusive and involve input not only from the City administration and City Council, but adjacent residents, property and business owners, as well as the greater Cleveland Heights community. Please describe your approach to effective community engagement for this project and your experience successfully navigating this process with previous projects. The City strongly encourages collaboration between the Development Team selected and our City Community Development Corporation FutureHeights on this project.

#### **F. PROPOSED PROCESS AND TIMELINES**

Having the Site reach its full development potential quickly is a primary goal of the City. Please describe the anticipated specific timelines and critical path for fully rehabbing the Site, specifically identifying dates for completing an MOU, site due diligence, entering into a Development Agreement, commencement and completion of key project activities including, but not limited to:

- Site, market, financial analysis and/or other due diligence;

- Securing financing commitments;
- Design development, pre-construction planning, etc.;
- Permitting and approvals (the City intends to assist, as much as possible, to facilitate approvals);
- Construction;
- Project completion; and
- Sales/Leasing.

If the proposed project involves phasing, please be specific regarding the above timelines for each phase.

#### **G. ECONOMIC IMPACTS**

At a high level, please describe the anticipated economic and fiscal benefits of the proposed development, including but not limited to:

- Projected capital investment;
- Number of proposed residential units, office and/or retail/commercial square footage and related property and income tax creation projected;
- Projected new employment and payroll anticipated to result from the project; and
- Discussion of how the project could catalyze additional nearby development.

#### **H. RESOURCES REQUIRED FROM THE CITY AND OR OTHERS**

It is the City's intent to work collaboratively with the chosen developer to refine the concept in a mutually beneficial way that streamlines the process of approvals and ultimately accelerates the timeline for commencing and completing the development. What support or resources will you require from the City to bring your concept to fruition and ensure an effective partnership between your company and the City? To the extent that the proposed development concept would require financial assistance from the City, County, State, or Federal Government, please be specific as to what would be required. What other contingencies exist that must be cleared in order for the development to proceed?

#### **I. MINORITY AND FEMALE BUSINESS ENTERPRISES INCLUSION; PREVAILING WAGE, & LOCAL HIRING**

The City strongly encourages the participation of minority-owned and female-owned business enterprises in the development of the Site. Please describe any efforts you have made on past projects to include minority-owned and female-owned businesses and any steps you intend to take to include minority-owned and female-owned businesses for this project. The City strongly

encourages the use of commercially reasonable efforts to achieve inclusion of minority-owned and female-owned business enterprises in the rehabbing of the Site, as well as the use of commercially reasonable efforts to ensure that laborers and mechanics employed on the project shall be paid at a prevailing wage rate to an extent reasonably practicable at an acceptable aggregate level to be negotiated;

Developer shall use commercially reasonable efforts to achieve the goal of local worker participation by having a majority of workers participating in the construction of this project being residents of Northeast Ohio. In furtherance of this goal, the Developer will ensure that a suitable number of worker outreach events be held in Cleveland Heights to promote local worker participation in the project. The Developer shall agree to share with the City, and its agents, including but not limited to the Regional Income Tax Authority, all information necessary to facilitate tracking of project construction workers on a monthly basis to assure payment of the appropriate income taxes due to the City from such employment. All reporting requirements associated with the project will be subject to the conditions negotiated in a final project development agreement.

#### **J. DEVELOPMENT AND USE AGREEMENT**

At the conclusion of the evaluation process, the City anticipates entering into a non-binding Memorandum of Understanding (MOU) and a subsequent Development Agreement with the selected developer that would outline the roles and responsibilities of the City and developer and establish timelines for completing the development. Please identify to the greatest extent possible, any development agreement terms that would not be acceptable or that the respondent would require. Please indicate whether or not there is any objection to providing a Personal Guaranty of Completion or equivalent guaranty or surety or similar approach that would protect the City from the potential of default and/or an incomplete project.

#### **K. PROJECT SUMMARY**

The following project summary should be completed and included in project submission:

<b>Company Information</b>	
Founded	
Employees	
Headquarters	
Development Partner(s)	
<b>Timeline</b>	
Phases	
Time from groundbreaking to completion	

<b>Financing</b>	
Equity source	
Personal guarantee of debt financing from the firm's principal(s)	
Tax Increment Financing (TIF) required for current concept?	
Guarantee of public infrastructure financing – can a corporate and personal guaranty be provided by the developer?	
Tax abatement required?	
Development contingent on availability of any County, State, Federal funding sources outside of City control?	
<b>MBE and FBE Inclusion</b>	
MBE and FBE Inclusion	
<b>Project Team</b>	
Development Partner	
Architect	
MBE and FBE participation	
Public finance	
Construction	
Site work	
For-sale housing development partner?	
Residential sales or rentals?	
<b>Parking</b>	
Parking study to be completed?	
<b>Project Examples</b>	
Example	
Example	

## IV. Evaluation Criteria

The goal of this RFQ/RFP process is to identify the development partner or team possessing the vision, experience, and financial resources to carry out a development of this scope and which is best suited to work collaboratively with the City to create and execute the rehabbing and redevelopment of the Site that accomplishes the goals of the City and its residents.

It is anticipated that submittals will be evaluated by a review team composed primarily, if not entirely, of City staff and based upon, but not limited to, the criteria below. To facilitate review of your company's submission, we suggest that the following items be specifically addressed in your response:

### **Developer Qualifications**

- Recent history of successful, high-impact urban development projects;
- Access to sufficient equity and debt capital;
- Commitment to long-term ownership, ground lease, or other site control arrangement; and
- Ability to successfully navigate development hurdles.

### **Development Concept**

- Size of the development, number of dwelling units, office and/or retail/commercial square footage proposed, and investment levels anticipated;
- Size and type(s) of residential units and proposed amenities to be provided;
- Compatibility with surrounding uses, architecture and aesthetics;
- Architectural style, durability, use of high-quality materials, visual impact, and development standards anticipated;
- Impact on parking and traffic conditions, as well as Site ingress and egress;
- Incorporation of landscaping into the project;
- Impact on neighborhood economic and demographic diversity;
- Potential to catalyze nearby investment;
- Sustainability; and
- Ability for the project to “stand the test of time” and age well over time.

### **Development Approach**

- Maximization of the Site for residential (projected number of new residents), office and or retail/commercial uses;
- New job and payroll creation;
- Strategy for soliciting and incorporating neighborhood/stakeholder input; and
- Inclusion of minority-owned and female-owned business enterprises.
- 

### **Economic & Fiscal Impact**

- Synergy with neighborhood businesses;
- Benefit to residents and/or employees and all users of the site (convenience, amenities, accessibility and similar site design considerations);
- Capital investment;
- Potential to generate City income and property tax;
- Potential to build property value and generate property tax both on and off the Site; and
- Generation of other City revenue streams (fees, taxes, and other similar revenue streams).

### **Projected timeline / critical path to accomplish the following milestones:**

- Pre-Development activities including Memorandum of Understanding (MOU) and Development Agreement;
- Design and engineering of the project; and
- Commencing and completion of construction.

## **V. EVALUATION PROCESS AND TIMELINE**

It is expected that the developers or development teams whose submissions best meet the evaluation criteria established above will be selected for an interview with the review team. Following the review team interviews, some or all of the developers or development teams may be invited to present their qualifications and preliminary development proposals to City Council. City Council will make the final selection of a developer. The following is the anticipated schedule for the evaluation and selection of a development team.

Milestone	Date (2021)
RFQ/RFP available	April/2021
Deadline for submissions	May/2021
Interviews with selected development teams	June/2021
City Council presentations by finalists	July/2021
Begin contract negotiations with selected development team	August/2021

The City intends to adhere to this selection process, but reserves the right to reject all submissions or deviate from the process, as necessary, to accomplish the goal of selecting the most qualified development partner for this important Site and to begin the development process as soon as is possible.

### **Confidentiality**

The City of Cleveland Heights complies with all applicable laws regarding public meetings and public records. The City will endeavor to maintain, but cannot guarantee, the confidentiality during the selection and review process of financial information or disclosures of the developer or prospective users, provided that such confidential information shall be segregated into a separate volume in the original or any subsequent submission and shall be clearly marked "CONFIDENTIAL-TRADE SECRETS."

### **Rights Reserved by the City**

The City of Cleveland Heights reserves the right to reject any and all submittals, to negotiate with parties interested in developing the site, to change, without notice, the RFQ/RFP and evaluation

process, and to waive any formality in submissions whenever same is in the interest of the City of Cleveland Heights and its development objectives.

## **VI. SUBMISSION INSTRUCTIONS**

To ensure that all potential respondents have access to the same information, all questions regarding this project shall be posed via e-mail to:

[ttpbuilding1@clvhts.com](mailto:ttpbuilding1@clvhts.com)

Questions and answers with general relevance will be posted on the following page of the City's website: [www.clevelandheights.com/ttpbuilding1](http://www.clevelandheights.com/ttpbuilding1). Questions and answers will be posted weekly. Timothy M. Boland, Director of Economic Development, is the single point of contact for any questions related to this RFQ/RFP. Please do not contact anyone else at the City to discuss this RFQ/RFP.

Development teams shall submit an electronic copy of their submission via email (attachment or file-sharing link) to [ttpbuilding1@clvhts.com](mailto:ttpbuilding1@clvhts.com) or have a flash drive containing the submission delivered to the address below. As part of the review process, development teams may be asked to provide up to 15 hard copies of the submission. Packages must be clearly labeled "**Developer Qualifications for the City of Cleveland Heights Taylor Tudor Plaza Site.**" Any portions of a submittal containing confidential financial or trade secrets should be clearly labeled as such. The City will endeavor to maintain but cannot guarantee confidentiality of these documents.

Qualifications packages and supporting materials must be received by **May 21, 2021 at 4:00 pm EST** to be considered. Packages should be addressed to:

**The City of Cleveland Heights**  
**Attn: Timothy M. Boland, Director of Economic Development**  
**40 Severance Circle**  
**Cleveland Heights, OH 44118**

**P 216-291-4857**  
**[ttpbuilding1@clvhts.com](mailto:ttpbuilding1@clvhts.com)**

The electronic copy should be e-mailed to [ttpbuilding1@clvhts.com](mailto:ttpbuilding1@clvhts.com) or delivered on a flash drive with the paper transmission.

## **VII. ADDITIONAL RESOURCES**

The following documents provide additional information about the Site and surrounding area and are accessible via the City of Cleveland Heights website: [www.clevelandheights.com/ttpbuilding1](http://www.clevelandheights.com/ttpbuilding1).

- The City's Master Plan
- Zoning Code – Contact the Planning Department with specific questions at 216-291-4878
- Utility Maps – Maps are available upon request from interested parties

## **Relevant Websites**

- [www.clevelandheights.com](http://www.clevelandheights.com)

The City intends to provide interested Development Teams with an in-person tour of the Building interior and exterior by appointment. A Pre-Proposal meeting will also be held at a time and date to be determined prior to the proposal due date in order for the City to provide responses to inquiries for additional information about Taylor Tudor Plaza - Building #1 to interested Development Teams.

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## CLEVELAND HEIGHTS

### AGENDA (tentative) – CLEVELAND HEIGHTS CITY COUNCIL MEETING

**Monday, April 19, 2021**

**Online Only**

**Regular Meeting**

**7:30 p.m.**

**<http://www.youtube.com/c/cityofclevelandheights/live>**

- 1) Meeting called to order by Council President**
- 2) Roll Call of Council Members**
- 3) Excuse absent members**
- 4) Approval of the minutes of the Council meeting held on April 5, 2021**
- 5) Personal communications received from citizens (via electronic mail)**
- 6) Report of the City Manager**

Request permission to bid project #21-05 – For the Purchase of Fully Automated Universal Roll-out Containers (Carts)

#### **Matter of Record**

**Refer to:** Municipal Services Committee of Council

- 7) Report of the Chief of Police**
- 8) Report of the Clerk of Council**

Notify Council that two notices have been received from the Ohio Department of Liquor Control advising that applications have been made by the following:

- Cedartown Restaurant Group LLC, 1<sup>st</sup> Floor & Basement & Patio, 12383-87-89-93 Cedar Rd., Cleveland Heights, OH 44106 for the transfer of D2, D2X, D3, D3A, and D6 permits from Nighthtown, Inc., 1<sup>st</sup> Floor & Basement & Patio, 12383-87-89-93 Cedar Rd., Cleveland Heights, OH 44106
- Heights Mechanical Corp, dba Heights Mechanical Corp, 2785 Mayfield Rd. S/SE Unit, Cleveland Heights, OH 44106

#### **Matter of Record**

9) **Committee Reports**

a.) **MUNICIPAL SERVICES COMMITTEE**

b.) **PLANNING AND DEVELOPMENT COMMITTEE**

**RESOLUTION NO. 24-2021 (PD).** A Resolution authorizing the City Manager to enter into a First Extension of Development Services Agreement and Project Approval with FutureHeights for the performance of certain work

Introduced by Council Member \_\_\_\_\_

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

c.) **PUBLIC SAFETY AND HEALTH COMMITTEE**

**ORDINANCE NO. 34-2021 (PSH), Second Reading.** An Ordinance enacting new Chapter 765 of the Cleveland Heights Codified Ordinances, pertaining to third-party food delivery services; establishing a limit on the commission that third parties can charge to restaurants located in the City of Cleveland Heights to 15% of the purchase price on delivery or pick-up orders while restaurants are unable to provide unrestricted dine-in service; prohibiting a reduction in compensation for delivery drivers as a result of this limit

Introduced by Council Member \_\_\_\_\_

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

d.) **ADMINISTRATIVE SERVICES COMMITTEE**

**ORDINANCE NO. 25-2021 (AS), Third Reading.** An Ordinance amending various Sections of Chapter 749, “Fair Practices” of the Codified Ordinances of the City of Cleveland Heights to include Source of Income as a prohibited, discriminatory rationale for the purposes of fair housing practices.

Introduced by Council Member \_\_\_\_\_

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

e.) **COMMUNITY RELATIONS AND RECREATION COMMITTEE**

f.) **FINANCE COMMITTEE**

**ORDINANCE NO. 51-2021 (F).** An ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021

Introduced by Council Member \_\_\_\_\_

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**RESOLUTION NO. 52-2021 (F).** A Resolution establishing the Local Fiscal Recovery Fund and affirming that funds received by the City pursuant to the American Rescue Plan Act of 2021 shall be used only to cover costs incurred by the City of Cleveland Heights consistent with the requirements of the Act and applicable law and regulations

Introduced by Council Member \_\_\_\_\_

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**10) Consent Agenda**

*Note: Individual Consent Agenda items are not discussed separately during the Council meeting, unless removed from the Consent Agenda on the request of a member of Council. Once an item is removed from the Consent Agenda it will be placed on the Regular Agenda.*

**RESOLUTION NO. 47-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with Cuyahoga County for funding through the HOME Program for the City's affordable housing programs through April 30, 2023

**RESOLUTION NO. 48-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Home Repair Resource Center, a non-profit corporation, for the use of HOME Funds to administer its down payment assistance loan program; providing compensation therefor

**RESOLUTION NO. 49-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to

provide funding for assistance with its Parent Café Program; providing compensation therefor

**RESOLUTION NO. 50-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with Start Right CDC, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Good Neighbor Home Rehab Program; providing compensation therefor

Motion to suspend rules by Council Member\_\_\_\_\_

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

Motion to adopt by Council Member\_\_\_\_\_

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**11) Council President's Report**

**12) Adjournment**

**NEXT MEETING OF COUNCIL: MONDAY, MAY 3, 2021**

Proposed: 3/15/2021

**RESOLUTION NO. 24-2021 (PD)**

By Council Member

A Resolution authorizing the City Manager to enter into a First Extension of Development Services Agreement and Project Approval with FutureHeights for the performance of certain work; and declaring an emergency.

WHEREAS, pursuant to Resolution No. 97-2017, the City Manager was authorized to appoint a working group for the purpose of forming a contractual relationship with FutureHeights, an Ohio not for profit corporation, to perform services as a community development corporation for the City and to set the initial agenda for said working group; and

WHEREAS, pursuant to Resolution No. 25-2018, Council authorized the City Manager to engage in negotiations with FutureHeights to finalize the terms of the contractual relationship between the City and FutureHeights; and

WHEREAS, pursuant to Resolution No. 97-2018, Council authorized the City Manager to enter into a Development Services Agreement (DSA) with FutureHeights for a period of two (2) years, which expires on April 8, 2021; and

WHEREAS, Council has determined it would be in the best interests of the City and its residents to enter into a First Extension of Development Services Agreement and Project Approval with FutureHeights to continue work under the DSA including housing rehabilitation; and

WHEREAS, the primary priority areas and corresponding project approvals are intended to be DeSota, Altamont, North Coventry, South Taylor (Mayfield to Superior) and Noble Corridor (Noble, Oxford and Caledonia).

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

**SECTION 1.** The City Manager be, and she is hereby, authorized to enter into a First Extension of Development Services Agreement (“Agreement”) and Project Approval with FutureHeights, a copy of which is on file with the Clerk of Council. The term of the Agreement shall be for a period of two (2) years, commencing and expiring as provided by the Agreement, and the total funds allocated to FutureHeights under said Agreement shall not exceed One Hundred Forty Thousand Dollars (\$140,000). The Agreement 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.

RESOLUTION NO. 24-2021 (PD)

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 for FutureHeights to continue rendering said services to the City including but not limited to facilitating housing rehabilitation and new infill housing within the City, 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.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

## **FIRST EXTENSION OF DEVELOPMENT SERVICES AGREEMENT**

This Development Services Agreement (the “Agreement”) is entered into by and between the City of Cleveland Heights, Ohio (the “City”), an Ohio municipal corporation located at 40 Severance Circle, Cleveland Heights, Ohio 44118 and FutureHeights, Inc. (the “Contractor”), a community development corporation having offices at 2843 Washington Boulevard, Ste. 105, Cleveland Heights, Ohio 44118.

### **WITNESSETH:**

WHEREAS, pursuant to Resolution No. 97-2017, the City Manager was authorized to appoint a working group for the purpose of forming a contractual relationship with FutureHeights, Inc., an Ohio not for profit corporation, to perform services as a community development corporation for the City and to set the initial agenda for said working group; and

WHEREAS, pursuant to Resolution No. 25-2018, Council authorized the City Manager to engage in negotiations with FutureHeights, Inc. to finalize the terms of the contractual relationship between the City and FutureHeights, Inc.; and

WHEREAS, pursuant to Resolution No. 97-2018, adopted by City Council on July 30, 2018, City Council authorized the City Manager to enter into an Agreement with FutureHeights, which expires on April 8, 2021; and

WHEREAS, pursuant to Resolution No. 24-2021, adopted by City Council on ,2021, the City wishes to extend the Agreement with FutureHeights for an additional term and for services to be provided by FutureHeights as noted below; and

WHEREAS, the City intends to make available to Future Heights certain City-owned and/or controlled lots in the areas of DeSota, Altamont, North Coventry, South Taylor (Mayfield to Superior) and Noble Corridor (Noble, Oxford and Caledonia) (collectively, “Primary Priority Areas”); and

WHEREAS, the City and FutureHeights intend that by executing this First Extension of Development Services Agreement they underscore the importance of, and affirm their support of, the Noble Corridor Redevelopment Plan and the broad initiative of redevelopment along Noble Road within the City.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties hereto, the parties now agree as follows.

1. Funding. During the Term of this first Extension of Development Services Agreement, the City shall allocate One Hundred Forty Thousand Dollars (\$140,000.00) (“Maximum Budgeted Amount”) for the performance of work (“Work”) within the Scope of Services by the Contractor, provided that any Work hereunder must receive the prior approval of

the City Manager acting with full authority on behalf of the City in order to be eligible for any payment, disbursement or reimbursement, and the terms and conditions of any such payment, disbursement or reimbursement shall be on a case by case basis. Nothing herein shall obligate the City to expend the full Maximum Budgeted Amount during the Term.

2. Term. This First Extension of Development Services Agreement shall be in effect until April 1, 2023 (the “Term”).

3. Scope of Services. The Contractor does hereby promise and agree to improve the local economy and the community’s quality of life through services including, but not necessarily limited to, development, community engagement, community outreach, community building, and other related services, which may be approved by the City from time to time (the “Scope of Services”).

4. Project Approval; Disbursement and Reimbursement. Contractor’s Work hereunder shall involve the Primary Priority Areas. Prior to the commencement of any Work under this Agreement, Contractor shall (i) submit a written proposal to the City Manager and (ii) receive written approval (“Project Approval”) from the City Manager to commence Work. City Manager has full authority to act on behalf of the City. Project Approval by the City Manager shall not be unduly delayed or unreasonably withheld. Any such proposal shall contain a description of the proposed project, the time-frame for performance and completion of the proposed project, costs and expenses for the project, metrics or specifications to allow the City to evaluate Contractor’s performance of the project and whether the Work has been completed in a manner consistent with the proposal, and a proposed schedule for any payments, disbursements or reimbursements of Contractor for the Work, including amounts and time-frames for making such payments, disbursements or reimbursements. Any proposal hereunder may be subject to negotiation between the City Manager and the Contractor. Project Approval of any proposal hereunder shall be made by both the City Manager and the Contractor in writing, and disbursements and/or reimbursements for costs and expenses of the Work shall be made by the City Manager to the Contractor in accordance with the terms and conditions of the Project Approval. Following Project Approval and the commencement of any Work in connection therewith, any change to terms and conditions of the Project Approval, including, but not limited to, any change to the proposal, scope of services, or costs and expenses of the project, must be approved in writing by the City Manager and Contractor. The Contractor hereby agrees that any activities pursued under this agreement shall follow and comply with all applicable City development laws, regulations, policies and procedures, including, but not limited to, building code, planning, zoning, and other development-related requirements, reviews, approval requirements and inspections. All work activities undertaken by the Contractor shall be of good quality and performed in a workmanlike fashion.

5. Reporting. Contractor agrees that it will provide a written report to the City Manager promptly upon the completion of any project hereunder, but in no event later than 30 days following the completion of any such project. Contractor also agrees that it will prepare an Annual Report at the end of each calendar year providing details regarding any Work performed hereunder and providing an accounting of any amounts received and/or expended by Contractor in connection with any such Work. Contractor further agrees to make a representative available upon request to address City Council at any regularly scheduled City Council Meeting, provided

that the City must provide Contractor with reasonable prior notice of its desire to have Contractor appear at its Council Meeting.

6. Books and Records of Account. Contractor agrees that its books and records of account shall be made available to the City for inspection and review during normal business hours at the offices of Contractor. City shall provide Contractor with at least three (3) days' prior notice of its desire to inspect Contractor's books and records.

7. Public Records. Contractor acknowledges and agrees that certain records and/or documents, whether in paper, electronic, or other format that relate to this Agreement and/or to any Work, project performed hereunder, or services performed hereunder, may constitute a public record under Ohio Revised Code Section 149.43. Contractor agrees to comply with R.C. 149.43 and to any applicable state or federal laws relating to the retention and/or production of public records, and further agrees to retain any public records for periods of time as specified in the City's record retention policy.

8. Termination. In the event the City or Contractor desires to terminate this Agreement, either party may terminate this Agreement upon a thirty (30) day written notice to the other party. Contractor shall be paid for Work completed and services performed up to the date of the notice, and in the event that Contractor is permitted by the City to complete any commenced projects, Contractor shall be compensated in accordance with the terms and conditions of the approved proposal. In the event that the Contractor is not permitted to complete any commenced project, City shall pay Contractor a prorated amount based upon the amount of Work completed as of the date of the notice.

9. Insurance. Contractor and any subcontractors of Contractor shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Agreement, are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Contractor, his agents, representatives, employees or subcontractors. The insurance requirements set forth herein are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement. The City in no way warrants that the minimum limits contained herein are sufficient to protect the Contractor from liabilities that might arise out of the performance of the Work under this contract by the Contractor, its agents, representatives, employees or subcontractors, and Contractor is free to purchase additional insurance.

Contractor shall provide coverage with limits of liability no less than those stated below.

General Liability	\$1,000,000	Combined Single Limit Per Occurrence
Umbrella Liability	\$2,000,000	
Automobile Liability	\$1,000,000	Combined Single Limit Per Occurrence
Workers' Compensation	Statutory	

Professional Liability	\$1,000,000
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The policies, where permitted, shall be endorsed to include additional insured coverage and shall include the following language: "*The City of Cleveland Heights, its departments, agencies, boards, commissions, officials, agents, and employees shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor.*" In addition, the City of Cleveland Heights shall be given at least thirty (30) days' notice of cancellation of such policies.

Policies, where permitted, shall contain a waiver of subrogation against the City of Cleveland Heights, its departments, agencies, boards, commissions, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

10. Independent Contractor. Contractor shall be and at all times remain an independent contractor with respect to all services performed hereunder, and agrees to and does hereby accept full and exclusive liability for the payment of any and all contributions for social security, unemployment insurance, or old age retirement benefits, pensions or annuities, now or hereafter imposed under any State or Federal law which are measured by the wages, salaries, or other remuneration paid to persons employed by Contractor on Work performed under the terms of this Agreement, and further agrees to obey all lawful rules and regulations to meet all lawful requirements which are now or hereafter may be issued or promulgated under said respective laws by any duly authorized State or Federal officials. Contractor agrees to indemnify and save harmless the City from any such taxes or liability contemplated by this section.

11. Equal Employment Opportunity and Compliance with Laws. Contractor agrees to adopt and maintain a policy of non-discrimination in employment. It further agrees that it will comply with all applicable Federal and State laws with regard to Equal Employment Opportunity and Fair Employment Practices, with the City's Equal Employment Opportunity Policy, Guidelines and Procedures and with all other applicable Federal, State and local laws.

12. Indemnification. Contractor shall indemnify, defend, save and hold harmless the City of Cleveland Heights, its departments, agencies, boards, commissions, officials, agents, and employees (hereinafter referred to as "indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Contractor or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of Contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Contractor from and against any and all claims. It is agreed that Contractor will be responsible for primary loss, investigation, defense and judgment costs where this indemnification is applicable. In consideration of the terms and conditions of this Agreement,

Contractor agrees to waive all rights of subrogation against the City of Cleveland Heights, its officers, officials, agents and employees for losses arising from the Work performed by the Contractor for the City of Cleveland Heights.

13. Subcontractors/Subconsultants. Contractor shall not sublet nor shall any subcontractors/subconsultants commence performance of any part of the services except as specifically included in this Agreement without prior written consent of the City. In making the application for subletting any portion of the services, Contractor shall state in writing the portion of the services which each subcontractor/subconsultant is to perform or the material which it is to furnish, his/her/its place of business and such other information as may be required by the City. Subletting, if permitted, shall not relieve Contractor of any of its obligations under this Agreement. All subcontractors for services covered by this Agreement must conform to the requirements of this Agreement.

14. Assignment of Contract. The City and Contractor bind themselves and their successors, administrators and assigns to the other party of this Agreement and to the successors, administrators and assigns of the other party of this Agreement, in respect to all covenants of this Agreement. Except as stated above, neither the City nor Contractor shall assign, sublet or transfer its interest in this contract without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a party hereto.

15. Third-Party Beneficiaries. This Agreement is intended solely for the benefit of the parties hereto. Nothing herein expressed or implied is intended to or shall be construed to confer upon, give or create in any person or entity other than the parties hereto any right, duty, benefit, interest, and remedy, standard of care or cause of action.

16. Governing Law and Forum. This Agreement is governed by and shall be interpreted according to Ohio law. The parties consent to the jurisdiction of the Cuyahoga County Court of Common Pleas for resolution of any disputes arising from this Agreement.

17. Severability. The parties agree that if any court or tribunal of competent jurisdiction determines that any provision of this Agreement is illegal, invalid or unenforceable, the remainder of this Agreement shall not be affected thereby.

18. Notices. All notices, communications, requests, approvals, consents, and demands herein required to be given or made ("Notice") shall be in writing and shall be deemed to be served when deposited in the United States mail, registered or certified mail, postage prepaid, return receipt requested addressed as follows or personally delivered:

To the Contractor:

FutureHeights, Inc.  
Attn: Executive Director Deanna Bremer Fisher  
2843 Washington Blvd., Suite 105  
Cleveland Heights, OH 44118

To the City:

**Until December 31, 2021**

The City of Cleveland Heights  
40 Severance Circle  
Cleveland Heights, OH 44118  
Attn: City Manager Susanna Niermann O'Neil

**Beginning January 1, 2022:**

**The City of Cleveland Heights  
40 Severance Circle  
Cleveland Heights, OH 44118  
Attn: Mayor**

With copies to:

The City of Cleveland Heights  
40 Severance Circle  
Cleveland Heights, OH 44118  
Attn: Director of Law  
Attn: Director of Economic Development

**19. From and after January 1, 2022, any reference to the City Manager in this Agreement or in the Project Approval form referenced herein shall be understood to mean and refer to the City's Mayor.**

**20. Counterparts.** This Agreement may be signed in counterparts and on separate signature pages. These separate signature pages shall become part of the same integrated Agreement.

IN WITNESS WHEREOF, the parties hereunto have caused this Contract to be executed and to become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CONTRACTOR/FUTURE HEIGHTS, INC.**

BY: \_\_\_\_\_

**Deanna Bremer Fisher, Executive Director**

**CITY OF CLEVELAND HEIGHTS, OHIO**

BY: \_\_\_\_\_

**Susanna Niermann O'Neil City Manager**

Approved as to form:

BY: \_\_\_\_\_

**William R. Hanna, Director of Law**

### **CERTIFICATION OF AVAILABLE FUNDS**

It is hereby certified that the amount required to meet this agreement or contract has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriation fund free from any previous encumbrances.

By: \_\_\_\_\_

Amy Himmlein

\_\_\_\_\_

Date

## **PROJECT APPROVAL**

### **(PURSUANT TO FIRST EXTENSION OF DEVELOPMENT SERVICES AGREEMENT)**

THIS PROJECT APPROVAL (“Project Approval”) is entered into by and between the City of Cleveland Heights Ohio, an Ohio municipal corporation, 40 Severance Circle, Cleveland Heights, Ohio, 44118 (the “City”), and FutureHeights, Inc., an Ohio not for profit community development corporation having offices at 2843 Washington Boulevard, Suite 105, Cleveland Heights, Ohio, 44118 (the “Contractor”).

WHEREAS, pursuant to the First Extension of Development Services Agreement (“FEDSA”) between the parties, effective [date], authorized by City Council Res. \_\_\_\_\_, Contractor hereby submits its written proposal to the City Manager for the Work defined below, and the City Manager hereby approves the Work as a Project Approval as defined in Section 4 of the FEDSA.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties hereto, the parties agree as follows.

1. In accordance with Section 4 of the FEDSA, Contractor proposes, and the City Manager hereby approves, the project consisting of the engagement of an employee of Contractor whose responsibility shall be related to the following work (“Work”):
  - a. Prepare design standards and build relationships with contractors in order to facilitate the start of development of infill houses;
  - b. Complete the rehabilitation of the seven (7) remaining houses to be rehabbed as established in the original Development Services Agreement, effective August 3, 2018;
  - c. Facilitate the rehabilitation of five (5) additional houses during the first year of the two (2) year Term of the FEDSA and pursuant to its terms;
  - d. Coordinate with the City to facilitate the start of development of six (6) infill houses during the two (2) year term of the FEDSA and rehabilitation of five (5) houses during the second year of the two (2) year Term of the FEDSA.

All work activities undertaken by the Contractor shall be of good quality and performed in a workmanlike fashion.

2. City shall provide funds to Contractor to support the employee engaged in the Work upon receipt of a monthly invoice from Contractor, in an amount of approximately \$5,833.33 per month for 24 months, with a total over the Term of the FEDSA not to exceed \$140,000.00. The date of the disbursement of the first payment shall be the Commencement Date of the FEDSA as provided in section 2, Term, of the FEDSA.

3. All terms and conditions of the FEDSA shall remain in full force and effect.

WHEREFORE, the parties have agreed upon this Project Approval, effective \_\_\_\_\_ day of \_\_\_\_\_, 2021.

[SIGNATURES TO FOLLOW IMMEDIATELY]

CONTRACTOR/FUTURE HEIGHTS, INC.

BY: \_\_\_\_\_  
Deanna Bremer Fisher, Executive Director

CITY OF CLEVELAND HEIGHTS, OHIO

BY: \_\_\_\_\_  
Susanna Niermann O'Neil, City Manager

Approved as to form:

BY: \_\_\_\_\_  
William R. Hanna, Director of Law

### **CERTIFICATION OF AVAILABLE FUNDS**

It is hereby certified that the amount required to meet this agreement or contract has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriation fund free from any previous encumbrances.

By: \_\_\_\_\_ Date \_\_\_\_\_  
Amy Himmeltein



# CLEVELAND HEIGHTS

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To: Susanna Niermann O'Neil, City Manager  
From: Karen Knittel, Assistant Planning Director  
Date: April 13, 2021  
Re: HOME Contract and HRRC Contract Legislation

There are two HOME Investment Partnership Act pieces of legislation. One is to permit the City of Cleveland Heights to sign a new \$400,943 HOME contract with Cuyahoga County with a 24 month performance period and the second is to permit the City to enter into a new contract with Home Repair Resource Center to administer our HOME Down Payment Assistance Program.

HOME provides funding for low- and moderate-income (LMI) households for housing needs. The funds come from the Department of Housing and Urban Development and flow to us through the Cuyahoga County Housing Consortium. Cuyahoga County is designated the lead agency for this Consortium whose members include Cuyahoga County and the CDBG Entitlement Communities of Euclid, Lakewood, Parma, and Cleveland Heights. As the lead agency, Cuyahoga County manages the HUD reporting and allocates our funds to us through a contract.

This contract will allow Cleveland Heights to create any HOME-eligible housing program. Currently, the HOME funds are used for two programs: the Single-Family Rehabilitation program and Down Payment Assistance. The Single-Family Rehabilitation program offers assistance through the Deferred Loan Program and the No Interest Loan Program. The Deferred Loan Program assists LMI seniors and disabled households with loans for whole-house rehabilitation and loan payments are deferred until the homeowner no longer resides in the house. The No Interest Loan Program is a whole-house rehabilitation loan program for LMI households who are not disabled or seniors and requires that monthly payments are made on the loan. These loan programs are administered by the City's Housing Preservation Office.

The second program HOME funds is our Down Payment Assistance program. This program assists qualified LMI households to purchase a home in Cleveland Heights by providing up to \$10,000 of down payment assistance. The homeowner is required to contribute a minimum of 3.5% of the sales price and complete pre-purchase and home maintenance counseling services prior to receiving the funds. The City contracts with Home Repair Resource Center to administer this program, as HRRC is our local HUD Housing Counseling Agency. Our current contract with HRRC for Down Payment Assistance has expired. The attached legislation is requesting a new contract for up to \$44,000 to continue our Down Payment Assistance program.

Proposed: 04/19/2021

RESOLUTION NO. 47-2021 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Cuyahoga County for funding through the HOME Program for the City's affordable housing programs through April 30, 2023; and declaring an emergency.

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") has issued regulations, set forth in 24 CFR Part 92, allowing units of general local government to enter into mutual cooperation agreements to form consortiums for the purpose of obtaining funding from the affordable housing development program created by the Act under the Home Investment Partnership Program (the "HOME Program" or "Program"); and

WHEREAS, Cuyahoga County and the communities of City of Cleveland Heights, Euclid, Lakewood, and Parma, Ohio (collectively, the "Member Jurisdictions") have formed the Cuyahoga Housing Consortium (the "Consortium") pursuant to the Act; and

WHEREAS, for the purposes of the Consortium, Cuyahoga County is authorized by the Member Jurisdictions to act in a representative capacity for all member units of general local government (in such capacity the "Lead Entity") and assumes overall responsibility for the Consortium's HOME Program compliance with the requirements of the Act; and

WHEREAS, this Council has previously authorized the City Manager to enter into an agreement with Cuyahoga County for funding through the HOME Program for the City's HOME funded programs; and

WHEREAS, this Council has determined that it would be in the City's best interests to enter into a new HOME contract with a term from May 1, 2021 to April 30, 2023.

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

SECTION 1. The City Manager be, and she is hereby, authorized to execute an agreement with Cuyahoga County for Four Hundred Thousand Nine Hundred Forty-Three Dollars (\$400,943.00) of HOME Program funds for the City's affordable housing programs that include the homeowner rehabilitation loan programs and the down payment assistance program with a contract period through April 30, 2023 and to execute any other documents related to or necessary for the programs. The agreement and all related documents shall be approved as to form by and subject to the final approval of 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.

RESOLUTION 47-2021 (PD)

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 enter into the above-referenced agreement at the earliest time possible so that qualifying residents may receive the benefits of such affordable housing programs, including the down payment assistance and single-family rehabilitation loans. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Proposed: 04/19/2021

**RESOLUTION NO. 48-2021 (PD)**

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Home Repair Resource Center, a non-profit corporation, for the use of HOME Funds to administer its down payment assistance loan program; providing compensation therefor; and declaring an emergency.

WHEREAS, the City previously entered into an agreement with the Home Repair Resource Center (“HRRC”) to administer 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 City Manager be, and she 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 April 5, 2021 and terminate on December 31, 2021. All documents shall be approved as to form by and subject to the final approval of the Director of Law.

**RESOLUTION 48-2021 (PD)**

**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.

**SECTION 4.** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being 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.

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**JASON S. STEIN**  
President of Council

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**AMY HIMMELEIN**  
Clerk of Council

**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 April 5, 2021 and continue until all funds are depleted or until December 31, 2021, whichever occurs first.

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

# MEMO

To: Susanna Niermann O'Neil, City Manager

From: Brian Iorio, CDBG Coordinator

C.C.: Cleveland Heights City Council; Eric Zamft; William Hanna

RE: CDBG Strategic Impact Opportunity (SIO) 2021 Legislation

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Two (2) pieces of legislation have been submitted for Council's consideration for approval in order to authorize the City Manager to contract with two (2) of the City's CDBG partners. These two (2) pieces of legislation have been proposed as an emergency in order to allow their programs to move forward as soon as possible. Both of these programs were approved by Council as a part of the 2021 Annual Action Plan on March 1, 2021.

## Family Connections' Parent Café Program

Family Connections' Parent Café Program is in its third year of operation as a Strategic Impact Opportunity (SIO) project. Family Connections describes their program as:

*A Parent Cafe is a gathering of parents, for parents and by parents. It is a parent education experience designed to create opportunities for parents to connect, share and learn from each other. It provides a safe space and appreciates that all parents have something to offer and have what they need to be successful parents. Parent Cafes are driven by the knowledge that parents, can, must and do tap into their wisdom and resources in order to strengthen their own families. It is guided by trained Parent Table Hosts. Parents gather in small groups and explore questions that really matter to them. Through these meaningful conversations, parents are working to build five Protective Factors that will benefit their family. The Five Protective Factors have been shown through research to prevent child abuse and neglect. Thirteen of our staff are trained to provide the Parent Cafe model. We propose offering two cafes. Each is four 2-hour sessions offered weekly.*

### Start Right CDC Good Neighbor Program

Start Right CDC's Good Neighbor Program is a new program approved for 2021. The program is a housing purchase/rehabilitation program that will benefit a low- and moderate-income family. Proceeds from the sale or rent of the home will be returned to the City and reserved for additional purchase/rehabilitation projects. Start Right CDC describes their program as:

*Through its Good Neighbor Program, Start Right CDC will work to safely and fully rehabilitate a minimum of one home in the Caledonia Park Opportunity Zone, and either sell the property to an LMI buyer or hold the property and rent it to an LMI tenant. The goal of the program is to improve housing conditions and property values in this target neighborhood. Start Right CDC has rehabilitated 3 homes in the Caledonia Neighborhood since 2012. This project will expand our housing activities to directly impact LMI residents and, potentially LMI tenants.*

Additional details regarding either of these activities have been provided in the respective Statements of Work accompanying the legislation. Please feel free to contact me for any questions, comments or concerns.

Proposed: 04/19/2021

**RESOLUTION NO.49-2021 (PD)**

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Parent Café Program; providing compensation therefor; and declaring an emergency.

WHEREAS, Family Connections of Northeast Ohio is a non-profit corporation with the mission to strengthen families and promote the healthy development of children by providing parent education, parent support and activities for families with children from birth to age ten; and

WHEREAS, Family Connections of Northeast Ohio has established a Parent Cafe Program to provide support to parents and youth; and

WHEREAS, it would be in the best interest of the City and its residents to provide partial funding to assist such programming; and

WHEREAS, there are monies available for such purpose from Year 46 Community Development Block Grant Funds through the Strategic Impact Opportunity Funds.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement and any related documents with Family Connections of Northeast Ohio, a non-profit corporation, for assistance with its Parent Café Program. The agreement shall provide for funding in the amount of up to Five Thousand Dollars (\$5,000) from Year 46 Community Development Block Grant funds. The services to be performed by Family Connections of Northeast Ohio are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a eighteen month period commencing January 1, 2021, and terminating June 30, 2022, and 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. 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 allow the services of the Family Connections of Northeast Ohio 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,

RESOLUTION NO. 49-2021 (PD)

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

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

**EXHIBIT A**  
**STATEMENT OF WORK**

**FAMILY CONNECTIONS**

Family Connections has established the Parent Café Program to assist parents, their preschool and elementary students. A Parent Cafe is a parent education experience designed to create opportunities for parents to connect, share and learn from each other in a space that appreciates that all parents have something to offer and have all that they need. Parent Cafes are driven by the knowledge that parents can, must and do tap into their wisdom and resources in order to strengthen their own families. It is guided by trained Parent Hosts. Parents gather in small groups and explore questions that really matter to them. Through these meaningful conversations, parents are working to build five Protective Factors that will benefit their family. These Protective Factors have been shown through research to prevent child abuse and neglect in families. These Protective Factors are: Parental Resilience; Social Connections; Concrete Support in Times of Need; Knowledge of Parenting and Child Development and Social and Emotional Competence of Children.

The program will serve 26 families. CDBG funds will contribute towards personnel and supply expenses. If necessary, programming may take place online.

Proposed: 04/19/2021

RESOLUTION NO. 50-2021 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Start Right CDC, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Good Neighbor Home Rehab Program; providing compensation therefor; and declaring an emergency.

WHEREAS, Start Right CDC is a non-profit corporation whose mission is to develop programs within their community that will help low and moderate income families in blighted areas; and

WHEREAS, Start Right CDC's goals are to provide hunger relief, educational program opportunities, home purchase opportunities, and community beautification programs; and

WHEREAS, it would be in the City's best interest to provide partial funding for said project; and

WHEREAS, there are monies available for such purpose from Year 46 Community Development Block Grant funds through the Strategic Impact Opportunity funds.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement and any related documents with Start Right CDC, a non-profit corporation, for assistance with its Good Neighbor Home Rehab Program. The agreement shall provide for funding in the amount of up to Forty-Five Thousand Dollars (\$45,000) from Year 46 Community Development Block Grant funds. The services to be performed by Start Right CDC are set forth in the Work Program attached hereto as Exhibit A and incorporated herein. The agreement shall be for a period of eighteen months, commencing January 1, 2021 and terminating June 30, 2022, and shall be subject to the approval 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. 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 allow Start Right CDC to begin to provide these necessary services. 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

RESOLUTION NO. 50-2021

force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

**EXHIBIT A**  
**STATEMENT OF WORK**

**START RIGHT CDC – GOOD NEIGHBOR HOME REHAB PROGRAM**

Start Right CDC is a non-profit organization whose mission is to develop programs within their community that will help low and moderate income families in blighted areas. Through its Good Neighbor Program, Start Right CDC will work to safely and fully rehabilitate a minimum of one home in the Caledonia Park Opportunity Zone and either sell the property to an LMI buyer or hold the property and rent it to an LMI tenant. The goal of the program is to improve housing conditions and property values in this target neighborhood.

Start Right CDC has rehabilitated 3 homes in the Caledonia Neighborhood since 2012. This project will expand their housing activities to directly impact LMI residents and, potentially LMI tenants.

CDBG funds will assist with capital improvement costs for the project.

Proposed: 04/05/2021

ORDINANCE NO. 34-2021 (PSH), *Second  
Reading*

By Council Member Seren

An Ordinance enacting new Chapter 765 of the Cleveland Heights Codified Ordinances, pertaining to third-party food delivery services; establishing a limit on the commission that third parties can charge to restaurants located in the City of Cleveland Heights to 15% of the purchase price on delivery or pick-up orders while restaurants are unable to provide unrestricted dine-in service; prohibiting a reduction in compensation for delivery drivers as a result of this limit; and declaring an emergency.

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, caused by the SARS-CoV-2virus, a new strain of coronavirus not previously identified in humans that spreads easily from person to person through respiratory droplets; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, Governor Mike DeWine signed an Executive Order declaring a State of Emergency for Ohio in relation to COVID-19; and

WHEREAS, effective March 15, 2020, the Governor and the Ohio Department of Health issued an order limiting restaurants to providing only carry-out service; and

WHEREAS, on March 16, 2020 this Council, through Resolution 022-2020, proclaimed an Emergency in Cleveland Heights based on the COVID-19 pandemic; and

WHEREAS on April 30, 2020, the Ohio Department of Health issued an Order allowing restaurant businesses to reopen but requiring compliance with social distancing and safety measures that reduce dine-in capacity; and

WHEREAS, during the COVID-19 pandemic it is critical that restaurants stay open because they are performing essential functions, along with grocery stores and other food services, providing the public with access to food, and the social distancing measures required to mitigate the spread of COVID-19 mean that delivery and take-out options from restaurants are critical to the public's access to food; and

ORDINANCE 34-2021 (PSH)

WHEREAS, the COVID-19 pandemic has had significant impact on the local economy impacting the restaurant, food service, and other related industries resulting in economic hardship due to loss of income, layoffs, and reduced work hours for a significant percentage of the workforce; and

WHEREAS, reducing dine-in capacity for restaurants places a severe financial strain on many restaurants, which already operate on slim margins, particularly those that are small, independently owned, or minority-owned, adding to pre-existing economic pressures in the industry; and

WHEREAS, many consumers are eager to support local restaurants and use third-party applications and websites to place orders with those restaurants, for take-out and delivery, and these orders may include commission fees of 30% or more of the purchase price; and

WHEREAS, many restaurants have limited bargaining power to negotiate lower commission fees with third-party platforms due to high demand and few alternatives for online order and delivery services and as a result, face dire financial circumstances during the pandemic as take-out and delivery are the main options for keeping their businesses in operation; and

WHEREAS, capping the commission fee charged by third-party delivery services at 15% of the purchase price on delivery or pick-up orders so long as restaurants are unable to provide unrestricted dine-in service will accomplish the legitimate public purpose of easing the financial burden on struggling restaurants during the public health emergency, while promoting the availability of prepared food via delivery service, and will not unduly burden third-party applications and websites.

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

**SECTION 1.** That the Codified Ordinances of Cleveland Heights, Ohio, are supplemented by enacting new Chapter 765, Third-party Food Delivery Services, as follows:

**Chapter 765 Third-party Food Delivery Services**

**Section 765.01 Definitions**

For purposes of this chapter, the following terms shall mean:

- (a) “Commission” means a fee paid to a third-party food delivery service for performing a transaction or a service.
- (b) “Eating and drinking establishment” means a restaurant, bar, tavern, cabaret, fast-food business, nightclub, pub, dining room, dinner theater, or similar use.
- (c) “Person” means an organization, corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or other commercial or legal entity.

## ORDINANCE 34-2021 (PSH)

- (d) "Purchase price" means the menu price of an online order, minus any applicable coupon or promotional discount provided to the customer by the eating and drinking establishment. Such price excludes taxes, gratuities, and any other fees that make up the total cost to the consumer of an online order.
- (e) "Third-party food delivery service" means any person who is engaged in operating a website, mobile application, or other internet service business that offers or arranges for the sale and/or delivery of food and beverages prepared by eating and drinking establishments.

### Section 765.02 Limit on Commissions

- (a) No third-party food delivery service shall charge an eating and drinking establishment a commission per online delivery or pick-up order for the use of its service that totals more than fifteen percent (15%) of the purchase price of the online order.
- (b) If a third-party food delivery service charges an eating and drinking establishment a commission that exceeds fifteen percent (15%) of the purchase price of a placed online order, the eating and drinking establishment shall provide written notice to the third-party food delivery service requesting a refund of the amount of commission paid in excess of the allowable fifteen percent (15%) within seven (7) business days. No third-party food delivery service shall fail to issue a refund within seven (7) business days of receipt of the notice.
- (c) An eating and drinking establishment may agree to pay a third-party food delivery service a fee that exceeds the limits established in Section 765.02 (a) and (b) to obtain optional products or services, including advertising, marketing, or access to customer subscription programs, in addition to delivery or pickup service.

### Section 765.03 Compensation

No third-party food delivery service shall reduce the compensation rates paid to any delivery service driver or garnish gratuities paid to any driver as a result of the provisions in this chapter.

### Section 765.04 Effective dates

This chapter shall be in effect only from the effective date of this ordinance until ninety (90) days after eating and drinking establishments are permitted to operate with no restrictions.

### Section 765.05 Severability

The provisions of this chapter shall be deemed to be severable; and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

### Section 765.99 Penalties

**ORDINANCE 34-2021 (PSH)**

- (a) A third-party food delivery service that violates any provision of this chapter is guilty of a misdemeanor of the first degree.
- (b) Strict liability is intended to be imposed as the culpable mental state for a violation of this chapter.
- (c) In accordance with Section 501.11 of the Codified Ordinances of Cleveland Heights, Ohio, organizational criminal liability is intended to be imposed for violations of this chapter.

**SECTION 2.**

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and welfare of the inhabitants of the City of Cleveland Heights, such emergency being the need to provide economic relief to restaurants in Cleveland Heights, which are providing an essential service to residents, 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 Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of Council

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AMY HIMMELEIN  
Clerk of Council

Proposed: 03/15/2021

ORDINANCE NO. 25-2021 (AS), *Third Reading*

By Council Vice President Seren

An Ordinance amending various Sections of Chapter 749, "Fair Practices" of the Codified Ordinances of the City of Cleveland Heights to include Source of Income as a prohibited, discriminatory rationale for the purposes of fair housing practices.

WHEREAS, the proposed changes to Chapter 749 will increase housing access and stability in Cleveland Heights, and

WHEREAS, the economic effect of the COVID-19 pandemic has highlighted the need for increased rental and other financial assistance due to unemployment and underemployment, and

WHEREAS, the Council has determined that improving housing access and stability for people with a diversity of sources of income is in the best interest of the City, its residents, and the general goal of fair practices and the protection of civil rights.

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

SECTION 1. Section 749.03(n) of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(n) The terms 'Discriminate,' 'Discriminating,' or 'Discrimination,' mean any act, policy, or practice that, regardless of intent, has or had the effect of subjecting any individual to different treatment as a result of that individual's Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression, Source of Income, or the nonconsensual dissemination of that individual's private sexual images, except as otherwise set forth in this Chapter, and except that Age may be the basis of different treatment concerning Housing Practices (see Section 749.07) and/or Education Practices (see Section 749.14).

SECTION 2. Section 749.03(ii) of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(ii) "Source of Income" means income derived from wages, social security, supplemental security income, all forms of federal, state or local assistance payments or subsidies, child support, spousal support, and publicly or privately provided assistance which can be verified and substantiated, including but not limited to housing vouchers, emergency rental assistance, disability benefits, and military or veterans benefits.

SECTION 3. Section 749.03 of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to add subsection (jj) to read as follows:

(jj) "Unlawful Discriminatory Practice" means an act prohibited by this Chapter, and includes "Unlawful Discriminatory Housing Practices," "Unlawful Discriminatory Employment

Practices," "Unlawful Discriminatory Education Practices," and "Unlawful Discriminatory Public Accommodation Practices," as set forth in this Chapter.

SECTION 4. Section 749.07 of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

#### 749.07 UNLAWFUL DISCRIMINATORY HOUSING PRACTICES.

It shall be an Unlawful Discriminatory Housing Practice and a violation of this Chapter:

\* \* \*

(c) For any Person or Real Estate Agent or Lending Institution, with respect to any prohibited act specified in this Chapter, to publish or circulate or cause to be published or circulated, any notice, statement, listing or advertisement, or to announce a policy or to make any record in connection with the prospective sale, lease, sublease, rental or financing of any Housing which indicates reliance, determination or decision based on race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or Source of Income.

(d) For any Person or Real Estate Agent or Lending Institution to assist in, compel, or coerce the doing of any act declared to be an Unlawful Discriminatory Housing Practice under this Chapter, or to obstruct or prevent enforcement or compliance with provisions of this Chapter, or to attempt directly or indirectly to commit any act declared by this Chapter to be an Unlawful Discriminatory Housing Practice.

(e) For any Person or Real Estate Agent or Lending Institution:

(1) To induce or attempt to induce the sale, transfer of interest, or listing for sale of any Housing by making representations regarding the existing or potential proximity of real property owned, used, or occupied by any individual of any particular race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or Source of Income by direct or indirect methods.

(2) To make any representation to a prospective purchaser or lessee that any Housing in a particular block, neighborhood or area may undergo, is undergoing, or has undergone a change with respect to the race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or Source of Income of the individuals that live in such a block, neighborhood, or area.

(3) To induce or attempt to induce the sale or listing for sale of any Housing by representing that the presence or anticipated presence of individuals of any particular race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or Source of Income in the area will or may result in:

A. The lowering of property values.

B. A change in the race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or Source of Income status of the individuals in the block, neighborhood, or area in which the property is located.

C. An increase in criminal or anti-social behavior in the area.

D. A decline in quality of the schools serving the area.

(f) For any Person or Real Estate Agent or Lending Institution to cause or attempt to cause or coerce retaliation against any individual because such individual has lawfully opposed any act or failure to act that is a violation of this Chapter or has, in good faith, filed a Complaint, testified, participated, or assisted in any way in any proceeding under this Chapter.

(g) To Discriminate against any individual by denying such individual access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or Renting Housing, or Discriminate against an individual in the terms or conditions of such access, membership or participation.

(h) To do any other thing or engage in conduct which would otherwise make unavailable equal Housing opportunities.

(i) Nothing herein contained shall prohibit any Person subject to the terms of this Chapter from answering, in a truthful manner, any questions directed to him or her from any prospective purchaser or renter concerning the race, color, religion, Sex, Familial Status, national origin, Disability, ~~or~~ Sexual Orientation, or Source of Income of individuals then Renting or living on a given street or neighborhood.

SECTION 5. Section 749.08 of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

#### 749.08 POSTING OF HOUSING NOTICES.

All Real Estate Agents shall post, in a conspicuous location in a portion of their place of business identified as the reception room, main room, or that room normally used by them for negotiating the terms of a sale or lease of Housing, and all Persons who operate a Covered Multi-Family Dwelling shall post at all times in a conspicuous location in either the main entry area or in that portion of their Housing business normally used by them for negotiating the rental of a Housing unit therein, a notice which contains the following language, printed on a light-colored background, in not less than fourteen (14) point type:

It is a violation of the Fair Practices Law of the City of Cleveland Heights for any real estate agent, or for any person owning or managing a multi-unit apartment dwelling to:

(a) Deny housing to any person because of race, color, religion, sex, familial status, national origin, disability, sexual orientation, ~~or~~ gender identity or expression, or Source of Income.

(b) Discriminate against any person because of that person's race, color, religion, sex, familial status, national origin, disability, sexual orientation, ~~or~~ gender identity or expression, or Source of Income with respect to the terms, conditions, or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith.

SECTION 6. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 7. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Proposed: 4/19/2021

ORDINANCE NO. 51-2021 (F)

By Council Member

An ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021 and declaring an emergency.

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

SECTION 1. Certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances all relating to appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021 be, and the same hereby are increased, decreased and/or transferred in the amounts set forth in Exhibit 1.

SECTION 2. All expenditures of the City of Cleveland Heights within the fiscal year ending December 31, 2021, shall be made within the appropriations herein provided. "Appropriation" as used herein means the total amount appropriated for the individual fund. Notwithstanding the financial detail herein presented within an individual fund, the City Manager is authorized to transfer budgeted amounts within each fund, so long as the total amount appropriated for each individual fund is not exceeded.

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the ongoing and continuous need to preserve the faith and credit of the City. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON STEIN  
President of the Council

ORDINANCE NO. 51-2021 (F)

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AMY HIMMELEIN  
Clerk of Council

PASSED:

ORDINANCE NO. 51-2021 (F)

ORDINANCE NO. 51-2021 (F)

Exhibit 1

Fund	Department	Object	Reason	Previously Approved Budget	Requested Change	Revised Budget
208 - CDBG Resource	5203 - CDBG Admin Contracts	O.T.P.S.	CDBG 2020 carryover	3,354,000.00	202,278.75	3,556,278.75
			2021 Approved Allocations that were not entered during the 2020 budget process	774,000.00	90,000.00	864,000.00
	5224 - CDBG Admin	Personal Services	CDBG 2020 carryover	115,297.00	10,874.91	126,171.91
	5303 - CDBG Housing Pres Office	O.T.P.S.	CDBG 2020 carryover	1,312,200.00	125,051.79	1,437,251.79
		Capital	CDBG 2020 carryover	2,000.00	(50.00)	1,950.00
		Personal Services	CDBG 2020 carryover	377,761.00	(32,739.70)	345,021.30
	5301 - CDBG Home Repair Resource	O.T.P.S.	CDBG 2020 carryover	1,029,070.00	121,569.33	1,150,639.33
	5211 - CDBG Comm'l Area Improve	Capital	CDBG 2020 carryover	163,200.00	60,458.57	223,658.57
	5213 - CDBG Water	Capital	Transfer for Public Works 2020-2021 Carryover	179,532.00	(179,532.00)	0.00
	5228 - CDBG Public Works	Capital	Transfer & Increase for Public Works 2020-2021 Carryover	0.00	189,621.56	189,621.56
	5201 - CDBG Financial Admin	Personal Services	CDBG 2020 carryover	39,352.23	983.43	40,335.66
	5221 - CDBG Contingency	O.T.P.S.	CDBG 2020 carryover	70,510.00	(61,550.00)	8,960.00
	5222 - Economic Development	O.T.P.S.	CDBG 2020 carryover	5,452,000.00	551,726.56	6,003,726.56
		Personal Services	CDBG 2020 carryover	358,086.87	22,925.00	381,011.87
	5304 - CDBG Code Enforcement	Personal Services	CDBG 2020 carryover	72,947.00	3,387.68	76,334.68
	5306 - CDBG Neighborhood Relate	Personal Services	CDBG 2020 carryover	147,513.33	42,737.94	190,251.27
	5309 - GIS	O.T.P.S.	CDBG 2020 carryover	17,200.00	(4,300.00)	12,900.00
		Personal Services	CDBG 2020 carryover	69,279.42	(1,801.51)	67,477.91
	8407 - Child Care/Summer Program	O.T.P.S.	2021 Approved Allocations that were not entered during the 2020 budget process	0.00	5,000.00	5,000.00
		Personal Services	2021 Approved Allocations that were not entered during the 2020 budget process	0.00	5,000.00	5,000.00
214 - Local Programming	2201 - Management Info Serv	Capital	Capital Project that was approved during the budget process, but was not budgeted.	115,000.00	100,000.00	215,000.00
228 - CDBG-COVID	5203 - CDBG Admin Contracts	O.T.P.S.	CDBG 2020 carryover	1,164,000.00	123,341.12	1,287,341.12
	5224 - CDBG Admin	Personal Services	CDBG 2020 carryover	0.00	56,318.32	56,318.32
	5220 - CDBG Office On Aging	O.T.P.S.	CDBG 2020 carryover	20,000.00	21,998.45	41,998.45
		Capital	CDBG 2020 carryover	0.00	5,000.00	5,000.00
		Personal Services	CDBG 2020 carryover	0.00	35,000.00	35,000.00
238 - Coronavirus Relief Fund	8201 - Public Prop/Park Maint	O.T.P.S.	Increase to spend a portion of remaining CARES Act funds.	7,757.15	2,325.00	10,082.15
858 - Miscellaneous Agency	7401 - Building Services	O.T.P.S.	Increase to pay the State Board of Building Standards their share of fees collected.	0.00	4,000.00	4,000.00
<b>Total</b>				<b>14,840,706.00</b>	<b>1,499,625.20</b>	<b>16,340,331.20</b>

ORDINANCE NO. 51-2021 (F)

Proposed: 04/19/2021

**RESOLUTION NO. 52-2021 (F)**

By Council Member

A Resolution establishing the Local Fiscal Recovery Fund and affirming that funds received by the City pursuant to the American Rescue Plan Act of 2021 shall be used only to cover costs incurred by the City of Cleveland Heights consistent with the requirements of the Act and applicable law and regulations; and declaring an emergency.

WHEREAS, the American Rescue Plan Act of 2021 (“ARP”), a \$1.9 trillion economic COVID-19 stimulus package, was signed into law on March 11, 2021; and

WHEREAS, the ARP provides monetary relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses; and

WHEREAS, as part of the ARP package, \$350 billion in funding is being provided to state and local governments, as well as additional funding for other areas including, but not limited to, education, rental assistance and transit; and

WHEREAS, the Federal Funding Accountability and Transparency Act (FFATA) requires separate accountability, usually accomplished through use of separate funds, for direct recipients as well as subrecipients of federal awards greater than \$25,000; and

WHEREAS, Ohio Revised Code §5705.09 requires political subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax, which the law, including federal programs, requires to be used for a particular purpose; and

WHEREAS, Ohio Revised Code §5705.12 further requires the taxing authority of a political subdivision to establish, with the approval of the Auditor of State, a separate fund for money derived from specified sources other than the general property tax; and

WHEREAS, the Auditor of State has approved taxing authorities to establish the separate funds required for separate accountability of federal programs upon adoption of a local resolution.

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

**SECTION 1.** This Council hereby establishes a Local Fiscal Recovery Fund. The purposes of such fund shall be to account for revenues and expenditures related to the funds received by the City through the American Rescue Plan Act of 2021.

**SECTION 2.** This Council affirms that all funds received pursuant to the American Rescue Plan Act of 2021 and deposited into said Local Fiscal Recovery Fund will be expended

**RESOLUTION NO. 52-2021 (F)**

consistent with the requirements of the ARP and any other applicable law, regulations, and guidance.

**SECTION 3.** The Director of Finance/Clerk of Council is hereby authorized to submit any documentation necessary to receive funds pursuant to the American Rescue Plan Act of 2021.

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

**SECTION 5.** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to create the new Local Fiscal Recovery Fund at the earliest time possible so that the City may accept and account for the monies its receives pursuant to the American Rescue Plan Act of 2021. 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.

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**JASON S. STEIN**  
President of the Council

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**AMY HIMMELEIN**  
Clerk of Council

PASSED:



## CLEVELAND HEIGHTS

**Monday, April 5, 2021 Minutes**

### **COMMITTEE OF THE WHOLE**

6:39 – 8:15 p.m.

President of Council Stein presiding

Roll Call: Present: Cobb, Dunbar, Hart, Russell, Seren, Stein, Ungar  
Excused: None

Staff present: Boland, Clinkscale, Hanna, Himmelein, Lambdin, McRae, Mecklenburg, Niermann O’Neil, Trupo, Zamft

Topics discussed: Legislation Overview

### **Executive Session**

7:01 – 8:14 p.m.

Council Member Hart made a motion to begin Executive Session to consider the appointment of a public official; 2. To consider the terms of purchase of real property for public purposes; and 3. To consider the sale or lease of City-owned real property. The motion was seconded by Council Member Ungar.

Roll Call: Ayes: Cobb, Dunbar, Hart, Russell, Seren, Stein, Ungar  
Nays: None

### **Motion Passed**

Council Member Dunbar made a motion to end Executive Session which was seconded by Council Member Ungar.

Roll Call: Ayes: Cobb, Dunbar, Hart, Russell, Seren, Stein, Ungar  
Nays: None

### **Motion Passed**

### **CITY COUNCIL**

8:24 – 10:17 p.m.

President of Council Stein presiding

Roll Call: Present: Cobb, Dunbar, Hart, Russell, Seren, Stein, Ungar  
Excused: None

Staff present: Boland, Butler, Clinkscale, Hanna, Himmlein, McRae, Mecklenburg, Niermann O'Neil, Smith, Trupo, Zamft

Minutes from the City Council meeting held Monday, March 15, 2021 were approved with submitted edits.

#### **Personal communications received from citizens (via electronic mail)**

Public comments were read and may be read as submitted at the end of the document.

Council Member Dunbar stated she was the Council representative to Doan Brook Watershed Partnership.

Council Member Hart replied to the GCC letter that was received. She proposed it be referred to the Public Safety Committee for resolution. There is a report by the City Manager in the March 3 Council packet that was an update on the progress on the Novak report. Council President Stein referred the matter to the Public Safety and Health Committee Chair Craig Cobb to have as an agenda item at the next committee meeting.

Council President Stein referred the Shaker Lakes fishing inquiries to Community Relations and Recreation Committee Chair Davida Russell for a discussion within that committee along with stakeholders. Council Member Russell stated residents that live in that area will be invited as well. Council President Stein stated that Council Member Dunbar could participate there as the representative to Doan Brook.

Council Member Ungar read his response to a public comment directed to him as one of two Jewish people on Council. He stated that this has nothing to do with religion or silencing anyone, indeed just the opposite. He stated he respects her views, trees, and the need for development and investment like this for the overall benefit of our community.

#### **Report of the City Manager**

Contracts from the Board of Elections were received to use the Community Center for the elections that are coming up Tuesday, August 3: Congressional primary election replacing Congresswoman Marcia Fudge; Tuesday, September 14: City's primary election; and Tuesday, November 2: General election. This will be posted on the City's website as well.

Sealed bids were received on March 12, for project #21-02 – 2021 Street Resurfacing & ADA Curb Ramp Replacement Program. There were nine bids received and Chagrin Valley Paving, Inc. of Chagrin Falls, Ohio's bid of \$578,588.45 has been found to be the lowest and best responsive and responsible bid.

**Matter of Record**

Sealed bids were received on February 26, for project #21-03 – 2021 Surface Treating Program. There were three bids received and N.E.S. Corporation, of Cleveland, Ohio's bid of \$79,560.83 has been found to be the lowest and best responsive and responsible bid.

**Matter of Record**

**Report of the Chief of Police**

Chief Mecklenburg stated that there will be two town hall meeting to discuss four policies that have been drafted. The first meeting will be April 13 at 7:00 p.m. to discuss Recruitment and Selection Policy and the Vehicle Pursuit Policy. The second meeting will be April 23 at 7:00 p.m. to discuss Bias-based Policing Policy and Use of Force Policy. Policies are available online under the News link and community members are encouraged to provide comments and questions by April 9 at noon. Each meeting will last approximately 90 minutes. Due to an unforeseen emergency, the Diversity Institute had to postpone providing the data analysis for the traffic stops, but they will be available by April 9.

Council Member Russell asked since these meetings are occurring before having the Racial Justice Task Force, will this information be available for them to go over? Chief Mecklenburg agreed it will be available, but they want to have some policies in place to provide officers with guidance.

**Report of the Clerk of Council**

Notify Council that a notice has been received from the Ohio Department of Liquor Control advising that an application has been made by 1854 Coventry Courtyard LLC, 1854 Coventry Rd., Cleveland Heights, OH 44118 for new D1, D3, D3A and D6 permits

**Matter of Record**

**FINANCE COMMITTEE**

**ORDINANCE NO. 46-2021 (F)**. An ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021

Finance Director Amy Himmelein stated that the Building Department has recently implemented a new software system, CitizenServe, that will allow them to collect permit revenue online. With this change, there will be more fees to the credit card company and that's the reason for that increase. The increase for the penalty for the IRS is the same as what was previously presented to Council and this will hopefully be the last one.

Introduced by Council Member Hart, Seconded by Council Member Dunbar

Council President Stein clarified that this was previously on the consent agenda and it was pulled from there.

Roll Call:      Ayes: Dunbar, Hart, Russell, Seren, Stein, Ungar, Cobb  
                    Nays: None

**Legislation Passed**

## **MUNICIPAL SERVICES COMMITTEE**

Council Member Dunbar gave a shout out to the Public Works Department for getting so much done to get the roads resurfaced and purchasing needed equipment to serve citizens. She stated that she discussed the following legislation with Public Works staff to receive all the answers to her questions and she was in favor of all of them.

**RESOLUTION NO. 29-2021 (MS).** A Resolution requesting cooperation with Cuyahoga County to participate in the resurfacing project on Coventry Road, from Fairhill Road to Euclid Heights Boulevard

Introduced by Council Member Dunbar, Seconded by Council Member Russell

Roll Call:      Ayes: Hart, Russell, Seren, Stein, Ungar, Cobb, Dunbar  
                    Nays: None

**Legislation Passed**

**RESOLUTION NO. 30-2021 (MS).** A Resolution authorizing participation in the Ohio Department of Transportation Cooperative Purchasing Program for road salt for the 2021-22 winter season

Introduced by Council Member Dunbar, Seconded by Council Member Hart

Roll Call:      Ayes: Russell, Seren, Stein, Ungar, Cobb, Dunbar, Hart  
                    Nays: None

**Legislation Passed**

**RESOLUTION NO. 31-2021 (MS).** A Resolution authorizing the City Manager to apply for, accept, and enter into a second Cooperative Agreement for planning and/or construction of the 2021 Refuse & Recycling Automation & Transfer Station

Improvements project between the City of Cleveland Heights and the Ohio Water Development Authority

Introduced by Council Member Dunbar, Seconded by Council Member Hart

Roll Call:      Ayes: Seren, Stein, Ungar, Cobb, Dunbar, Hart, Russell  
                    Nays: None

**Legislation Passed**

**RESOLUTION NO. 32-2021 (MS).** A Resolution requesting cooperation with Cuyahoga County to participate in the resurfacing project on Superior Road, from Euclid Avenue to Lee Road

Introduced by Council Member Dunbar, Seconded by Council Member Russell

Roll Call:      Ayes: Stein, Ungar, Cobb, Dunbar, Hart, Russell, Seren  
                    Nays: None

**Legislation Passed**

**RESOLUTION NO. 33-2021 (MS).** A Resolution authorizing an agreement with Ganley Ford, Inc., for the purchase of four 2021 Ford Utility Police Interceptors and related equipment for the Police Department

Introduced by Council Member Dunbar, Seconded by Council Member Ungar

Roll Call:      Ayes: Ungar, Cobb, Dunbar, Hart, Russell, Seren, Stein  
                    Nays: None

**Legislation Passed**

**PLANNING AND DEVELOPMENT COMMITTEE**

Council Member Ungar stated there was a piece of legislation that was pulled.

Council Member Ungar stated that Council continues to get a lot of communication from residents. There is some misinformation out there he wanted to address. The project with Metro Health is a positive development for our city. It is a \$42,000,000 investment in our city. City staff and Metro staff worked hard together to get this to fruition. The project went through the entire process with Planning Commission, ABR, Board of Control, and others scrutinizing it. If Council did not act when and how it did, we would have lost an estimated labor cost during construction of approximately \$12,000,000 that translates into \$270,000

that drops right to our bottom line, the income of the city. The first-year projection is 155 full-time equivalents, just shy of \$10,000,000 generating \$217,000 in brand new income for our city. The estimate is by Year 5, once fully staffed, there will be 225 full-time equivalent employees with a payroll of \$15,000,000 which generates \$342,000 annually for our city. There are other measured and unmeasurable collateral impact such as the restaurants and business they will support.

In response to the concerns about the trees, both city and Metro staff collaborated and it resulted in a 39% reduction in the number of trees removed. Once the project is completed, Metro Health has committed to plant only species native to Ohio.

Council Member Ungar stated he's disappointed that someone would vote against the project and then turn around and take some credit for what ultimately happened on the site. Many Council members worked hard on this and it takes a team effort. A rumor has been spread that there was a rush to judgement and attention was not given to details, but that is a false narrative. Council Member Ungar stated he praises all the members on Council that voted in favor of it and had the not, the city would have lost this project to another city that would have welcomed it with open arms.

## **PUBLIC SAFETY AND HEALTH**

Council Member Ungar welcomed Craig Cobb back to Council and stated he's excited to yield the Chairmanship of this committee to him.

Council Member Ungar made a recommendation of behalf of the Public Safety and Health Committee to appoint members to the Racial Justice Task Force; Rhonda Davis-Lovejoy as Chair and Mario Clopton-Zymler as Vice Chair.

Motion made by Council Member Ungar, Seconded by Council Member Russell

Roll Call:      Ayes: Cobb, Dunbar, Hart, Russell, Seren, Stein, Ungar  
                    Nays: None

**Motion Passed**

**ORDINANCE NO. 34-2021 (PSH), *First Reading*.** An Ordinance enacting new Chapter 765 of the Cleveland Heights Codified Ordinances, pertaining to third-party food delivery services; establishing a limit on the commission that third parties can charge to restaurants located in the City of Cleveland Heights to 15% of the purchase price on delivery or pick-up orders while restaurants are unable to provide unrestricted dine-in service; prohibiting a reduction in compensation for delivery drivers as a result of this limit

Introduced by Council Member Ungar

## **Legislation Introduced**

Council Member Russell stated she'd tried to call Council Vice President Seren to apologize that she hadn't realized he had already introduced the legislation to the Law Department when she was discussing it. Council Vice President Seren stated that earlier in the year, he reached out to staff and restaurant owners regarding the topic and the effect it would have on drivers and restaurants.

Council Member Hart recommended that both of their names could appear on the legislation. Council Vice President Seren suggested that we not change mid-course, but begin to think about how we sponsor legislation as other bodies of legislation can introduce something together or request the addition of another name as a co-sponsor.

## **ADMINISTRATIVE SERVICES COMMITTEE**

Council Vice President Seren welcomed Council Member Cobb to Council and stated he looked forward to working with him as Vice Chair of the Administrative Services Committee.

Council Vice President Seren stated he had drafted some amendments to the Codified Ordinances that would create a requirement for rental units built before January 1, 1978, to be certified as lead safe as a condition of their rental occupancy permit. These have been sent to the Law Director for review in advance of any introduction. He also started a conversation with the Cuyahoga County Board of Health and other members of the Lead Safe Cleveland Coalition Steering Committee for guidance and input.

There was a public comment that he supports regarding the creation of a dog park in Cleveland Heights.

**ORDINANCE NO. 25-2021 (AS), *Second Reading*.** An Ordinance amending various Sections of Chapter 749, "Fair Practices" of the Codified Ordinances of the City of Cleveland Heights to include Source of Income as a prohibited, discriminatory rationale for the purposes of fair housing practices.

Introduced by Council Vice President Seren

This legislation will go on third reading. Any questions regarding the legislation may be addressed to Council Vice President Seren, Council Member Dunbar or Council Member Cobb.

## **Legislation Passed**

For those not familiar with the Novak report, a large portion of that report is specific to Housing Code, but there is a substantial piece of that report that has more to do with the Administrative Code, staffing, salaries, classifications, organizational structure, and performance management. Some of this can be broken out into conversations that can be included in the Administrative Services Committee meeting. He stated that some of those conversations may be held regarding other departments as well.

Council Vice President Seren gave an overview of Ordinance No. 25-2021 and explained that neighboring communities have passed this legislation so residents could not be discriminated against based on their source of income. This was intended to be a companion piece to another piece of legislation that Council Member Ungar is working with the Law Department on related to, “pay to stay,” which would allow for a tenant who is a bit late to pay their back rent and any late fees up to the date of the eviction hearing.

Council Member Russell asked if there was something on the books regarding an inspection for a landlord who is renting; making sure the home is lead free. Council Vice President Seren stated the way it works now is that the community decided we’re using children as our lead detectors. So, when a child presents elevated blood levels, at that point, the residents may be tested. This is a more proactive approach to start the process of testing and remediation or abatement of the lead hazards. Council Member Russell stated she was under the assumption that a landlord had to test for lead prior to a tenant moving in. Council Vice President Seren stated that the City of Cleveland just began their process of Lead Safe testing. Council Member Russell thanked him and stated she has to do that as a landlord herself.

## **COMMUNITY RELATIONS AND RECREATION COMMITTEE**

Council Member Russell stated that the PRO Act has been pulled so there can be open discussion for educating some of our colleagues on the importance of collective bargaining, to increase the pay and protections for women, people of color, immigrants, and our LGBT communities.

**RESOLUTION NO. 36-2021 (CRR)**. A Resolution authorizing the City Manager to enter into an agreement with Snider Recreation Inc., to design and install a new all-inclusive playground at Forest Hill Park

Motion made by Council Member Russell, Seconded by Council Member Hart

Council Member Dunbar stated that Fairfax Elementary School has inclusive equipment.

Roll Call:      Ayes: Dunbar, Hart, Russell, Seren, Stein, Ungar, Cobb  
                    Nays: None

## **Legislation Passed**

Council Member Russell stated the park should be completed by the end of May, no longer than the first week of June. Council Member Russell stated that the City Manager will have staff clean the salt dome.

She thanked staff for the blast regarding the COVID-19 shots. She had 250 access codes to distribute which were mostly used over the first weekend available. Tomorrow is the last day for those Pfizer access codes. She will be getting more access codes for the Johnson & Johnson vaccine starting on April 27. They are trying to get another site at the Community Center as well.

### **Consent Agenda**

*Note: Individual Consent Agenda items are not discussed separately during the Council meeting, unless removed from the Consent Agenda on the request of a member of Council. Once an item is removed from the Consent Agenda it will be placed on the Regular Agenda.*

Amy Himmelein asked the President of Council to confirm that pursuant to the Committee of the Whole Discussion, Resolution 45-2021 has been pulled from the agenda. Council President stated confirmed that.

**RESOLUTION NO. 37-2021 (CRR).** A Resolution joining with HUD and other communities throughout the nation in the observation of April as Fair Housing Month; reaffirming the City of Cleveland Heights' commitment to open housing

**RESOLUTION NO. 38-2021 (CRR).** A Resolution proclaiming April 2021 to be Autism Awareness Month and April 2, 2021 to be World Autism Awareness Day

**RESOLUTION NO. 39-2021 (PD).** A Resolution proclaiming April 5-9, 2021 to be National Community Development Week

**RESOLUTION NO. 40-2021 (CRR).** A Resolution proclaiming April 4-10, 2021 to be National Library Week

**RESOLUTION NO. 41-2021 (CRR).** A Resolution proclaiming April 2021 to be National Poetry Month

**RESOLUTION NO. 42-2021 (MS).** A Resolution authorizing the City Manager to enter into an agreement with Best Equipment Company, Inc., for the acquisition of a Peterson

Model TL-3 Lightning Loader mounted on a Freightliner M-2 Chassis for the Department of Public Works; providing compensation therefor

**RESOLUTION NO. 43-2021 (MS).** A Resolution authorizing the City Manager to enter into an agreement with 72 Hour LLC dba National Auto Fleet Group, for the acquisition of a 2022 Ford Super Duty F-550 XL 4WD Reg Cab with LoadMaster 6 CU YD Rear Loader for the Department of Public Works; providing compensation therefor

**RESOLUTION NO. 44-2021 (MS).** A Resolution authorizing the City Manager to enter into an agreement with 72 Hour LLC dba National Auto Fleet Group, for the acquisition of two 2022 Ford Super Duty F-350 SRW (F3A) XL 2WD Pick-up Trucks for the Department of Public Works; providing compensation therefor

Motion to suspend rules by Council Member Hart, Seconded by Council Member Ungar

Roll Call:      Ayes: Hart, Russell, Seren, Stein, Ungar, Cobb, Dunbar  
                    Nays: None

**Motion Passed**

Motion to adopt the legislation by Council Member Dunbar, Seconded by Council Member Hart

Roll Call:      Ayes: Russell, Seren, Stein, Ungar, Cobb, Dunbar, Hart  
                    Nays: None

**Legislation Passed**

### **Council President's Report**

No report.

**NEXT MEETING OF COUNCIL: MONDAY, APRIL 19, 2021**

Respectfully submitted,

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Jason S. Stein, President of Council

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Amy Himmlein, Clerk of Council  
/jkc

## **PUBLIC COMMENTS**

**1 Name** Megan Shumaker

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**Public Comment** Please consider the current parking that is already available at The shopping center. There are very few mature trees and green spaces left. They are important for our environment as well as improving human health and mental health. We do not need another parking lot for the new clinic site. Please use what is already available and preserve our natural spaces. Thank you.

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**2 Name** Heather Martin

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**Public Comment** Hello City Council, I oppose the destruction of almost an acre of trees in the woods adjacent to Severance, known as Milliken Woods. The trees are what makes Cleveland Heights beautiful. Why cut down trees when there is so much empty space at severance. We should be doing all we can to preserve all natural spaces no matter how large or small. In fact, we need to be making more green spaces in a desperate attempt to help slow global warming we need to fight for every bit of green space. It is a sanctuary for birds, bugs, and wildlife. When they developed Legacy Village and Super Walmart, everyone was surprised by all the deer living in the neighborhoods. Say no to the money. Tear down severance and tear up all that pavement and put in MORE TREES and gardens.

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**3 Name** Aaron Yilmaz

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**Public Comment** As a resident of Cleveland Heights, and on behalf of my fellow residents, I would like to request that Cleveland Heights officially open Lower Shaker lake to public fishing, and that once public fishing has been established, that Lower Shaker lake be stocked with fish for public enjoyment. I have talked to the ODNR, NEOSRD, and the Doan Brook Watershed Partnership. It seems that all these entities, including Shaker Heights are open to public fishing and fish stocking, but Cleveland Heights is not.

Northeast Ohio Regional Sewer District fish surveys have found that only carp, goldfish, green sunfish, suckers, and creek chub live in this entire watershed. Fish surveys from 1968 to 1994 in the Doan Brook watershed indicate that previously may have been a greater diversity of desirable fish--bass, pickerel, catfish, and many others. Restocking this lake would be a great benefit to the people of Cleveland Heights, would provide opportunities for recreational angling, and would improve the species diversity in this watershed. This would be a great time to stock Lower Shaker lake, as they just drained it and as a result the majority of the carp therein are now dead.

For the benefit and enjoyment of our community, please open Lower Shaker lake to fishing and allow it to be stocked by ODNR. Thank you for your consideration in this matter.

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**4 Name** Robert McConaughy

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**Public Comment** We need to officially remove the restriction against fishing in Lower Shaker Lake. Please make this change so that ODNR can manage the lake which they will not do unless the Cleveland

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Heights make a move. This will help maintain a better quality of life for humans and non-humans and provide a beneficial gem for the our city.

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**5 Name** David Shelton

**Public Comment** I hope Cleveland Heights, Shaker Heights, & the ODNR can come to a resolution to restock with native species Lower Shaker Lake. It would seem to be a positive action for all involved: the Lake, wildlife, environment, & residents.  
Cost would seem to be low as well.  
Thank you for creating this forum so community voices can speak out on the topic.

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**6 Name** Robin Roberts

**Public Comment** As a long time Cleveland heights native and an avid bird watcher it's time we allow fishing in lower shaker lakes. This will allow the state to restock native fish in this lake and thus bring backs the native ducks. This lake needs us!

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**7 Name** Kenneth Kowalski

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**Public Comment** The lower Shaker lake should be restored to its natural state. Apparently, it is only C.H.'s statutory ban on fishing that stands in the way of doing this. There seems to be no rational basis for such a ban and I strongly support its removal.

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**8 Name** Kathryn Weise

**Public Comment** I support opening fishing at the Cleveland Heights side of the lower lake in order to allow stocking the lake with native fish species. I'm not a fisherman/woman, but believe that diversifying wildlife there will enhance the health of the ecosystem and enhance our experience of using the area for recreation.

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**9 Name** James Bashaw

**Public Comment** Please do what is necessary to rid Shaker Lakes of invasive fish species such as carp and to promote the return of native species of fish, fauna, & flora to the Shaker Lakes system.

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**10 Name** Debbie ApplePresser

**Public Comment** How lucky are we to have the Shaker Lakes in our backyard. It is beloved by both CH and SH. It is a jewel. I just read an article about the drainage, dam repairs and desire by SH and Cleveland Heights residents to get rid

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of the invasive carp and restock it with native species. This will start the chain of events to restore the health of the ecosystem. The article states that the only obstacle is CH approval, but gives no reasons. Is it people fishing? Humans are so good at destroying nature. Could the sole act of fishing destroy a healthy ecosystem? Or is there another reason for going in the direction of killing the lake off completely?

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**11 Name** Michael Conkey

**Public Comment** Cleveland Heights we want to have open fishing in Shake Lakes which will bring our wildlife back through native fish stocking:

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**12 Name** Florence Worth

**Public Comment** Cleveland Heights should vote to have fishing in the city so that we can resurrect our precious lakes. Anytime invasive carp take over a habitat, there is habitat destruction. Please cooperate with Shaker Heights in restoring the lakes and allowing the State to stock native fish species.

The Shaker Lakes are essential to the communities in which they are situated. People need Nature; wildlife and diversity in the Animal and Plant kingdoms, to stay grounded and calm. We need our elected officials to make this happen. Thank you.

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**13 Name** Byron Webster

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**Public Comment** Please approve fishing on the Cleveland Hts side of the Shaker lakes. This will Allow ODNR to stock the lake with native fish

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**14 Name** Tom lightbody

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**Public Comment** the lower lake needs our help. A healthy stock of native fish is needed. Allowing people to fish at the lake will allow the ODNR to stock the lake with bluegill, bass and other species. This will help not only human anglers, but also the birds: ospreys, kingfishers, the bald eagle, and various herons including green and great blue.

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**15 Name** Molly Garfield

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**Public Comment** Please undo the parking lot vote. It is time for creativity.

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**16 Name** Roz O'Hearn

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**Public Comment** 1. Please allow fishing at Lower Lake which will allow ODNR to restock the lake with native species which will be beneficial for Lower Lake.

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2. As you direct your attention to Lower Lake, please also repair the large equipment damage to the path on the North Park side which is crumbling badly and presents danger to walkers/runners. This occurred during last year's work on the lake.

3. Tree spread is also narrowing the walkway along North Park; the path would benefit from regular pruning.

4. It would also be great if you could trim trees again along the sidewalk on Coventry between North Park and South Park which overhang the sidewalk.

Thank you in advance for your attention to this wonderful natural resource which brings such pleasure to both the Shaker and Cleveland Heights communities!

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**17 Name** Candace Lake

**Public Comment** Please allow the Lower Shaker Lake to be filled and stocked with native fish and enable fishing in the lake, We need to restore the entire native ecosystem occupants now that the carp have been eliminated. Let's give Mother Nature a hand here. Restore the lake to a thriving native ecosystem.

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**18 Name** Joanne Siegel

**Public Comment** "SAVE LOWER SHAKER LAKE'S WILDLIFE, & MAINTAIN THE SURROUNDING AREA"

The Ohio Dept of Natural Resources," (ODNR) wants to

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stock native, beneficial fish species in Lower Shaker Lake, as does The City of Shaker Heights. Cleveland Heights is standing in the way.

Cleveland Heights needs to allow fishing on the CH side of the Lake. If we do, the ODNR will stock the Lake with native fish. Shaker already allows fishing on their side. Lower Lake is soon to be dead & lifeless. Don't let this happen!

How does this move help keep the Lake alive? If we introduce native predatory fish, the carp will be gone, native plants and other organisms will return, & we will have our turtles, waterfowl, & maybe even our bald eagles back. Carp root up native plants with their feeding habits, & destroy habitat for these animals, & depletes the water of oxygen.

The Lake is currently drained, so NOW is the time to introduce the native fish! Please act fast!

I would suggest that Cleveland Heights & The City of Shaker Heights work together in all endeavors to keep this gem we share as clean, beautiful, & safe as possible for all of us. This includes the area around the Lake, such as maintaining the trails & the lighting. The asphalt trails on the CH side are in disrepair. The lighting by the bridge includes burned out bulbs.

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**19 Name** Olivia Gugliemotto

**Public Comment** I ask that Cleveland Heights considers legalizing fishing on the north side of Shaker Lake. Legalizing fishing would allow ODNR to restock the lake with native fish; which would in turn protect and promote the growth of native plants. As an environmental scientist, I think it's important that we take action to support our ecosystems for their intrinsic and natural value. This would be an easy step for Cleveland Heights to take to support our

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environment!

Thank you for your attention to this matter.

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**20 Name**

Gracie Evans-Golden

**Public Comment**

You should allow finishing in lower shaker lake!

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**21 Name**

Dan Kelly

**Public  
Comment**

I am requesting that Cleveland Heights open fishing on the Lower Shaker Lake. In addition to supporting the responsible practice of a beneficial outdoor activity, this would also promote wildlife, native plants, and the health of the local ecosystem by encouraging ODNR to stock the lake with native fish.

Thank you for your consideration of this matter.

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**22 Name**

Lia Snyder

**Public  
Comment**

Open fishing so wildlife will come back to lower lake! It is central to the community and atmosphere of the heights. Please take action

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**23 Name**

Allison Snyder

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**Public**

**Comment**

Please allow fishing at the Lower Lake to encourage native species.

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**24 Name**

Johnny Su

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**Public**

**Comment**

Aloe fishing on the Cleveland heights side of the lower shaker lake to allow ORNR TO REINTRODUCE native fish species

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**25 Name**

Kathy Weck

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**Public**

**Comment**

I encourage the City of Cleveland Heights to open fishing on the Lower Shaker Lakes in an effort to bring natural wildlife back to our community.

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**26 Name**

Sam King

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**Public**

**Comment**

Please allow fishing on Lower Shaker Lake! For the sake of our wildlife, our cities and nature's beauty. What a wonderful natural habitat going to waste if we can't fill it back-up with water.

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**27 Name** Erika Grauzinis

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**Public Comment** Please allow fishing on lower Shaker Lake!! The benefits that come from this are tremendous-- a restocked lake with native species, the return of turtles, amphibians, waterfowl.... and no more invasive carp! This isn't even about fishing, but allowing the lake to be restored to its native habitat. We can't let this lake turn into a muddy unsightly mess. CH residents value their parks and wildlife, and the lower lake is the epicenter of this love of nature.

On another topic, the talk of a dog park is growing, and it is undeniable how beneficial this would be. All the other local public dog parks in the Cleveland area bring a lot of visitors from other neighborhoods and suburbs. They are a communal gathering space and much like playgrounds, draw families to the area. With dogs needing space to run around, CH residents either have to drive to a far away dog park or let their pet play fetch in the various fields in the area like Cain park. It would be easy to add a fence and other dog park staples to one of these fields and encourage community.

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**28 Name** Marc Jaffe

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**Public Comment** It is my understanding that allowing fishing of the lower lake would enable it to be restocked with native species that would improve the ecology of the lake and increase wildlife. I can't see any reason this would be objectionable. As someone who walks around the lake almost daily, seeing people out fishing would even add to the ambiance. I hope the city will approve fishing.

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**Public  
Comment**

Good evening City Council and staff,

I have a few quick items I would like to address.

First, I am glad to see the city move forward with the MetroHealth expansion. This project will be economically stimulating and improve our city and improve access to behavioral health treatments.

Second, I am pleased with the city's decision to move into the 21st century with automated trash pick-up. When I was house hunting in 2018, I was shocked that people just threw their trash on the tree lawns and seeing trash littered around the street after trash collection day. I have never lived anywhere before where this was commonplace. My question for staff and council is regarding streets with duplex and triplex housing like Kensington. As a homeowner on Kensington, I pay a trash bill for each unit. Does this mean that when bins are passed out, that I will get two trash and two recycling bins? I am not sure that it is entirely necessary, and if every duplex or triplex on Kensington received two or three bins each, the street would be quite full of bins. But, at the same time, if we don't get double or triple the bins, is it equitable that we be charged so much for trash services? These are things to consider while working out the details of this new system. Again, I am happy to see this progress being made and I look forward to the solutions that are found.

Finally, I would like to just mention my displeasure with the attitudes of several members of city council. I routinely watch city council meetings and there are characteristics and traits that I find admirable about each of the various members of City Council. And I frequently find myself agreeing with parts of everyone's stances on various issues. There is nobody I see entirely eye-to-eye with, and nobody I find myself at complete odds with. This being said, some of the pettiness and divisiveness I have seen from members of council towards other members, and at times, towards staff is unacceptable and sophomoric. This is not how elected members of council should behave. You should hold yourself to a higher standard. We need to work together to move Cleveland Heights forward, and not work against each other. There is so much potential here, and I hope to see the city continue to move forward. Everyone should take time and make an effort to self-reflect and try to be better.

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Reader: Amy

Thanks for the work you do, lets just try and be nicer as we do it, because "All are Welcome Here."

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**30 Name** Karyn Thomas

**Public Comment** Please consider allowing the state to stock the Lower Shaker Lake with fish. My information points to this as a good thing. If I am misinformed then a public discussion could be used to educate me! If my information is correct, please let the public know why Cleveland Heights is hindering the state's efforts.

Best regards and thank you for your service to the community,

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**31 Name** Louis Adrean

**Public Comment** Please allow the Lower Lake to be restocked with fish. It is imperative that the ecology of the lake is not compromised by invasive carp and non-native plants. And, please allow fishing at the lake. It's ludicrous that residents can fish on the Shaker side of the lake but not on the Cleveland Heights side.

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**32 Name** Karen Katzman

**Public Comment** I am writing with unbelievable disappointment sadness. I might be wrong but I am thinking you are also Jewish? I do not know how you voted for tearing down the old growth trees behind MetroHealth for parking. I do not know what you read and say and hear when you go to services but I have always learned that we are responsible for our brothers, to care for the sick and hungry and to be good stewards of the earth. I grew up going to Heights Jewish Center but have also gone to Temple Ner Tamid, Temple Emanuel and Beth El. Never

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Reader: Amy

have I heard that destroying our environment for the benefit for profit or for business is ok. There is already an abundance of paved and unused parking right by MetroHealth that makes the area where the trees are unnecessary to be cut down for new parking. There seems to be no vision with the elected officials of the city. Why would anyone choose to cut down old growth trees when parking is already nearby. We all know the importance trees play in our health and the environment. As a tax paying resident I truly would like to know how you could possibly come to the conclusion you did. And why was resident input not publicized? Maybe ya'll knew how we would be thinking and figured it would be easier to keep in less out in the open????

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**33 Name** Suzanne Miller

**Public Comment** Please allow/authorize public fishing at Shaker Lakes. Shaker Heights already permits this, and since the lake will be stocked without charge to Cleveland Heights, what can be the objection? Fishing is an ancient, peaceable, and pleasurable activity--please don't stifle this opportunity.

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**34 Name** Catherine Rotolo

**Public Comment** Please allow fishing at lower lake so that the lake may be stocked.

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**35 Name** Jonathan Strassfeld

**Public Comment** I am writing to urge you to allow fishing on the Cleveland Heights side of the Lower Shaker Lake, which will ODNR to restock the lake with native fish species and protect the local ecosystem.

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**36 Name** Nina Rito

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**Public Comment** Dear Cleveland Heights please open fishing, to help our wildlife preservation at Lower Shaker Lake which will bring our wildlife back through native fish stocking.

The introduction of native fish species will have a bottom-up effect that will improve the ecology of the lake and bring back wildlife. It's sad to see the current situation. Please help our community be the beautiful oasis it has historically been.

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**37 Name** Marjorie Bashaw

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**Public Comment** I understand that it's necessary to have the Shaker Lakes stocked with native fish in order to eliminate the harmful and invasive carp species that is threatening the health of the lakes and the wildlife that they have been supporting. Please allow fishing in the lakes so that the ODNR will stock them. The Shaker Lakes are tremendous assets for our community and need to be properly maintained, supported, and protected.

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**38 Name** Samuel Marcum

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**Public Comment** It's unconcionable that I need to drive my children all the way to Lake Erie or a neighboring city simply to teach my children fish. I introduced them to the sport last year an ALL of them loved it. This was quality bonding time and they asked almost daily if we could go.

It's come to my attention that Cleveland Heights is the sole entity responsible for the fact that I cannot take my kids to Shaker Lake. I understand that the ODNR woudl fully stock the lake if not for my city's obstinate closure of their half of the lake to fishers. (Without the lake stocked, fishing on Shaker's side is an exercise in futility.)

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Reader: Amy

Please: let's move beyond this 1950s "protectionist/anti-sportsmanship" mantra. Introduction of native game fish would also help ecologically, while giving our citizens another outlet to spend their summer days in their own community.

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**39 Name** Cathie Bleck

**Public Comment** I urge you to allow fishing in Lower Shaker Lakes. Returning native fish will create a healthier ecosystem for the lake and all wildlife in the area.

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**40 Name** Linda Rankin

**Public Comment** I understand that the ODNR would stock Lower Shaker Lake with fish if it was opened up for fishing. Shaker Heights does allow fishing but not Cleveland Heights. I would hope that Cleveland Heights would reconsider the fishing ban. I have spent many enjoyable afternoons with my son fishing and think it is a wonderful way to spend time with our children outside and electronic device free. I believe the Shaker Lakes are underutilized and could provide much more by way of recreational activities than simply looking at them from the shore. And restoring native fish would be so much better for the ecology of the lakes. Thank you.

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**41 Name** Charles Peterson

**Public Comment** Let's allow fishing in Shaker Lakes

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Reader: Amy

**42 Name**      Liz Woyczynski

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**Public Comment**      Please allow Shaker Lakes to be stocked with native fish to help restore our native plants, birds, etc. to Shaker Lakes! Think global, act local!

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**43 Name**      Suzanne Hartford

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**Public Comment**      I join all interested in seeing Lower Shaker Lake restocked with any fish that can survive in that water AND for allowing permitted individuals to fish from the Cleveland Heights side of the lake. One of the purposes of saving the lake and the flyway was to keep and now bring back native wildlife. If Cleveland Heights has informally allowed or at least not chosen to prosecute fisherpeople, why not drop the charade and let them fish. AND if the ODNR will do the stocking at no cost, all the better.

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**44 Name**      Robert Hartford

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**Public Comment**      I would like to encourage the City of Cleveland Heights to permit fishing on the Shaker Lower Lake and allow the ODNR to stock it with whatever species they think most appropriate. I assume there may be permits needed. I encourage Cleveland Heights and Shaker Heights to work out a mutually agreeable policy to continue the revitalization of this area. It should no longer be Albert Porter's "2-bit duck pond".

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**45 Name**      Caitlin O" Connor

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Reader: Amy

**Public Comment** I would like to express my absolute support for allowing fishing at the lower Shaker Lake in order to restore ecosystem and maintain the wonderful lakes that we are so fortunate to have.

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**46 Name** Mona Kolesar

**Public Comment** Stock the lakes we share with Shaker.

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**47 Name** Diane Armstrong

**Public Comment** Please allow stocking of Shaker Lakes with game fish.

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**48 Name** Renee Psiakis

**Public Comment** I am adding to my recent comment:  
If fishing in the lower lake is allowed, PLEASE regulate and license the fisherpeople so as not to have the lakes lined with people fishing who know nothing about it.

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**49 Name** Jennifer Lehner

**Public Comment** Please allow fishing on the Cleveland Heights side of lower Shaker Lake! Let's restock it with native fish so we can make the ecosystem healthy again? It just seems like common sense to me!

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**50 Name** Jeffrey Talbert

**Public Comment** Please allow fishing in Lower Shaker Lake.

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**51 Name** Esther Talbert

**Public Comment** Please allow fishing on Lower Shaker Lake.

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**52 Name** John Fries

**Public Comment** Allow fishing in the shaker lakes to restore native wildlife!

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**53 Name** Matt Lindley

**Public Comment** I would like to urge council to change fishing regulations on Lower Shaker Lake. With the possibility of an ODNR grant to stock native fish, that would go a long way to returning the whole Doan Brook watershed to a more balanced, native ecology,

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**54 Name** Mike Dudzinsky

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**Public Comment** I encourage City Council to allow fishing in Lower Shaker Lake. Shaker Heights currently allows fishing and if Cleveland Heights officially permits fishing, the Ohio Department of Natural Resources will approve permits for the lake to be stocked with native fish using private funds. Introducing native fish species should significantly improve the aquatic habitat, help prevent the deterioration of the lake and surrounding parkland and keep it a wonderful natural area for Cleveland Heights residents to enjoy.

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**55 Name** Christine Hill

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**Public Comment** I would like Cleveland Hts to approve fishing on this side of the Shaker Lakes Lower side.  
Please permit fishing so we can bring back the wildlife back and fish and fowl. My husband and I approve this and hope you will join with Shaker Hts in doing what's right for this community.  
Thank you for your time and consideration.

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**56 Name** Timothy Bell

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**Public Comment** I visit this park and lake almost every day of the year. I sit at the water's edge when it's nice out; I trudge through the snow; I huddle against the wind. I have seen osprey, a bald eagle, chipmunks, red-tailed hawks, curious deer, annoying geese, countless carp and even a car in the middle of the lake.  
This lake and park is a special place (although I'm glad the car is gone!).  
This opportunity to ecologically balance the lake and surrounding woodland's ecosystem feels like the right idea at the right time.  
Please support the initiative to stock Lower Shaker Lake with

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indigenous fish species and allow fishing on the Cleveland Heights side of the lake.

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**57 Name** Chris Taggart

**Public Comment** Please allow fishing on the Cle Heights side of Shaker Lakes. We want the lake stocked to provide fun and educational opportunities for our children to better connect to the nature and life around them. Shaker allows it, there's no reason not to allow it on the other side of the lake.

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**58 Name** Victor Hernandez

**Public Comment** I am petitioning to stock the Shaker Laker with native fish and to open them up for fishing. Stocking the Lake will help bring back native wildlife and balance the ecosystem in the lakes; it's a win win for everyone. ODNR and Shaker Heights are on board, why aren't we in Cleveland Heights?

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**59 Name** William First

**Public Comment** Stock the lake with native fish!! Restore the ecology!

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**60 Name** Nikki Rossetti

**Public Comment** Please allow the OH Dept of Natural Resources to restock the lower lake with natural fish species!!!

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**61 Name** Laura Cyrocki

**Public Comment** I'd like you to share my comment at the April 5th meeting of the City Council. From what I understand, there is a good opportunity to stock the Lower Shaker Lake with native fish, as long as fishing is allowed. I would like you to please vote to allow fishing.

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**62 Name** Matt Trowbridge

**Public Comment** To our esteemed community representatives and policymakers:  
My request is to promote the stocking of natural fish species within Lower Lake. I speak having shared this sentiment with others within our community who also love and embrace the opportunities for natural recreation within the Heights system. Our community has a strong desire for and would benefit wonderfully from the opening of fishing - particularly through Lower Lake - which will bring additional wildlife back through native fish stocking. Lower Lake's water quality can support a population of native fish, reptiles, and amphibians as outlined in the Doan Brook Handbook. A collaboration of fishing policy involving Shaker Heights and Cleveland Heights would help support both communities in conjunction and benefit all members. No matter how much residents desire to enrich their local ecosystems and recreation, however, Lower Lake would need the management's approval between Cleveland Heights and Shaker Heights for stocking the lake. Carp, contrary to more beneficial local species, are a rugged & destructive invasive species that severely degrades the water quality and habitat at Lower Lake. This species would prevent native species from establishing and/or thriving. Carp aggressively consume vegetation and destroy conditions that frogs, turtles, and other local wildlife need to thrive - ultimately driving out native reptiles, amphibians, fish, and waterfowl through their presence. This negative effect

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can be reversed by stocking native fish in place of carp which will support other wildlife while at the same time removing their aggressor.

A vibrant and lively culture is a hallmark of Shaker Heights and the pride of those who dwell there. Likewise the Cleveland Heights community shares this pride in culture and the marriage between nature & history that is built into the heart of our cities. What better way to embrace our historical roots and enrich our local ecosystems than to stock this lake with local species, further bolstering the quality of life and recreation in the Heights system.

Thank you for your time and attention.

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**63 Name** Sandra Wilson

**Public Comment** For all the reasons so ably laid out by Ray Johnson in his post of March 29 on Nextdoor.com,  
I ask that you consider all these points and then vote to allow fishing on the CH side of Lower Shaker Lake.

**64 Name** Emily Laurance

**Public Comment** I am in favor of allowing fishing in Lower Shaker Lake so that the ODNR will stock the water with native fish for free.

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**65 Name** Kirsten Scheid

**Public Comment** I support fishing in the shaker lakes on the Cleveland heights side (of which I am a resident). I want native fish species returned to the lake. Thank you

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**66 First Name**

Andrew Hartstein

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**Public Comment**

I would like fish in the lake

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**67 Name**

Richard Goddard

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**Public  
Comment**

I want to urge City Council and our Mayor to enact legislation to authorize fishing from the north side of Lower Shaker Lake. I have been a Cleveland Heights resident and supporter for more than forty years. My wife, children, and I have enjoyed the beauty of Lower Shaker Lake and regularly hike along its surrounding trails. I applaud the ongoing work to rebuild the dam at the west end of the lake and the effort to restore the natural beauty of the lake with native plants. The Ohio Department of Natural Resources has agreed to assist our revitalization and restoration of the lake and create significant recreational opportunities by stocking the lake with fish native to Ohio at no cost to the City. This will enhance wildlife habitat, attract more numerous and diverse birds and bird watchers, and enable more of our citizens, both young and old, to enjoy this natural treasure through fishing. As a long time, active member of the Cleveland Museum of Natural History Trout Club, I have seen firsthand the benefits from fishing. I have served as a volunteer-instructor for days of fishing by disabled veterans through the Wounded Warriors Project. I have worked with young people to introduce them to the simple joy of fishing and watched their excitement as they reel in a first catch. We have the opportunity to restore Lower Shaker Lake to the natural glory it reflected for many decades. All that ODNR needs is a vote from Council and the Mayor's signature to officially permit fishing from the north side of the lake. This is a project that everyone should support. Please take the necessary action, and keep the progress moving. Every Heights resident will thank you for support.

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**68 Name**

Erika Gifford

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**Public Comment**

Please give us fish in the shaker lakes

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**69 Name** Jeanne Somers

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**Public Comment** I live on Shaker Blvd and walk around Shaker Lakes every day. I strongly support The introduction of beneficial species to the Lower Lake and to allowing fishing at the Lower Lake.

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**70 Name** Alan Rocke

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**Public Comment** It makes absolutely no sense to retain CH ban on fishing on Shaker Lakes, thus preventing stocking of native fish. What are you guys thinking?

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**71 Name** Jeremy Bass

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**Public Comment** I walk around Lower Shaker Lake several times a week. Except during the most intense leaf-blowing/mowing operations on the neighboring lawns, I find it to be a wonderfully calming and invigorating place. I moved to this part of the Heights in September, and have since come to rely on the Shaker Lakes and the adjacent trails for solace. This evening, I was surprised to see the lower lake drained, and to encounter several signs that propose a scheme to stock the lake with native fish species. The claim is that these species would eventually rid the lake of invasive carp, and obviate the need to drain the water. This plan seems utterly sensible, and probably necessary to stabilize a currently precarious ecosystem. Moreover, the state has offered to stock the lake with these species. If, as claimed on the signs, the only obstacle is a lack of official permission for fishing on the Cleveland Heights side (while there seems already to be de facto permission for this practice), then I say: please permit fishing so that the plan can go forward. This is clearly in the interest of the community.

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**72 Name**

Em godwin

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**Public Comment**

open up fishing!

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**73 Name**

Louise Freilich

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**Public  
Comment**

As someone who lives near Lower Lake and walks there regularly, I want to make sure that native wildlife thrive there. If Cleveland Heights allows fishing on its side of the lake, the Ohio Department of Natural Resources will stock the lake with appropriate native species. Shaker Heights allows fishing on their side of the lake and fishing already happens sometimes on the CH side. Please change the CH regulation so that ODNR will be able to stock the lake and we will be able to enjoy a healthy lake with lots of birds, ducks, turtles, etc. Cleveland Heights is the only Lower Lake partner standing in the way of having a healthy lake.

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**74 Name**

Andrew Nash

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**Public  
Comment**

Shaker Lakes needs to have native wildlife, not invasive species, introduced ASAP. In today's age of ecological understanding, and an offer from the state to do it for free, there's no excuse to do anything different. Unless you're just looking to line your own pockets, somehow. Do the right thing. It's wild that citizens have to beg like this for something so easy and obvious. Get it together and stop blocking the introduction of native species to Shaker Lakes.

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**75 Name** Jordan Fiegl

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**Public Comment** Responding to the proposed stocking of fish in Shaker Lakes: I see this as a unique opportunity to restore a natural balance in the lake. There has been tremendous harm done across the United States, but particularly in the Great Lakes area, by invasive species (reference: "The Death and Life of the Great Lakes" by Dan Egan). With the drainage of the Lakes for repairs, the invasive Carp are at a low point, and stand to be outcompeted by native species if stocked by Ohio DNR.

I am a daily dog walker at Shaker Lakes, and I have never been bothered by anyone who is fishing on the Shaker side of the lake. I have no reason to suspect I will be bothered by fishing on the Cleveland Heights side of the lake. This is an opportunity for a small victory in conservation. The mission of the nature center is as follows: "The Nature Center at Shaker Lakes conserves a natural area, connects people with nature and inspires environmental stewardship." I would much prefer visitors to the Lakes learn and understand the natural occupants of freshwater in Ohio, rather than invasive species.

I implore the city council to allow fishing on the Cleveland Heights side of the lake, thereby allowing for the reintroduction of native fish species. What a wonderful opportunity this is to see the shifts that occur when a known habitat destructor (carp) are minimalized in this body of water, while also providing a new opportunity for citizens in the Cleveland area to experience the outdoors. Thank you for the consideration of this issue.

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**76 Name** Michael Knoblauch

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**Public Comment** Allow fishing on Lower Shaker Lake so the state will stock the lake with native fish.

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**77 Name** Cristine Rom

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**Public Comment** Make Cleveland Heights more family friendly! And what could be more family-friendly than fishing. Permitting fishing on the Cleveland Heights shore of the lower Shaker Heights would be such a gift to our community. Please agree to allow for fishing, as Shaker heights has already agreed to do, so that the ODNR can stock the lake with native fish.

This should be such an easy decision to make to work with our neighbor Shaker Heights for the enjoyment of our local community, and I hope that the Council will agree to permit fishing.

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**78 Name** Brian Tighe

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**Public Comment** Our company, Cleveland Fishing Co., would be happy to be a resource at your disposal for any questions you might have on stocking of Shaker lakes. We love the idea of bringing fishing access to more people in the area

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**79 Name** Terence Gutgsell

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**Public Comment** I am writing regarding lower shaker lake. It is currently drained for work on the old decrepit dam. I understand that the lake could

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be stocked with native fish which would be of great benefit to the ecosystem of the lake as a whole. Further, I understand that Cleveland Heights is standing in the way of getting grants for stocking the lake because you don't want to have fishing on the Cleveland Heights side of the lake which unfortunately will prevent the obtaining of the grant funds!!! Interestingly Shaker Heights already allows for fishing on the Shaker side (and I have NEVER seen a fisherman fishing in the years I've walked the perimeter of the lake) and thus they are not an impediment to obtaining the grant funds. So, I am strongly asking you to allow fishing from Cleveland Heights so that the lake can be stocked with native fish with grant funds that would be available. I am sure that I am speaking for many others with this request.

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**80 Name** Hadeel Khrais

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**Public Comment** Allow fishing in lower shaker heights lake because we want our lake back

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**81 Name** Samantha Macke

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**Public Comment** I believe fishing should be allowed at Shaker Heights so the ODNR stocks it. Also, what a great pastime!

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**82 Name** Steven Houser

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**Public Comment** I thoroughly back the idea to refill the lake and introduce natural game fish. Fishing SHOULD be allowed and would be a boon to our community. Please allow fishing!!  
27 year CH Citizen, close to the lake

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**83 Name** Joan Mallick

**Public Comment** Please allow fishing in the Lower Shaker Lake so that it can be restocked with native fish by the Ohio Department of Natural Resourcex.

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**84 Name** Chris Wood

**Public Comment** I am opposed to fishing in the lake but I am for restocking the lake with native species. Can't we do both? How much would it cost? Can't we start thinking about paying for it ourselves? Fishing itself disrupts wildlife and brings more cars/parking

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**85 Name** John Protasiewicz

**Public Comment** As an avid fisherman, I think it's always great to have more fishing spaces available for everyone. But I think open fishing around this particular urban small lake risks it being overrun with extra litter and trampling around the shoreline, as well as the added disruption of the waterfowl. A compromise might be to

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allow only those only under 16 (or some other age under 18) in the presence of parents/guardians so they could learn how to fish .

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**86 Name** Dan Crissman

**Public Comment** I walk around Lower Shaker Lake at least twice a week, and I'm concerned about its long term health, especially after the current draining. To restore the natural habitat and ensure biodiversity in the future, I hope you'll consider opening up fishing on the Cleveland Heights side so the lake can be stocked with native species.

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**87 Name** Gay Eyerman

**Public Comment** We walk around the lower lake in Shaker on a regular basis. We see the need to restore wildlife there, and that begins with healthy fish. Please consider how bringing fish stock to the lower lake and allowing fishing would create a positive effect on our community! I can't see any downsides, but so many positives. We need simple activities for families like this in our area. Keep people in the heights by making it a compelling place to live, with healthy nature and wildlife nearby.

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**88 Name** Angelisa Crogna

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**Public Comment** I believe CLE Hts should allow fishing and kayaking on Shaker Lake.

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**89 Name** Alexander Polley

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**Public Comment** It would be very beneficial to allow public fishing on the Cleveland Heights side. I do not see the issue with allowing folks to fish, especially if that lake will be stocked with fish. Fishing is a great way for the whole family to be introduced to the outdoors and to have some fun. That's surely how I started, at a small local pond that was close to me. It is a great way for kids to experience fun without a computer screen. Think of the smiles you would be able to create when kids can pull out their first fish! Those memories would be stored forever in that kid's brain. I would appreciate the opportunity for all to fish at lower shaker lake!

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**90 Name** Joseph Schiel

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**Public Comment** I believe you should allow fish stocking and promote active participation in the fishing sports by youth in the city. It is a great start to a young, scientific mind and a great place to relax for all. Introducing a native population will allow the area to become more sustainable and enjoyable. It will also benefit all wildlife in the area, such as bald eagles. Thanks.

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**91 Name**

Carrie Vollentine

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**Public Comment**

Allow fishing in Shaker Lakes.

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**92 Name**

Ian Konopinski

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**Public  
Comment**

I request that the City officially opens up fishing, so that ODNR can restock Lower Shaker Lake with native fish species to restore a healthy, happy habitat for many other creatures to thrive. Thank you for your time.

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**93 Name**

Diana Woodbridge

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**Public  
Comment**

From Greater Cleveland Congregations (GCC) Cleveland Heights Housing Team

- Our GCC Cleveland Heights Housing Team came together in 2016 to respond to members concerns about blighted properties that were negatively impacting housing values in Cleveland Heights. The Team narrowed its focus to the Noble Neighborhood, an area still struggling to recover from 2007-8 foreclosure crisis.
- Today's housing issues are complex. Over the past 5 years we have advocated for new approaches and targeted focus on blighted properties, especially those that are investor or bank-owned and vacant and/or substantially tax delinquent; i.e. the worst of the worst. We have called for sufficient staffing of our Housing Department and for Law Department involvement as part of a problem property team to address the worst blight. To-date there has been little progress in any of these areas.

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- Over the last year, we have written Council on six separate occasions to reiterate these concerns and to ask for discussion of the Novak Report. The recommendations in that Report offer an excellent starting point to consider how our City might proactively address the complex housing issues that confront our community. To date there has been no such discussion.

- In our most recent letter, March 6, 2021, we included an update to our 2019 Report of blighted, investor-owned, tax delinquent properties as a way to underscore the need for action. Yet, despite that the update found 8 of the initial 17 blighted properties still owned by the same investor and still tax delinquent, there was NO reaction, expression of concern or question from any member of Council – and NO response from Council as a body, despite our request for a commitment to when Council would consider the Novak Report recommendations. We find this unacceptable.

- So tonight we ask again – publicly – for your commitment to housing as a top priority; and specifically that you set and announce a date yet this month to begin consideration of the Novak Report and recommendations from Staff as they address the concerns we have brought to your attention over the past 5 years. As we have said previously, we stand ready to support this essential work in any way we can.

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**94 Name** Bill Prendergast

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**Public Comment** Please approve the motion to allow fishing in the Shaker Lakes. We have an opportunity as a community to restore the native fish to these beautiful lakes... at no cost to our community... why would we not want this?

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**95 Name** Jim Jenkins

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**Public Comment** Please allow fishing in Lower Shaker Lake!! Be inclusive!!

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**96 Name** Karen Kane

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**Public Comment** I'm in favor of restoring the lower Shaker Lake. I don't fish for recreation but I am not opposed to it. If allowing fishing will help to bring the lower lake back to life then I'm for it. Two reasons I chose to live in my neighborhood were proximity to the Nature Center and the lakes. I frequently walk around the lakes and have been disheartened to see the current lifeless mudflat it's become. Allow fishing. Thank you.

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**Public  
Comme  
nt**

My name is Krista Hawthorne and I'm the Executive Director of Reaching Heights, a local non-profit that works to connect the community to our public schools with information and events.

Beginning April 12th, all elementary school students will attend school 5 days a week in-person or remain fully remote. The middle school and high school students can attend 5 days in-person, hybrid, or fully remote. Certain student groups, such as career tech, students with low-incidence disabilities, and Options Center students will begin attending 5 days in person tomorrow.

Unfortunately, the Ohio Department of Education is requiring that Ohio State Tests must be completed in-person and the results will be used to determine the district's EdChoice status in school year 2023-24. Students opting-out of testing will cause lower scores for the district which could increase the already enormous drain of funds away from our public schools to private and parochial schools.

Superintendent Elizabeth Kirby will deliver the State of our Schools Address on Thursday, April 15 at 7:00 p.m. live on the District's YouTube channel. The event will feature exciting strategic plan updates and District happenings, as well as student speakers and musical performances. The entire Heights community is invited to watch.

Also, please attend the Kindergarten Information Nights online or in-person at each of the CH-UH elementary schools during the last 2 weeks of April. Even if you don't have a kindergartner starting this year, you can log-on or come visit to learn more about our elementary schools.

One important experience that was missed due to schools operating remotely was the introduction of 8th grade musicians to the high school musicians. So, the middle school and high school orchestras rehearsed together and then performed individually to create an extraordinary combined performance. It can be viewed on the CHUH district YouTube channel at [youtube.com/CH-UH Schools](https://youtube.com/CH-UH Schools).

The Board of Education's Lay Finance Committee voted to not recommend a Performance Audit by the Ohio Department of Education. This decision was based on the limited information that would be gathered from a simple comparison of school district expenses to four other districts considered somewhat similar to the CHUH School District. School Board Member Jodi Sourini interviewed administrators of the Talawanda School District in SW Ohio that had recently completed a performance audit. She said they felt that the audit

was not worth the \$60,000 they spent on it, that it was like a race to the bottom, and that there was no consideration of how the recommended cuts would impact the quality of education. Ryan Routh, Chair of the Lay Finance Committee added, "After reviewing the recommendations from various performance audits of other Districts, the Committee found that these audits are primarily done for Districts that are in financial distress and absolutely must make cuts; accordingly, these audits do not attempt to weigh the possible harms from the cuts against benefits. As such, the Committee did not feel it would provide CHUH with information that would be helpful to it."

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**98 Name** Peggy Spaeth and John Barber

**Public  
Comment**

Lower Lake park is owned by the City of Cleveland, and leased to Shaker Heights and Cleveland Heights in a division bisecting the the lake on its east-west axis.

Fishing has never been allowed at Lower Lake until the 2020 Shaker Parklands Committee review and update to the 2013 "Land Management and Land Use Plan for the Shaker Parklands."

Shaker Heights' representative asked the Committee to approve the document with the following change: "Shaker Heights does not prohibit fishing on the south side of Lower Lake, pending a public use planning process."

This language allows fishing in Shaker Heights on the South Park side of the lake for an indeterminate period. Cleveland Heights representatives maintained a no fishing policy on the North Park side of the lake. A tale of two cities, one lake.

We are residents of Cleveland Heights, Shaker Heights, Cleveland, and University Heights entering our fourth year of habitat restoration and trail improvement at Lower Lake park as volunteers who have also raised funds for native plants and tree cages.

We support Cleveland Heights' position for both ecological and human safety reasons:

- There are already several nearby sites for fishing with posted rules for safety.
  - 3.1 miles Rockefeller Lagoon (stocked)
  - 3.4 miles Forest Hill Park (East Cleveland pond, stocked)
  - 5.3 miles Acacia Reservation (Metroparks-2 ponds)

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- 6.6 miles Gordon Park, E.72nd Street (Metroparks)
- With fishing permitted parking will be an issue. The neighbors have not been involved in any decision-making to permit or not permit fishing.
- The site is an Audubon Important Bird Area. Fishing is incompatible with the safety of migrating and resident birds. Several species nesting along the edge of the lake are at grave risk of entanglement and death from abandoned fishing gear which we have found in abundance.
- Public safety is a big concern. The 1897 bridge on the dam is too narrow to safely accommodate anglers with the constant pedestrians, joggers, bicyclists, dogs, and baby strollers. This past summer careless anglers caused first a dog, and then the dog's owner, to become impaled on a hook. EMS had to transport the resident to the emergency room for removal of the hook.
- The fish are common carp, goldfish, and green sunfish. The dominant common carp were imported in the mid-1880s as a food fish. Consumers did not like them, and in ponds throughout the US they have outcompeted native fish. Carp are bottom feeders, creating and maintaining a heavily silted lake. Replacement of common carp with native fish is not a one and done solution for healthy habitat.

Lastly, this issue has been propagated by an Anonymous Angler posting signs throughout the park. To our knowledge, this issue never reached the level of Shaker Heights Council and we wonder why it is in the lap of Cleveland Heights Council and residents alone. We should be working together for a common parklands policy.

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**98 Name** Catalina Maddox-Wagers

**Public Comment** Fishing in a small lake like the Lower Lakes represents a hazard and a threat to the fragile eco-system already under a lot of stressed. Broken fishing lines getting caught in wildlife's body parts, forgotten lures that end up in wildlife's stomachs, trampling over plants, disturbing fowls nests and living habitat, left over trash, are just a few of the issues related to fishing. There are two kind of fishermen: the ones who care about their environment and know what they are doing, and the other ones (which is most of the people who would fish at the Lower Lakes) who are careless

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and lack of the knowledge required to use best angler practices.

Allowing fishing in the Lower Lakes is not a good idea.  
The cons outweigh the pros 10 times fold.

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**99 Name** Maryann Posch

**Public Comment** I am opposed to fishing in the Lower Shaker Lake because there are ample opportunities for fishing at many nearby locations. This lake and the surrounding land are an important ecological preserve that is home ,and vital stopover for many birds and animals. There are no attractive game fish in the lake and the inevitable abandoned fishing gear will definitely be very detrimental to all wildlife and to any people visiting the lake.

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**100 Name** John Gulyas

**Public Comment** I oppose fishing at the Lower Lake. There are plenty of other places to fish.I thought this lake was a preserve,I do not want to encounter fishing lines or hooks at the park .I also know that fishing lines are dangerous to water birds.Many people visit the lake to enjoy nature not witness people pulling live fish out of the lake to kill them.

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**Public Comment** Good evening, Mayor Stein, City Council, and members of the administration. Thank you for the opportunity to comment on Ordinance 25-2021.

I am submitting comments on behalf of the Akron Cleveland Association of Realtors (ACAR). Our office is located at 9100 South Hills Blvd, #150, Broadview Heights. We have more than 6,200 real estate professional members throughout Cuyahoga, Summit, & Portage Counties, including many that live and work in Cleveland Heights.

First, let me acknowledge that ACAR recognizes how important access to affordable housing is. When we talk about source of income as a protected class, the focus is generally on participation in the housing choice voucher (HCV) program.

ACAR agrees; programs like the HCV program are valuable and a much-needed resource. However, our organization does not believe local governments should mandate participation in a voluntary federal program. Instead, let us focus efforts on improving the program to encourage more participation by housing providers. We hear time and time again, it is not the tenant or the check/payment, but rather the strings, or red tape, that are a deterrent to participation.

A 2018 study in the *Housing Policy Debate* journal found that non-participation in HCV is often based on experience. In fact, the study, which included Cleveland, found that 68% of housing providers that did not participate previously did accept vouchers. However, they abandoned the program when it seemed as if the local housing authority did not fully understand the needs of the housing provider, leaving them with a sense of one-sidedness and complete disregard.

Again, rather than mandating participation in a voluntary federal program, let us direct efforts to focus on addressing disincentives to participate, or even incentivize participation in

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your city. We are seemingly in one of the most regulated areas of the state and there must be solution that could satisfy all parties and help make northeast Ohio home for all. Please know that ACAR stands ready to assist the City with the development of incentives and is your resource on all real estate related matters impacting property rights and more.

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**102 Name** Tristan Wright

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**Public Comment** I saw a flier on fishing in Cleveland Heights. I ask council members to oppose this. This will ruin the city's natural lakes for the recreation of the few. Hooks and fishing wire will cake the lakebed and shores. Dogs and children will get cut by hooks left behind. Native fish will be eaten away by invasive.

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**103 Name** Meg Hennessey

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**Public Comment** I have seen a flier advocating for fishing at Lower Shaker Lake- I DO NOT support having fishing here. It is a heavily used park, we walk there often, and fishing line is a common piece of litter. It gets tangled around our feet, is very hard to see, and we step on the hooks- our dog has even had to receive medical attention due to stepping on a fish hook. I think with so many small children and dog walkers we don't need to add more fisherman with poles to this park. No matter how careful they are, some hooks and line will get lost and it can be very dangerous. Moreover, fish in the lake will eat salamander and

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amphibian eggs, preventing their populations from increasing. Salamanders and amphibians eat mosquito larvae, and are endangered near us. With so many other bodies of water available nearby for fishing, I don't see why it needs to be here at Lower Shaker Lake as well. I feel very strongly about this and will follow up with my city council.

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**104 Name** Emma Shook

**Public Comment** As a 20-year Heights resident, I urge you to disregard the strange attempts to allow fishing in Lower Shaker Lake. The statements made by the person who has been leaving fliers around the lake don't make any sense. Fishing would NOT bring back native species and enhance the wildlife around the lake. It would do the opposite. Since people have started fishing on the Shaker side (the south side) of the lake, there have been lead sinkers, fishing line and hooks found on the perimeter of the lake. Ospreys and Bald Eagles fish here in the summer. Green herons nested last year in the brush on the south edge of the lake. Lower Lake is an important bird migration stopover. Remember the pie-billed grebes and common loons last spring? They dive for fish.

The ecosystem could use some common sense. Fishing, which creates erosion, trampling of wild plants, and loss of bird cover, hasn't been allowed in the history of the lake until now, and it should end on the Shaker Side.

Please don't give in to this one loud voice who wants to create harm to wildlife, while saying the opposite.

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**105 Name** Diane Hallum

<b>Public Comment</b>	<p>I thought I would share some notes on city investments in the Noble Road area and those to Taylor Road.</p>
	<p>A search of the city's web site using Taylor Road pulls up: \$512,000 Ohio Historic Preservation Tax Credit for historic Taylor-Superior Road District. At urging of Jason Stein (92-2018 (PD)) with update in 2019 Council Priorities.</p>
	<p>12-2018 (PD): \$10,000 Economic Development Loan to Mr. Brisket.</p>
	<p>95-2017 (PD): \$10,000 Economic Development Loan to evo DOMUS.</p>
	<p>\$139,000 (2018 SIO) request from city staff for area between Euclid Hts. Blvd and Berkely and Taylor Road.</p>
	<p>\$77,195 (2019 SIO) for \$77,195 for same area.</p>
	<p>60-2015 (F): \$120,000 renovate 2140 S. Taylor Road.</p>
	<p>\$10,000 CDBG to Cedar Taylor Development Association (2020 CDBG)</p>
	<p>Cain Park Village Trailway Study: \$20,000 (2020 SIO)</p>
	<p>Bicyclists in the city and NOACA worked with Cleveland Heights and University Heights on a 2018 Taylor Road Corridor study, finalized in January 2021 per 2020 report. Have the \$\$ info somewhere in my records, but could not find it quickly.</p>
	<p>Rough total the City has extended to the Taylor Road area: \$898,195 in funds directed to Taylor Road going back to 2015.</p>
	<p>A search for the same related to Noble, turns up no Economic Development Loans, no CDBG or SIO grants, and no city-funded planning.</p>
	<p>In Council's 2017, Noble was top of the list!</p>
	<p>Council Planned to:</p>
	<ul style="list-style-type: none"> <li>- Research a CRA for Noble Road. Only happened because created city-wide CRAs, but lowered benefits for Noble area.</li> <li>- Market city loan programs in the area for redevelopment – not done.</li> <li>- Review all CDBG funds allocated to area – None had been</li> </ul>

allocated.

- City was to use its Strategic Opportunity Impact funds in Noble Road area.

What happened? See the \$139,000 2018 SIO above for the Taylor Road area.

The city provided no funds, grants, etc. for the Noble Corridor plan – paid for by U.S. Bank via FutureHeights and focused solely on Mayfield Road intersection at Warrensville and Noble – in an area the city had told FH it would not move city services housed there.

The city updated Caledonia Park and renamed it Barbara Boyd Park, a park inside East Cleveland. 2018 Allocated \$100,000 for this project.

Rough Total for Noble: \$100,000

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**106 Name** Victoria Mills

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**Public Comment** Doan Brook Watershed Partnership held three meetings in 2020 specifically to consider an active public fishing program at Lower Lake. We invited fish biologists and recreational fishing experts from the Department of Natural Resources and the Cleveland Metroparks. Pros include a new recreational activity for the community that connects them to local natural resources and a funding source (the State of Ohio) for stockings. The cons included:

- An increase of fishing waste/litter along the shores, tangled in trees, and in the waterway, which continues through the three communities to Lake Erie.
- A public health hazard posed by fishing litter, most importantly the hooks that have already cut the mouths of dogs and the hands of humans that visit Lower Lake.
- No fishing pier or dock to distance casting from people visiting the shore of the lake.
- Very limited open (unvegetated) shoreline from which to fish, with almost none on the Cleveland Hts. side.
- A threat to birds and birders that continue to celebrate Lower Lake's Audubon designation as an official Important Bird Area in Ohio.
- If fishing stocking were permitted, Lower Lake would automatically be added as a destination to a map that's issued across Ohio. This has the

potential to shift this small park from a local amenity to a more crowded amenity, without an increase in funding for parking, facilities, maintenance etc. and without engaging in a wider public input process.

- An interest in delaying formal fishing activities until the Northeast Ohio Regional Sewer completes a stormwater master plan for the future of Lower Lake. Included in this study, will be a public input process for residents of Cleveland Heights and Shaker Heights.
- Lower Lake is very shallow. The addition of hot summers and nutrient runoff from lawns, can create eutrophic conditions (low aquatic oxygen levels).
- Fishing programs require management. Neither City has staff capacity or budget to manage a fishing program.
- No imperative need because there are several nearby fishing destinations (without vegetated shorelines exist in Forest Hills Park and Rockefeller Park. All of DBWP's recent stream restoration projects have restored habitat for native fish populations. We are also keenly aware that North American bird populations have dropped by a third in the last fifty years. Introducing farm-raised fish to a manmade lake without considering impacts to wild bird populations is short-sighted. A campaign to promote fishing without engaging in a forum that encourages the exchange of facts and ideas is short-sighted. Each quarter, DBWP hosts a Parklands Management Committee meeting with volunteers, agencies and organizations. We discuss park management, science and restoration. The public can bring ideas to the committee for consideration; in fact, several citizen science projects that bring great benefit to our community started through PMC process. Many of the concepts found in the anonymous posting are not factual, but we look forward to opportunities to share information on the current conditions at Lower Lake. The public is invited to send comments to [info@doanbrookpartnership.org](mailto:info@doanbrookpartnership.org).

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**107 Name**

Michael Morse

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**Public Comment** I think fishing is not appropriate in the Shaker Lakes.

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