



COUNCIL UPDATE

April 29, 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 calendar.

Friday, April 30	-	10:00 a.m.	-	Arbor Day Ceremony at Community Garden (corner of Noble and Roanoke)
Monday, May 3	-	6:30 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council
Tuesday, May 4	-	5:00 p.m.	-	Landmark Commission
	-	7:00 p.m.	-	Architectural Board of Review
Wednesday, May 5	-	6:00 p.m.	-	Public Safety & Health Committee
Thursday, May 6	-	6:00 p.m.	-	Meet Your Police
Monday, May 10	-	6:30 p.m.	-	Committee of the Whole

LEGISLATION

- **Budget Amendment.** 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
- **Bike Month.** A Resolution proclaiming May 2021 to be Bike Month in the City of Cleveland Heights

- **HB1.** A Resolution expressing support for House Bill 1, containing the Fair School Funding Plan
- **HP SAN.** A Resolution authorizing an agreement with AdvizeX for the purchase of a Hewlett-Packard (HP) Storage Access Network (SAN) and Hewlett-Packard 5 Year SAN Support
- **National Preservation Month.** A Resolution declaring May 2021 National Preservation Month
- **Tax Fairness and Public Services.** A Resolution in support of the passage of laws and implementation of policy measures aimed at advancing tax fairness and improving public services
- **PRO Act.** A Resolution in support of the Protecting the Right to Organize (PRO) Act, which provides a generational opportunity for the labor movement and serves as the cornerstone of the Workers First Agenda
- **Temporary Standing Rules of Council.** An Ordinance authorizing the use of Temporary Standing Rules of Council; establishing the parameters thereof
- **Charter Amendment.** An Ordinance providing for the submission to the electors of the City of Cleveland Heights of proposed amendments to the Charter of the City of Cleveland Heights for placement on the November 2, 2021 ballot

UPDATES

Communications

- The Centennial website and mural project were launched. There is a prepared Call to Artists for Mural designs. A press release was sent out on Centennial activities. Articles ran in Patch, two in Cleveland.com, Heights Observer and Cleveland Jewish News.
- A press release was prepared for Arbor Day and the 43rd year of being designated Tree City USA.
- Staff facilitated an interview for Cleveland Jewish News with Tim Boland regarding Cedar Lee Meadowbrook. A press release was distributed regarding the Flaherty & Collins MOU.
- Staff is gathering and coordinating departmental information for the Transition Book.

- Staff is preparing a media buy for spring – Focus on outdoor dining options in Cleveland Heights.
- Information and interviews are being gathered for Cleveland Magazine's July special supplement on Cleveland Heights.

Parks and Recreation

- The existing Forest Hill Park playground will be removed next week in preparation for the installation of a new all-inclusive playground at the same location. New equipment is set to be installed over the following 2 weeks, weather permitting. The new playground should be completed by mid-May. A ribbon cutting event will be scheduled for a later date. More details to come.
- Outdoor basketball has been restored at Denison Park, Cain Park and Cumberland Park. Brand new backboards and rims were installed last week. The courts had been closed over a year due to Covid-19.

Fire

- Our new fire engine has been outfitted and placed in service after all crews were trained.



- All of our personnel are completing ACLS (Advanced Cardiac Life Support) refresher training this month. While not required, this course makes us better at what we do. The course teaches interventions, drug therapy, EKG recognition, and treatment modalities for all cardiac related events.

- A gasoline leak was found on 4/22 at the corner of Noble and Monticello entering the sanitary sewer system. Quick action by fire department personnel, sewer department, public works, Ohio EPA, State Fire Marshal, private contractors, police department, the station owner and our Fire Inspector, led to a safe resolution. Thanks to all for your dedicated service.

Police

- On Friday, April 23, 2021 around 3:50 pm an aggravated robbery occurred at Princeton Blvd. and Fairmount Blvd. The victim had just parked on Princeton and exited her vehicle when she was approached by the two suspects. One of the suspects brandished a handgun and demanded her car keys. The victim complied and the suspects drove away in her vehicle. Overnight Maple Heights PD observed two vehicles drag racing in their city and attempted to stop both vehicles. One of the vehicles was the victim's car from the robbery. The vehicle fled from the police and crashed in Warrensville Heights. The males in the vehicle fled on foot but police were unable to locate them. The incident remains under investigation.
- On the morning of Monday, April 26, 2021, a phone call was forwarded to the Cleveland Heights Police Detective Bureau and upon being answered by a Detective the caller stated that he was "going to kill a cop today" and "I'm killing one of ya'll." The caller appeared to me a male and detectives immediately began trying to track down the phone number it originated from. A short time later a second call was made to the Detective Bureau and the caller stated "I'm killing one of ya'll this year." Through further investigation detectives were able to identify the caller and on the evening of April 27th he was taken into custody without incident. The suspect was wanted by CHPD for a felony warrant. He is currently in custody and will be facing additional charges.
- On the evening of Tuesday, April 27, 2021, the Police Department held its second Town Hall in conjunction with the Diversity Institute at Cleveland State University to discuss two more recently drafted policies: Bias-based Policing and Use of Force. Approximately 55 people registered for the Town Hall but the exact number of those in attendance is not known yet. The Police Department was provided the opportunity to answer some questions about the policies that were submitted ahead of time and then the attendees were broken into groups for some private conversation with members of the Diversity Institute. During the group discussions more feedback was received from residents about the policies and that will be gathered and forwarded in a report the Police Department by the Diversity Institute. Once the feedback is received it will be published on the City's website for residents to view.



MEMORANDUM

To: Susanna Niermann O'Neil, City Manager

From: Eric Zamft, Planning Director

Date: April 28, 2021

Subject: Bi-Weekly Planning Department Update

HIGHLIGHTS OF PLANNING INITIATIVES

HISTORIC PRESERVATION DESIGN GUIDELINES

Staff is working closely with Naylor Wellman on the preparation of Historic Preservation Design Guidelines, including upcoming stakeholder and public meetings. Staff will continue to provide updates on the initiative in each Planning Report.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME ADMINISTRATION

The Annual Action Plan was recently submitted to HUD. An internal “Community Development Working Group” continues to strategize on how to best leverage HUD funding for the community and will engage the Citizens Advisory Committee (CAC). Staff will update Council on the outcomes of that strategic planning at future meetings. Staff has begun working with several local nonprofits in order to continue to further fair housing in Cleveland Heights. The Heights Community Congress (HCC) recently completed its second virtual Racial Equity and Inclusion training with excellent attendance. Staff will be working with HCC in order to implement the recent change in the City’s fair practices ordinance regarding source of income protection.

PLACEMAKING

Planning is helping to guide a number of placemaking activities, working collaboratively with the Manger’s Office and other departments. With assistance from the Department of Public Works, a parklet trial run was temporarily installed on Cedar Road. Planning staff, the Police Department, DPW, and other City departments have been observing the trial run and staff will report back to Council at a future meeting. Other placemaking activities include:

- South of Cedar Parking and Traffic Study Implementation
- Mayfield Road Corridor Multimodal Plan Implementation

- Compton Road Greenway
- Community gardens
- Bloomberg's Asphalt Art Initiative
- 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. Staff presented to the Committee of the Whole on April 26, 2021 regarding potential amendments to the regulations related to private parking garages. Based upon direction from Council, staff is working with the Law Department on formal legislation. Planning staff is also working with the Law Department on proposed legislation that would clarify the regulations related to rain gardens/rain barrels.

SUSTAINABILITY

Staff sits on the Doan Brook Watershed Partnership (DBWP) Board and is Vice President of the Executive Committee; Councilwoman Dunbar is City Council liaison and sits on the Board. The 2021 DBWP Community Outreach Event Calendar is attached to this memorandum.

COORDINATION WITH ECONOMIC DEVELOPMENT DEPARTMENT INITIATIVES

- *Neighborhood Redevelopment Program (NRP), Phase 1* –Planning staff continues to provide support to Economic Development with the selected developers and implementation, as necessary.
- *Cedar-Lee-Meadowbrook Redevelopment* – Planning staff is working with Economic Development on the Memorandum of Understanding process, including reviewing the zoning of the redevelopment site, the parking study, and other planning-related matters.
- *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.
- *Other Economic Development Initiatives* – Planning staff provides input and support on other initiatives, including additional NRP phases, the Taylor-Tudor property, the Storefront program, etc.

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) – 1st and 3rd Tuesday

At the April 20, 2021 ABR meeting, the following applications were discussed and approved:

Address	Case #	Project Description
3216 Silsby Road	ABR 2021-74	Request to install new signage for Jean Taylor School
2576 Ashton Road	ABR 2021-76	Request to install a garden window
2249 North Taylor Road	ABR 2021-77	Request to install new windows
1976 Revere Road	ABR 2020-156	Request to replace stucco and timber areas on front of home
907 Montford Road	ABR 2021-78	Request to install a two-car detached garage
1211 Sylvania Road	ABR-2021-79	Request to install a two-car detached garage
12954 Cedar Road	ABR 2021-81	Request to install a two-car detached garage
3031 Berkshire Road	ABR 2021-82	Request to install a rain barrel in the front yard
3626 Mayfield Road	ABR 2021-83	Request to install new signage for The Company Salon
3944 Orchard Road	ABR 2021-84	Request to install new windows and alter openings
3586 Hartwood Road	ABR 2021-85	Request to install new windows and build a deck in the rear yard
3041 Essex Road	ABR 2021-86	Request to install a two-car detached garage with studio space
2671 Scarborough Road	ABR 2021-87	Request to install a fence in the rear and corner side yard
2996 Edgehill Road	ABR 2021-88	Request to install a two-car detached garage
2991 Scarborough Road	ABR 2021-89	Request to install a two-car detached garage
3155 Essex Road	ABR 2021-90	Request to add an addition to a two-car detached garage
3314 Beechwood Avenue	ABR 2021-91	Request to install a deck in the rear yard
2215 Delamere Drive	ABR 2021-92	request to remodel a screened-in porch
2528 Bolton Road	ABR 2021-93	Request to install a deck in the rear yard
2853 Berkshire Road	ABR 2021-94	Request to alter existing porch
3393 Dellwood Road	ABR 2021-96	Request to install solar panels on the garage roof
3808 Summit Park Avenue	ABR 2021-97	Request to build an 18' by 20' 8" detached garage
3595 Antisdale Avenue	ABR 2021-98	Request to install new siding

For the following cases received preliminary review and will return at a future meeting:

Address	Case #	Project Description
2278-2280 Lee Road	ABR 2021-75	Request to replace the storefront
2346 Woodmere Drive	ABR 2021-80	Request to install a new window

For the following case was not reviewed at the meeting:

Address	Case #	Project Description
3045 Scarborough Road	ABR 2021-95	Request to install a two-car, detached garage

The next ABR meeting will be held on May 4, 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)

There was no recent activity involving the Board of Control.

BOARD OF ZONING APPEALS (BZA) – 3rd Wednesday

At the April 21, 2021 BZA meeting, the following applications were discussed and granted variances:

Address	Case #	Project Description
2373 Euclid Heights Boulevard	Cal. No. 3514	Variance to permit 20 surface parking spaces (10 enclosed required)
2030 South Taylor Road	Cal. No. 3515	Variance to permit a 6-foot-tall ornamental metal fence in front and corner side yards (max. 4 feet)
12628 Cedar Road	Cal. No. 3517	Variance to permit a 6-foot-tall fence in the side yard to be 4' 3" from the applicant's house (min. 6 feet required)
3041 Essex Road	Cal. No. 3518	Variances 1) to permit replacement garage/accessory building to be located 3 feet from rear and 1 ½ feet from side property lines (min. 5 feet required) and 2) to permit accessory building to be taller than max. 15 feet

For the following case was continued to the next meeting:

Address	Case #	Project Description
12401 Cedar Road	Cal No. 3519	Request for a variance to permit a freestanding, walk-up ATM (use not permitted)

The next BZA meeting will be held on May 19, 2021 and the agenda will be posted shortly. A link to the agenda will be provided in the next bi-weekly Planning Department report.

LANDMARK COMMISSION – 1st Tuesday of Odd Numbered Months

May is National Preservation Month. Legislation will be before Council on May 3, 2021 to recognize it locally in Cleveland Heights as we have done annually. 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), the annual virtual preservation webinar series, and the possibility of landmarking properties for their cultural heritage instead of (or in addition to) their architecture.

The Landmark Commission also jointly met with the ABR on April 20, 2021. The following application was discussed and approved:

Address	Case #	Project Description
3216 Silsby Road	ABR 2021-74	Request to install new signage for Jean Taylor School

The next Landmark Commission meeting will be a joint meeting with the ABR on May 4, 2021. The agenda can be found here:

<https://www.clevelandheights.com/DocumentCenter/View/9244>

PLANNING COMMISSION – 2nd Wednesday

The Planning Commission met on April 14, 2021 to discuss two (2) applications, both of which were approved:

Address	Case #	Project Description
3565 Shannon Road	Proj. No. 21-04	Lot resubdivision to combine lots
2857 Noble Road	Proj. No. 21-03	Conditional use permit for an auto repair business

The next Planning Commission meeting will be held on May 12, 2021 and the agenda will be posted shortly.

CITIZENS ADVISORY COMMITTEE (CAC) – 3rd Tuesday

At the April 20, 2021 CAC meeting the Finance Director presented to the CAC. Reallocation of the Commercial Revolving Loan Funds was also discussed. The CAC also formed two (2) subcommittees in order to improve CAC community engagement and diversity within the committee itself through a more diverse applicant pool. The next CAC meeting will be held on May 18, 2021 and a link to the agenda will be provided in the next bi-weekly Planning Department report.

TRANSPORTATION ADVISORY COMMITTEE (TAC) – 4th Wednesday

At the April 28, 2021 TAC meeting a number of items were discussed. These included traffic islands, sidewalks, the upcoming Trails Conference, the Compton Road Greenway, and other matters. The next TAC meeting will be held on May 26, 2021 and a link to the agenda will be provided in the next bi-weekly Planning Department report.



Community Outreach Events Calendar

2021

Check out all the ways to connect with your local watershed this year!

Stewardship Opportunities show local watersheds some love by clearing litter and invasive species

- September 25. National Public Lands Day
- Invasive weed and native plant habitat restoration at Lower Shaker Lake -- most Sundays, please check doanbrookpartnership.org/friends-of-lower-lake-join-us/

Rain Barrel Workshop roll up your sleeves and reduce your stormwater impact

- May 20, 5:45pm & 6:30pm. Rain barrel workshop at Nature Center at Shaker Lakes

Hike the Doan Brook Parklands learn about local history and ecology on a guided hike

- June 12, 1:00pm. Ambler Heights Walk
- October 9, 1:00pm. Doan Brook Gorge Hike
- October 23, 9:00am. Doan Brook Photography Hike



Online Webinars learn about local history and ecology from the comfort of your home

- June 3, 7:00pm. History of Lower Lake

Storm Drain Stenciling Saturdays make your mark! spread the word about stormwater pollution

- June 5, 9:30am. Cleveland
- September 4, 9:30am. Dugway Creek



Family Fishing Workshops join us for fishing around historic Rockefeller Lagoon

- May 22, 10am & 1pm. Bluegill & Catfish
- June 26, 10am & 1pm. Bluegill & Catfish
- September 11, 10am & 1pm. Bluegill & Catfish
- October 23, 10am & 1pm. Trout



8th Annual Take to the Lake paddle Lower Shaker Lake on a summer afternoon

- TBD in August or September

Times and places are subject to change. Visit our website, www.doanbrookpartnership.org, or call 216-325-7781 for more info. Like us on [Facebook](#)!

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.



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 27, 2021

To: Susanna Niermann-O'Neil, City Manager

From: Collette Clinkscale, Director of Public Works

Subject: Public Works Update

Sanitary Sewer Evaluation Survey

Requirements		Due
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 23, 2021

	<u>Completed Thru April 23, 2021 (LF)</u>	<u>Overall Remaining (LF)</u>	<u>Overall Remaining (%)</u>
CCTV Phase 1	395,097	-	-
CCTV Phase 2	199,326	25,466	11%
MHs Phase 1	1,978	-	-
MHs Phase 2	1,115	-	-
Cleaning Total	673,313	-	-
Cleaning (2018) only	173,355	-	-
Cleaning (2019) only	304,188	-	-
Cleaning (2020) only	140,713	-	-
Cleaning (2021) only	55,057	76,943	58%

Work Completed by Entity

	<u>City</u>	<u>Contractor</u>	<u>County</u>
CCTV (Phase 1)	19% 75,464 LF	54% 215,287 LF	27% 104,346 LF
CCTV (Phase 2)	16% 36,608 LF	36% 81,739 LF	36% 80,979 LF
Cleaning (2021) only	3% 4,111 LF	16% 21,660 LF	22% 29,286 LF
Cleaning Total	28% 185,361 LF	43% 295,811 LF	29% 192,141 LF

Capital Projects

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

The contractor is currently finishing up the remaining punch list work.

#20-06 – Delamere Drive Basement Flooding Relief

The Delamere project is moving right along. An additional 30 LF of 24" sanitary sewer and of 48" storm sewer and a new catch basin have been installed on Nottinghill Lane. Two cut-in valves have been installed and 220' of water main that had to be relocated along the south side of Nottinghill Lane, east of Delamere has been installed.

#21-01 – Shannon Road Resurfacing & Waterline Replacement

The contractor has begun to mobilize. Work is expected to begin next week. Residents have been notified.

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

We are currently processing the contract documents.

#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

Our engineers have submitted proposals for the repairs to the transfer station. The first piece of much needed Refuse Equipment arrived last week and operators underwent training for the safe operation of the new equipment. The new Lightning Loader bulk collection vehicle will be out next week servicing our residents during May bulk collection week.



Streets Maintenance Division

Spring loose leaf collection has been going very well, the recent snow storm delayed collection slightly, but the crews are expected to catch up this week.

The Street maintenance division will continue picking-up kraft bags and branches on the tree lawn for an additional week to help with all the storm damage.

Road repair work is also expected to begin next week.

Forestry Division

The Forestry division has been out responding to storm damage calls and cleaning up branches throughout the city.

Refuse & Recycling

Next week is bulk collection week, and residents are permitted to place up to 4 bulk items out for collection on their regularly scheduled collection day. For additional bulk items, special bulk collections on non-scheduled collection days residents are encouraged to use the online request form at the following link:

www.clevelandheights.com/bulkbrushrequest

Other

Completed and submitted transition package to Public Relations.

Attend MCIP pre-proposal meeting to discuss potential projects for upcoming submission.



**CLEVELAND
HEIGHTS**

Committee of the Whole

May 3, 2021

6:30 p.m.

Agenda

Online Only

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

1. Legislation
2. Executive Session - 1. *To consider the sale or lease of City-owned real property; 2. To review negotiation and bargaining sessions with public employees or their representatives concerning such employees' compensation or other terms and conditions of their employment; and 3. To discuss the appointment of a public official*



CLEVELAND HEIGHTS

AGENDA (tentative) – CLEVELAND HEIGHTS CITY COUNCIL MEETING

Monday, May 3, 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 19, 2021**
- 5) Personal communications received from citizens (via electronic mail)**
- 6) Report of the City Manager**
- 7) Report of the Chief of Police**
- 8) Report of the Clerk of Council**
- 9) Committee Reports**
 - a.) PLANNING AND DEVELOPMENT COMMITTEE**
 - b.) PUBLIC SAFETY AND HEALTH COMMITTEE**
 - c.) ADMINISTRATIVE SERVICES COMMITTEE**

ORDINANCE NO. 53-2021 (AS). An Ordinance providing for the submission to the electors of the City of Cleveland Heights of proposed amendments to the Charter of the City of Cleveland Heights for placement on the November 2, 2021 ballot

Introduced by Council Member _____

Vote _____
For _____ Against _____ No. Reading _____

ORDINANCE NO. 54-2021 (AS). An Ordinance authorizing the use of Temporary Standing Rules of Council; establishing the parameters thereof

Introduced by Council Member _____

Vote _____
For _____ Against _____ No. Reading _____

d.) COMMUNITY RELATIONS AND RECREATION COMMITTEE

RESOLUTION NO. 45-2021 (CRR). A Resolution in support of the passage of laws and implementation of policy measures aimed at advancing tax fairness and improving public services

Introduced by Council Member _____

Vote _____
For _____ Against _____ No. Reading _____

RESOLUTION NO. 55-2021 (CRR). A Resolution expressing support for House Bill 1, containing the Fair School Funding Plan

Introduced by Council Member _____

Vote _____
For _____ Against _____ No. Reading _____

RESOLUTION NO. 56-2021 (CRR). A Resolution in support of the Protecting the Right to Organize (PRO) Act, which provides a generational opportunity for the labor movement and serves as the cornerstone of the Workers First Agenda

Introduced by Council Member _____

Vote _____
For _____ Against _____ No. Reading _____

e.) FINANCE COMMITTEE

ORDINANCE NO. 57-2021 (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 _____

f.) MUNICIPAL SERVICES COMMITTEE

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. 58-2021 (AS). A Resolution authorizing an agreement with AdvizeX for the purchase of a Hewlett- Packard (HP) Storage Access Network (SAN) and Hewlett-Packard 5 Year SAN Support

RESOLUTION NO. 59-2021 (CRR). Resolution proclaiming May 2021 to be Bike Month in the City of Cleveland Heights

RESOLUTION NO. 60-2021 (PD). Resolution declaring May 2021 National Preservation Month

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: WEDNESDAY, MAY 19, 2021



Law Department

TO: Members of Council

FROM: William R. Hanna, Director of Law
Alix Noureddine, Assistant Director of Law

CC: Susanna Niermann O'Neil, City Manager

DATE: April 29, 2021

RE: Proposed Charter Amendment for Vacancies on Council

In your packet for consideration and discussion is a draft Ordinance with current Charter language and Charter language as recommended by the Charter Review Commission concerning vacancies on the Council.

Pursuant to the Ohio Constitution, Charter amendments can be submitted to voters no less than 60 days nor more than 120 days from the date of passage of the authorizing legislation. *See* Ohio Const. art. XVIII § 08-09. Accordingly, to appear on the November 2, 2021 ballot, the Ordinance authorizing the Charter amendments must be adopted and submitted no earlier than July 5, 2021 and no later than September 3, 2021.

Proposed: 5/3/21

ORDINANCE NO. 53-2021 (AS)

By Council Member

An Ordinance providing for the submission to the electors of the City of Cleveland Heights of proposed amendments to the Charter of the City of Cleveland Heights for placement on the November 2, 2021 ballot; and declaring an emergency.

WHEREAS, Article III-4 of the Charter of the City of Cleveland Heights provides, in part, that “[a]ny vacany in the Council . . . shall be filled by appointment by a majority of the remaining members of the Council”; and

WHEREAS, Article III-4 of the Charter of the City of Cleveland Heights does not provide a specific timeframe by which Council must make an appointment filling the vacant seat in the Council; and

WHEREAS, this Council has determined that it would be in the best interests of the City and its residents to provide a timeframe by which Council may fill a vacant Council seat; and

WHEREAS, pursuant to Article XIII of the Charter of the City of Cleveland Heights and the Constitution of the State of Ohio, this Council has determined to authorize and direct the submission to the electors of the City of Cleveland Heights of proposed charter amendments at the general election to be held on Tuesday, November 2, 2021, which election is not less than 60 nor more than 120 days from the effective date of this Ordinance, and that submitting the same to the electors is in the best interest of the City and its residents; and

WHEREAS, Article XIII of the Charter of the City of Cleveland Heights provides that amendments to the Charter may be submitted to the electors of the City of Cleveland Heights by a vote of five (5) members of this Council.

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

SECTION 1. This Council directs that there shall be submitted to a vote of the electors of the City of Cleveland Heights, at the general election to be held at the usual places of voting in said City on Tuesday, November 2, 2021, the question of whether the selected provision of the Charter of the City of Cleveland Heights should be amended to read as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Cuyahoga County Board of Elections is hereby directed to submit the following question to the electors of the City of Cleveland Heights at the general election on Tuesday, November 2, 2021 in substantially this form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

“Shall Article III, Section 4 of the Charter of the City of Cleveland Heights be amended to prescribe a timeframe by which Council may fill a vacant Council seat and that if not filled by Council within the prescribed time such vacancy shall be submitted to the electors at the next primary or general election?

 Yes No”

SECTION 3. The Clerk of Council is hereby instructed to file forthwith a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not less than sixty (60) nor more than one hundred twenty (120) days prior to November 2, 2021, for the Board’s processing in the manner provided by the general laws of the State of Ohio.

SECTION 4. The Clerk of Council is hereby directed to provide notice of the proposed amendments pursuant to Article VIII-5 of the Charter of the City of Cleveland Heights, by either: (1) printing or mailing to each registered elector an official publicity pamphlet, or (2) publicizing official publicity in a newspaper published and generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City, at least once a week for not less than two consecutive weeks with the first publication being at least thirty (30) days prior to November 2, 2021. Such publicity pamphlet or publication shall contain a full text of the proposed Charter amendment, with the respective ballot title, together with any explanation or argument for or against such measure which may have been filed with the Clerk of Council.

SECTION 5. Pursuant to Article XIII of the Charter of the City of Cleveland Heights, if the majority of electors voting thereon vote in favor of adopting the proposed amendments to the Charter of the City of Cleveland Heights, it shall become a part of the Charter at the time fixed in the amendments, and if no time is fixed therein, then such amendments shall become a part of the Charter upon its approval by the electors.

SECTION 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely submit to the electors of the City of Cleveland Heights the proposed amendments to Charter of the City of Cleveland Heights amendments in time to meet Board of Elections deadlines. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

EXHIBIT A

CURRENT CHARTER LANGUAGE

SECTION III-4. VACANCIES.

Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment by a majority of the remaining members of the Council. Such appointee shall hold office through December 31 following the next regular municipal election taking place more than sixty days after such vacancy occurs; provided, however, that the term of a member shall not be lengthened by his resignation and subsequent appointment. The term of the person chosen at such election to succeed such appointee for any unexpired term shall begin the first day of January next following his election and he shall serve the remainder of such unexpired term.

LANGUAGE AS RECOMMENDED BY THE CHARTER REVIEW COMMMISSION

3.4 VACANCIES.

The procedure for filling a Council vacancy is as follows:

- (a) Unless the unexpired term is scheduled to expire earlier, an election regarding a Council vacancy shall be held at the first primary or general election that occurs at least two hundred ten (210) days after the vacancy occurs (Vacancy Election).
- (b) Council may, by an affirmative vote of a majority of its members in office at the time of the appointment, fill the vacancy in the first instance by appointment, provided that it does so not later than ninety (90) days after the vacancy occurs. Council shall develop a process for making the appointment and include the process in the rules by which it operates. The term of a person who fills a vacancy by appointment shall extend until the earlier of (i) the expiration of the unexpired term, or (ii) the first regular meeting of Council following the certification of electoral results from the Vacancy Election.
- (c) If Council does not fill the vacancy in the first instance by appointment as provided above, the vacancy shall be filled in the first instance by election at the Vacancy Election.
- (d) The term of a person elected at the Vacancy Election shall begin at the first regularly scheduled meeting of Council following the certification of electoral results of the Vacancy Election and shall extend for the remainder of the unexpired term.

Proposed: 5/3/21

ORDINANCE NO. 54-2021 (AS)

By Council Member

An Ordinance authorizing the use of Temporary Standing Rules of Council; establishing the parameters thereof; and declaring an emergency.

WHEREAS, pursuant to Article III, Section 8 of the Charter of the City of Cleveland Heights, this Council has the authority to determine its own rules and order of business, including prescribing the form, method, and procedure for legislative enactments; and

WHEREAS, pursuant to Section 111.25 of the Codified Ordinances of the City of Cleveland Heights, this Council may, by vote of five (5) members of the Council, repeal, amend, alter, or adopt new rules for conducting the business that comes before it; and

WHEREAS, pursuant to Section 111.26 of the Codified Ordinances of the City of Cleveland Heights, the rules enumerated in Chapter 111, "Council," may be temporarily suspended by vote of five (5) members of the Council; and

WHEREAS, in furtherance of good governance and the general goal of civic efficiency, this Council desires to provide certain standing rules by which this Council must operate; and

WHEREAS, the adoption of Council standing rules will promote productivity of this Council and allow the most efficient use of staff resources; and

WHEREAS, this Council believes that adopting standing rules is in the best interest of the City and its residents.

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

SECTION 1. Pursuant to Article III, Section 8 of the Charter of the City of Cleveland Heights, this Council hereby approves the Temporary Standing Rules of Council attached hereto and incorporated herein as Exhibit A, which shall be in effect until December 31, 2021 unless otherwise provided by subsequent legislation adopted by this Council.

SECTION 2. This Council may, at any time but consistent with the Temporary Standing Rules of Council, prescribe different or additional rules and limitations governing Council's conduct and the conducting of Council business.

SECTION 3. Pursuant to Section 111.26 of the Codified Ordinances of the City of Cleveland Heights, this Council temporarily suspends any and all provisions contained in Chapter 111, "Council," of the Codified Ordinances to the extent any such provision is inconsistent with the Temporary Standing Rules of Council. This Council suspends any such inconsistent provision during the time the Temporary Standing Rules of Council are in effect, pursuant to Section 1 herein.

RESOLUTION NO. 54-2021 (AS)

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

SECTION 5. This Ordinance 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 implement the above-described standing rules of Council at the earliest time possible to promote civic efficiency, good governance, and allow for the most efficient use of staff resources. 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.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

TEMPORARY STANDING RULES OF COUNCIL

1. The President of Council shall decide all questions of order and decorum.
2. The City Manager and the President of Council shall prepare the agenda for each Council meeting, including each Committee of the Whole meeting. An ordinance or resolution that is not placed on the agenda may be added to the agenda only via a motion and second which is approved by the vote of at least five (5) members of Council. An ordinance or resolution that has been placed on the agenda may be removed from the agenda only via a motion which is approved by the vote of at least five (5) members of Council.
3. An ordinance or resolution or legislation requested by a member of the Council may be formally introduced and placed on Council's agenda only after receiving the support of at least one additional Council member, and remains subject to Temporary Standing Rule 2. Notwithstanding the provisions of Section 111.16 of the Codified Ordinances concerning the ability of any member of Council to request legislation, the Director of Law shall draft the form of any proposed legislation requested by a member of Council, or review legislation not prepared by him for approval as to form, only after receiving an indication of support for the request by an additional Council member. The requesting Council member shall copy the President of Council and the additional supportive Council member on such request to the Law Director or shall otherwise notify them before the Director of Law begins any drafting or review. Staff input and recommendations shall be obtained on any ordinance or resolution that affects the operations of the City.
4. Council Committee meetings other than Committee of the Whole meetings shall be scheduled only after the agenda for such meeting has been approved by the President of Council, who may remove from any such agenda any items he determines to be outside of the Committee's scope as prescribed by Resolution 1-2020. An item removed from the agenda of a scheduled Council Committee meeting by the President of Council may be added back to such agenda only via a motion and second which is approved by the vote of at least five (5) members of Council within a regular or special meeting of Council.
5. All opportunities for a Council member to appear in her/his official capacity (*i.e.* as a Council member) at any event pursuant to an invitation by an outside person or group shall be announced and made available to all members of Council.
6. No member of Council shall use the City logo in campaign materials or at campaign events, or take other actions that imply that any candidate has the support of the City.
7. A point of personal privilege may apply to a member of Council when she or he feels that their integrity, motives or character have been called into question. Consistent with Roberts Rules and Temporary Standing Rule 1, the President of Council shall rule on each point of privilege, but his ruling may be appealed (requiring a second) and can be overridden by the vote of at least four (4) members of Council.

Proposed:

RESOLUTION NO. 45-2021 (CRR)

By Council Member Russell

A Resolution in support of the passage of laws and implementation of policy measures aimed at advancing tax fairness and improving public services; and declaring an emergency.

WHEREAS, the COVID-19 pandemic has exposed the consequences of the historical failure to adequately fund public services through reductions in the local government fund and decreased investment in public health, transportation, infrastructure, and social services; and

WHEREAS, the COVID-19 pandemic has further exposed the inequities in current tax policies by revealing the effects of ongoing failures to prioritize support for our public services and workforce; and

WHEREAS, corporations have seen a steady reduction in state taxes since 2005 yet they rely on the same roads and bridges, broadband infrastructure, water and sewer facilities, safety services, and public transportation as the American workers who have seen their wages stagnate and their share of the tax burden increase; and

WHEREAS, policies must reflect the importance of a well-educated, happy, and healthy workforce to the growth, prosperity, and profitability of business; and

WHEREAS, it is imperative that the State of Ohio invests in providing access to high quality, affordable childcare and early education opportunities, expanding access to high-speed broadband to all corners of the state, and making sure public infrastructure is safe for our communities and environment; and

WHEREAS, Ohio has witnessed that at-risk communities suffer most in times of crisis from underfunded public services; and

WHEREAS, with the recent passage of the American Rescue Plan Act of 2021, the State of Ohio stands to receive billions of dollars; and

WHEREAS, after a decade of decreased funding for local governments, the monies received through the American Rescue Plan allow the State of Ohio to invest in areas that have seen funding cuts or have been overlooked; and

WHEREAS, this Council believes that the State of Ohio should invest a portion of its share of the monies received through the American Rescue Plan in Ohio's infrastructure, public health, transportation, and social services that have suffered because of cuts to the local government fund over time; and

RESOLUTION NO. 45-2021 (CRR)

WHEREAS, this Council believes that the State of Ohio should also invest a portion of its share of the monies received through the American Rescue Plan in its most precious resource: its people; and

WHEREAS, this Council believes that the State of Ohio should use this opportunity to rebalance the tax code in favor of working Ohioans and look toward the future by closing special tax loopholes, re-establish the Corporate Profits tax, and increase Ohio's woefully low oil and gas severance tax; and

WHEREAS, establishing tax fairness in Ohio will allow Ohio to seize this opportunity by creating the long-term funding streams needed to invest in the public services that a healthy and happy workforce requires; and

WHEREAS, this Council believes that when businesses begin to pay their fair share, Ohio will have sufficient resources to invest in fixing our roads and bridges, expanding broadband infrastructure to all corners of the state, modernizing water and sewer facilities, providing excellent safety services, and a 21st century public transportation system.

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

SECTION 1. The City of Cleveland Heights hereby expresses its approval and support for the passage of laws and implementation of policy measures aimed at advancing tax fairness and improving public services. Such laws and measures would greatly increase economic opportunity in Ohio, provide access to high quality, affordable childcare, provide for greater early education opportunities, and allow expanded access to high-speed broadband to ensure our environment and public infrastructure is safe and sufficient for our communities in all corners of this state.

SECTION 2. Restoring the local government fund to its former levels will give the City an opportunity to provide better public health, transportation, infrastructure, and social and safety services to our residents.

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 express support and approval of tax reform supportive of fairness and the provision of public 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 force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 45-2021 (CRR)

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

RESOLUTION NO. 45-2021 (CRR)

Proposed: 5/3/21

RESOLUTION NO. 55-2021 (CRR)

By Council Member Hart

A Resolution expressing support for House Bill 1, containing the Fair School Funding Plan; and declaring an emergency.

WHEREAS, on December 7, 2020, this Council passed Resolution No. 130-2020, expressing its support for House Bill 305 and Senate Bill 376, which proposed to remedy the state's unconstitutional school funding system by funding vouchers directly by the state; and

WHEREAS, the Senate did not consider Senate Bill 376 prior to its legislative session ending; and

WHEREAS, House Bill 1 contains the Fair School Funding Plan, which is virtually identical to House Bill 305 and again seeks to remedy the state's unconstitutional school funding system; and

WHEREAS, this Council is aware that the state's unconstitutional school funding system creates an overreliance on local property taxes to fund the school system, and that constituents in the CH-UH School District were almost evenly divided recently on the issue of raising more property taxes to support the district; and

WHEREAS, funding inequities for schools have had a secondary effect of causing the schools to become resegregated by race and have created a false perception that public schools provide a lower quality education; and

WHEREAS, both the unconstitutional funding system and the deficit financing of vouchers have caused the CH-UH School District to ask the voters to authorize tax levies that would likely have been unnecessary had the state enacted a constitutional funding structure for schools; and

WHEREAS, the current form of deficit funding for vouchers is not sustainable and unless fixed by state lawmakers will hurt the Cleveland Heights community with greater taxation and educational cuts which will hurt Cleveland Heights youth; and

WHEREAS, House Bill 1, if passed, would provide great relief to the CH-UH School District by increasing the funding to schools while still allowing vouchers.

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

SECTION 1. This Council hereby endorses and declares its support for House Bill 1 and urges the Ohio legislature to pass the same. This Council believes that passage of House Bill 1 is a step toward correcting the unconstitutional funding system that has harmed the City of Cleveland Heights and the CH-UH School District.

RESOLUTION NO. 55-2021 (CRR)

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

SECTION 3. 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 timely voice support for House Bill 1. 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.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed:

RESOLUTION NO. -2021 (CRR)

By Council Member Russell

A Resolution in support of the Protecting the Right to Organize (PRO) Act, which provides a generational opportunity for the labor movement and serves as the cornerstone of the Workers First Agenda; and declaring an emergency.

WHEREAS, inequality has skyrocketed due to the failure of policymakers to pass pro-worker labor laws and properly administer the National Labor Relations Act of 1935, which failure has made it more difficult for workers to form unions;

WHEREAS, the PRO Act is the most significant worker empowerment legislation since the Great Depression, as it stands to give workers a free and fair choice on whether to form a union, ensures workers can reach a first contract quickly after a union is recognized, ends employers' practice of punishing striking workers by hiring permanent replacements, and holds corporations accountable, with real penalties, for illegally retaliating against workers who organize; and

WHEREAS, the PRO Act will help make America's economy work for working people, and help raise stagnant wages that have increased only 9% from 1973 to 2013, while productivity has increased 74% over that same time period; and

WHEREAS, wage stagnation and runaway inequality of political, social, and economic power have undermined the public's faith in our democracy; and

WHEREAS, through the expansion of collective bargaining under the PRO Act, there will be increases in pay and protections for women, people of color, immigrants, and the LGBTQ community in areas where our non-discrimination laws are still falling short; and

WHEREAS, America must build back better with unions by making the PRO Act the law of the land, increasing worker power and rebuilding our economy fairly for all of us.

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

SECTION 1. The City of Cleveland Heights hereby expresses its approval and support for the PRO Act. The PRO Act stands to greatly increase economic opportunity in America and empower workers through the promotion and expansion of collective bargaining.

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

SECTION 3. 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 express support and approval of the PRO Act at the earliest time possible. 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.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 5/3/2021

ORDINANCE NO. 57-2021 (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.

JASON STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Exhibit 1

Fund	Department	Object	Reason	Previously Approved Budget	Requested Change	Revised Budget
101 - General	6203 - Refuse Coll/Transfer Sta	O.T.P.S.	Transfer to buy a used truck.	899,900.00	(8,030.00)	891,870.00
		Capital	Transfer to buy a used truck.	0.00	8,030.00	8,030.00
	8601 - Public Health Admin	O.T.P.S.	Increase for indigent burials.	243,500.00	2,450.00	245,950.00
208 - CDBG Resource	5303 - CDBG Housing Pres Office	O.T.P.S.	Increase to establish property owner match portion reimbursed by property owner.	343,751.79	10,000.00	353,751.79
225 - Muni Ct Special Projects	9101 - Municipal Court	Personal Services	Increase for intern salary for paperless project at the Court.	0.00	17,318.00	17,318.00
240 - Federal Miscellaneous Grants	5101 - Planning	Personal Services	Transfer to move budget for grant contractor.	25,060.00	(25,060.00)	0.00
		O.T.P.S.	Transfer to move budget for grant contractor.	0.00	25,060.00	25,060.00
301 - G.O. Bond Retirement	3101 - Finance	O.T.P.S.	Increase for payment of Top of the Hill BAN reissue.	8,152,263.00	1,892,436.04	10,044,699.04
Total				9,664,474.79	1,922,204.04	11,586,678.83



To: Bill Hanna, Director of Law
From: Jim Lambdin, MIS Director
Date: April 21, 2021
Subject: Legislation Hewlett Packard Storage Access Network and Support

The MIS Department seeks legislation for the purchase through AdvizeX of a Hewlett-Packard (HP) Storage Access Network (SAN) and Hewlett-Packard five-year SAN Support Agreement. The equipment is on State Term Schedule 534604 enacted date of 3-21-2021 with expiration date of 9-26-2024, and the price quoted is 74% below the State Term Schedule price. See AdvizeX pricing below.

Equipment	Hewlett-Packard Storage Access Network (SAN)	\$ 34,423.00
Support	Hewlett-Packard 5 Year Support SAN Agreement	\$ 22,597.53

Proposed: 5/3/21

RESOLUTION NO. 58-2021 (AS)

By Council Member

A Resolution authorizing an agreement with AdvizeX for the purchase of a Hewlett-Packard (HP) Storage Access Network (SAN) and Hewlett-Packard 5 Year SAN Support; and declaring an emergency.

WHEREAS, the City's current Hewlett Packard Storage Access Network is aging and lacks sufficient free storage space; and

WHEREAS, at the direction of this Council and the City Manager, the City's Management Information Services Department (MIS Department) has spent several months researching options for the upgrade of the Storage Access Network; and

WHEREAS, the City Manager and MIS Department have recommended that the City's current HP SAN be replaced by a new HP SAN, which will update storage infrastructure and provide opportunities for future expansion; and

WHEREAS, the City Manager and MIS Department have recommended that a new HP SAN be covered under a support agreement with HP; and

WHEREAS, Section 171.02(bb) of the Cleveland Heights Codified Ordinances authorizes the purchase or lease of goods and services without obtaining competitive bids where the price for such goods or services is less than the price that would be obtained through the Ohio Department of Administrative Services Cooperative Purchasing Program; and

WHEREAS, the price for the equipment offered by the vendor identified by the MIS Department, AdvizeX, is lower than the price offered through Ohio Department of Administrative Services Cooperative Purchasing Program.

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 any and all agreements necessary with AdvizeX for the purchase of a Hewlett Packard Storage Access Network and Hewlett Packard 5 Year SAN Support, in accordance with the requirements set forth in Section 171.02(bb) of the Cleveland Heights Codified Ordinances, and any related documents. The purchase price for said equipment shall not exceed the sum of Fifty-Seven Thousand Twenty Dollars and Fifty-Three Cents (\$57,020.53). The agreement and all related documents 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 avoid operational failure of City equipment and to maintain the provision of essential City services. 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.

JASON S. STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 5/3/21

RESOLUTION NO. 59-2021 (CRR)

By Council Member

A Resolution proclaiming May 2021 to be Bike Month in the City of Cleveland Heights; and declaring an emergency.

WHEREAS, bicycling is a sociable, healthy, green and economical mode of travel; and

WHEREAS, since 2010, the United States Department of Transportation has adopted a policy stating that “walking and bicycling are considered as equals with other transportation modes” and “not an afterthought in roadway design;” and

WHEREAS, the State of Ohio recognizes bicycles as valid vehicles for use on all Cleveland Heights roads; and

WHEREAS, Cleveland Heights streets and buildings are ideally arranged in a compact, well-connected pattern making it easy to walk and bike to businesses, schools, and recreational and cultural facilities; and

WHEREAS, Cleveland Heights continues to assess its transportation network and connections to other cities, finding grants for projects that improve the safety and comfort of bicyclists, such as the recently completed Cedar Glen Trail that connects Cedar Fairmount to University Circle and to the Lake to Lakes Trail, and the bike lane buffers on North Park Boulevard; and

WHEREAS, Cleveland Heights was recognized as a bronze-level, Bicycle Friendly Community by the League of American Bicyclists in 2013 and 2017 for four-year periods; and

WHEREAS, on October 5, 2020, this Council, by way of Resolution No. 141-2020, expressed its approval and support for the development of various State and US Bike Routes, including State Bicycle Route 80; and

WHEREAS, educating cyclists on the proper and safe operation of bicycles and motorists on how to properly share roads with bicyclists (including our school children) is important to ensure the safety and well-being of all; and

WHEREAS, Cleveland Heights has been awarded approximately \$1 million in grants from the Safe Routes to School program to improve crosswalks, bicycle parking, and other bike and walking amenities at schools; and

WHEREAS, the League of American Bicyclists, the Heights Bicycle Coalition, and transportation and fitness bicyclists in Cleveland Heights and other cities are promoting greater public awareness of cycling during the month of May through events such as *Bike to Work Week*

RESOLUTION NO. 59-2021 (CRR)

on May 17-23, *Bike to Work Day* on Friday, May 21, 2021, and *Bike to School Day* on May 5, 2021, which brings attention to the importance of creating safe routes to schools; and

WHEREAS, the annual *Ride of Silence* will take place in Greater Cleveland on Wednesday, May 19, 2021, in which Cleveland Heights will participate with hundreds of other cities internationally to honor those killed or injured while riding on public streets, and can be observed by riding solo, riding with household members, or by joining participants who will ride from John Carroll University in University Heights toward different locations in the Heights Area.

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

SECTION 1. This Council does hereby proclaim May 2021 to be Bike Month in the City of Cleveland Heights. This Council encourages all residents to review the laws and regulations governing bicycle safety and to use a bicycle for transportation to work and school, especially for trips within the City of Cleveland Heights.

SECTION 2. Notice of 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 join with the other communities in this celebration and the need to proclaim Bike Month and related events on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 5/3/21

RESOLUTION NO. 60-2021 (PD)

By Council Member

A Resolution declaring May 2021 National Preservation Month; and declaring an emergency.

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the City of Cleveland Heights has 16 historic districts listed on the National Register of Historic Places; and

WHEREAS, in past years City staff has been involved in a wide variety of projects that help the City preserve and promote its historic resources including helping residents research their homes' histories; entering original building permit data into a database; providing on-site rehabilitation advice on topics such as paint color selection, paint removal, and window repair; sponsoring lectures to educate people about architecture, preservation, and Cleveland Heights history; assisting residents in researching and listing neighborhoods to the National Register of Historic Places and installing signs recognizing this designation; and funding improvements through the City's Storefront Renovation Program; and

WHEREAS, Cleveland Heights has shown a continued dedication to promoting the City's history, architecture, and historic preservation through partnerships with the Cleveland Restoration Society to administer the Heritage Home Loan Program, a program that allows owners of older homes access to low-interest loans and the technical assistance necessary to sensitively rehabilitate their older homes; and

WHEREAS, on March 4, 2019, City Council adopted comprehensive amendments to the City's Landmark Commission ordinance to protect and enhance the historic and aesthetic qualities of the City for the enjoyment of the City's residents and visitors alike, and to further preservation goals by enabling the Landmark Commission to safeguard locally designated properties, protect properties as they go through the Landmark designation process, designate local historic districts where more than 50% of property owners consent, and protect designated properties from inappropriate alterations or demolition; and

RESOLUTION NO. 60-2021 (PD)

WHEREAS, in March, 2019, the City of Cleveland Heights was designated a Certified Local Government (“CLG”) by the United States Department of the Interior; and

WHEREAS, as a result of obtaining CLG status, the City of Cleveland Heights applied for and was awarded in 2019 a grant from the State of Ohio to prepare Historic Preservation Design Guidelines; and

WHEREAS, the City of Cleveland Heights recently began the process of preparing those Historic Preservation Design Guidelines; and

WHEREAS Cleveland Heights operates the Cleveland Heights Historical Center at Superior Schoolhouse, which draws visitors and students for tours and research; and

WHEREAS, the City of Cleveland Heights has been hosting events to celebrate National Preservation Month since 2002; and

WHEREAS, the City of Cleveland Heights desires to co-sponsor National Preservation Month 2021 with the National Trust for Historic Preservation; and

WHEREAS, in Cleveland Heights, National Preservation Month 2021 will be observed through the following two (2) events sponsored by the Cleveland Heights Landmark Commission, Cleveland Heights Historical Society, and Heights Libraries. These events are free and will be presented remotely through Heights Libraries via Zoom. Please register at the Heights Library events page: <https://heightslibrary.org/events/event-calendar>

Researching Your House’s History

Wednesday, May 5, 7:00 PM

Speaker: Jamie Miles

History of Cleveland Heights

Wednesday, May 26, 7:00 PM

Speaker: Mazie Adams

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

SECTION 1. This Council does hereby proclaim May 2021 National Preservation Month and calls upon the residents of the City of Cleveland Heights to join their fellow citizens across the United States in recognizing and participating in this special observance.

SECTION 2. Notice of 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

RESOLUTION NO. 60-2021 (PD)

of the City of Cleveland Heights, such emergency being the need to join with the other communities in this celebration and the need to proclaim National Preservation Month on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:



CLEVELAND HEIGHTS

Monday, April 19, 2021 Minutes

COMMITTEE OF THE WHOLE

6:38 – 9:15 p.m.

President of Council Stein presiding

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

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

Topics discussed: Legislation, Vacancy Appointment – Charter Amendment, Curfew History and Implementation, Council Operating Rules

Executive Session

8:09 – 9:16 p.m.

Council Member Dunbar made a motion to begin Executive Session to consider the appointment of a public official; and 2. To consider the sale or lease of City-owned real property. The motion was seconded by Council Member Cobb.

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

Motion Passed

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

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, Freeman, Hanna, Himmelstein, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Smith, Trupo, Zamft

Minutes from the City Council meeting held Monday, April 5, 2021 were approved with submitted edits.

Personal communications received from citizens (via electronic mail)

Amy Himmelstein read the following public comments.

Name	Robert Sanders
Public Comment	Please allow fishing at Lower Shaker Lake.
Name	Susan Efroymson
Public Comment	<p>Dear Council,</p> <p>There are three amendments that I believe should be front and center on your agenda. This is the legislative power that is Council's and it would be a waste of time and public trust to cede that to far off incoming council or mayor- and this is particularly true when we are discussing items that will all have to go to the people for a vote. Your constituency wants the chance to weigh in, and democracy demands that they do.</p> <p>Mayoral Term Limits - Do it now while it's academic. Keep the focus on what's best for the city and not about getting out this man or limiting that woman.</p> <p>Appointments - Gratefully, you've made an appointment. Congrats to Mr. Cobb, but while issues of why it took so long are fresh in your minds, continue your discussion. Don't table it into a forgotten</p>

abyss, but use your knowledge and create a forward thinking amendment that will comport with the new form of two co-equal branches of government.

Both of the above should appear on this upcoming ballot which will pave the way for the new mayor without being about him or her.

Lastly, WARDS. While calling CEM supporters, my personal short poll showed about 80% of the community still thinks it would be beneficial in some form. There are many options if you look at an at-large mix. 5-2? 4-3? It will be complicated and take time and you have the power to do this without another citizen led campaign. This council may not be able to finish the job, but you can begin it by creating the commission and soliciting volunteers before you leave office and creating a legislated schedule to see something on the ballot by 2023 taking effect 2025 if passed.. Do not punt to the next council.

Name Karen Nisenbaum

Public Comment I had brought up the problem of a piece of a block of sidewalk in front of 3667 Bainbridge that was cut out by the water department or the fire department when they moved a fire hydrant about four or five years ago.

All the city did was paint an orange line around the hole. Now the cement is cracking around the hole. Can this please be repaired.

I appreciate the fact that the city would be inspecting the sidewalks in the Taylor Road Neighborhood over the summer. Hopefully, that will include the Eastern side as well as it causes a great danger to people who are walking. Many people have been hurt by tripping on the uneven sidewalks.

Name Fran Mentch

**Public
Comment**

Dear Council,

Four weeks ago, on March 22 and March 24, I asked that this agenda item be added to an upcoming meeting: "Discussion of a Cedar Lee Park, and a request for proposals for a park at Meadowbrook-Lee"

I have not yet received a reply, other than to tell me that Jason writes the agenda.

So, I think I am safe to assume that your answer is no; you refuse to put this item on the agenda.

If I am wrong in this assumption, please let me know, as I want to send an accurate update to the community.

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

Report of the Chief of Police

Chief Mecklenburg stated that on April 13, 2021, the first Town Hall Forum was held in conjunction with the Diversity Institute of Cleveland State University to discuss some new and revised Police policies. The two discussed in that forum were Recruitment and Selection and Vehicle Pursuits. She thanked everyone for their attendance and comments. There were 56 community members that participated. They were broken down into focus groups with a CSU representative and they facilitated further discussion on these policies. The information is under review so further recommendations can be made to the Police Department.

Council Member Ungar asked about the Use of Force issue referencing the shooting of Dante Wright in Brooklyn Center which resulted in the dismissal of the Police Chief and City Manager there. Could that happen here? Could there be confusion between drawing a gun and drawing a taser? How are citizens subdued here? Based on current practice, if a police officer were to see excessive use being used against a citizen, what is he/she expected to do regarding interference and reporting?

Chief Mecklenburg replied that Cleveland Heights Police do not carry tasers and never have. The only intermediate weapon carried is a baton. They do not carry mace or spray. Unless there is indication that the person is armed, an officer would go hand to hand and be

subdued with physical force that way. Regarding excessive or unreasonable use of force, they're required to intercede and report it to a supervisor as soon as they are able to do so.

Council Member Russell asked the Chief regarding House Bill 22, what does she see for Cleveland Heights with that law? Chief Mecklenburg asked for more information. Council Member Russell stated it's the law that's been put in place that when people are standing outside and recording the abuse of a police officer and a citizen or any type of abuse, that could be a felony. Chief Mecklenburg stated she would review it and respond.

Vice President of Council Seren stated we got a public record request last week about the traffic stop analysis. Susanna Niermann O'Neil stated it will be on the Committee of the Whole agenda for Monday and the Chief will give a presentation to the Council. It will be posted online after the presentation.

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, 1st 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 Nighttown, Inc., 1st 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

MUNICIPAL SERVICES COMMITTEE

No report.

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Ungar yielded to Economic Development Director Tim Boland for a presentation and recommendation to Council.

Tim Boland stated two proposals were received in December 2020 for the Cedar Lee Meadowbrook Redevelopment Project – one from Flaherty & Collins City Architecture development team, and one from the City Six / M. Panzica / LDA development team. There were presentations to Council on February 8. Staff has reviewed the proposals and citizen input. The recommendation is the City move forward and commence negotiations with the Flaherty & Collins team on an MOU to redevelop the site as a mixed-use project.

Council Member Hart requested that language be included for prevailing wage and a robust community engagement process.

Council Member Ungar made a motion to authorize the City Manager and staff to proceed with discussions with Flaherty & Collins to negotiate and MOU. Council Member Dunbar seconded the motion.

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

Motion Passed

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 Ungar, Second by Council Member Dunbar

Vice President of Council Seren stated this process has not been completely smooth the entire time and without mistake as we've gone through a learning curve. Some of the changes we've made and priorities we've clarified are helpful. He commended the work FutureHeights has done and will do.

Council Member Russell stated she recognizes the requests she's made to made certain areas that are in distress a primary focus. She looks forward to working with them and thanked Deanna.

Council Member Hart stated this work will primarily be in Noble Corridor and in areas of Desota, Altamont, Coventry, and South Taylor.

President of Council Stein thanked staff for working to make sure the will of Council is clear in this legislation and that the CDC partner understands the areas that have not seen enough city investment are the priority.

Council Member Ungar stated FutureHeights is mostly volunteers giving their time to advance the community and work in a highly collaborative way with our city leadership. He stated he attends many of their meetings and his impression is they're loaded with talent and driven with the purest of motives. We are lucky, as a community, to have this group working for us.

Council Member Russell stated she agreed that FutureHeights did a great job and she believed other Council Members were complimenting them. She said we must sing the praise of our other CDC, Start Right, too because they do a lot of work in the Caledonia

area. President of Council Stein agreed and added the Home Repair Resource Center and the good work they've done.

Council Member Dunbar stated that one of the community's strengths are the people that are so dedicated to this community. Some are on staff and there are a lot of volunteer organizations that do wonderful things for the community.

Council Member Hart agreed with everyone that FutureHeights has been a good partner as has HRRC and Start Right.

Council Member Cobb stated he just came off the board of FutureHeights a few weeks ago and felt he should abstain.

Roll Call: Ayes: Hart, Russell, Seren, Stein, Ungar, Dunbar
 Abstain: Cobb

Legislation Passed

A motion was made by Council Member Ungar to approve Resolution No. 47-2021 which was then rescinded. Council Member Hart's second was made and rescinded as well. The remaining Planning and Development legislation is on the consent agenda.

Council Member Ungar stated things are often pulled from the agenda and put on the consent agenda. He requested a corrected agenda even if it comes a day later. President of Council Stein stated it was his request and he will be working directly with the City Manager to have the agenda ready. Council Member Ungar stated that even if something is on consent and a member wants to pull it to discuss it, they're able to do that.

Susanna Niermann O'Neil stated that the paper packet was done Wednesday and the changes were requested Thursday at noon, so an Email went out to Council. The revised version is what is on our website. She clarified that if staff needs an extra day, we can take it because it is difficult to get it out on Wednesday when Council is held on Monday. Council Member Russell stated that some of the packets are thick and they need the time to review. Council Member Dunbar stated she would like to go back to getting it Friday or Saturday. Susanna Niermann O'Neil stated it is easier to do it on Friday.

PUBLIC SAFETY AND HEALTH

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

Council Member Cobb credited Vice President of Council Seren's work on the legislation.

Vice President of Council Seren stated he started this conversation last year with a restaurant owner talking about what Cleveland had done and the fact that some of these restaurants have a tight margin than the tech companies that provide the delivery service. He reached out to restaurants in the city and discussed the legislation with the Law Department.

Motion made by Council Member Cobb, Seconded by Vice President of Council Seren

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

Legislation Passed

Council Member Cobb stated he is planning on holding a committee meeting next month and one of the items on the agenda will be to discuss the curfew that was enacted in 2011 that applies specifically to our business districts in Coventry and Lee Roads. The public and merchants are invited. More information will be posted online when details are finalized.

Council Member Hart asked if the meeting will include the GCC letter and Novak report. Council Member Cobb stated that will be the subject of the meeting in June as it would be a lot to cover in one meeting. Council Member Hart said GCC has written a lot of letters and wants an answer. Council Member Cobb stated he'd be willing to have two meeting in June. President of Council Stein stated it may be better to hold in June as it is a demand of staff's time.

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 Vice President of Council Seren, Seconded by Council Member Hart

Vice President of Council Seren stated we have a series of characteristics of individuals that businesses and landlords can't use as a reason for discriminating against a person in the realms of employment, housing, or education. In this case, it is the source of someone's income such as emergency assistance, a housing choice voucher, or benefits from the Veterans Service Commission. Landlords cannot advertise, "No Section 8." This was

discussed in the Administrative Services Committee meeting last week which included representatives from South Euclid, University Heights, and Heights Community Congress. It is available on YouTube.

Council Member Dunbar stated she encouraged them to be sure landlords understand all ramifications, issues, and how to go about it the right way. A brochure may help them.

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

Legislation Passed

There will be another Administrative Services Committee meeting this Thursday at 6:00 p.m. to discuss the administrative pieces of the Novak report. They will not be discussing housing policy, but only the administrative recommendations. This will be a series of conversations of how administrative functions should be handled in departments. An agenda will be on the website.

On April 30 at 10:00 a.m., we will be celebrating Arbor Day. Our Forestry Division and Heights Tree People will be doing some work in the community garden. More information is available on the website.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Russell stated that Cleveland Heights has hit the national stated and she is speaking directly to the Chair and Vice Chair of the Racial Justice Task Force – Sherrod Brown's office is providing us a liaison to the task force for the purpose of gathering information to help him create legislation at the federal level.

There is a Congressional Candidates Forum on April 24. You can register at Eventbrite. The first theater is sold out and there are 20 seats left in the second theater. For those that are running for office and need some signatures, you may want to visit outside.

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

Amy Himmelein stated the biggest part is appropriating CDBG money for 2021. Some of it was money that wasn't spent in 2020.

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

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

Legislation Passed

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

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

Council Member Russell asked for clarification if the clause, “used only to cover costs incurred by the City of Cleveland Heights,” and if it would impact the legislation in discussion. Council Member Hart stated she didn’t think it would because it is still the City of Cleveland Heights. Bill Hannah agreed those uses would be within the law.

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

Legislation Passed

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 Hart, Seconded by Council Member Dunbar

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

Motion Passed

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

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

Legislation Passed

Council President's Report

No report.

NEXT MEETING OF COUNCIL: MONDAY, MAY 3, 2021

Respectfully submitted,

Jason S. Stein, President of Council

Amy Himmeltein, Clerk of Council
/jkc