



## COUNCIL UPDATE

May 13, 2021

### MEETINGS & REMINDERS

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

Tuesday, May 18 - 7:00 p.m. - Architectural Board of Review

Wednesday, May 19 - 6:30 p.m. - Committee of the Whole  
- 7:00 p.m. - Board of Zoning Appeals  
- 7:00 p.m. - Citizens Advisory Committee  
- 7:30 p.m. - City Council

Friday, May 21 – Sunday, May 23 - We Are Noble 2021

Monday, May 24 - 6:30 p.m. - Committee of the Whole

### LEGISLATION

- **Coventry Road Rehab.** A Resolution authorizing the City Manager to enter into an agreement with GPD Group for engineering services associated with the rehabilitation of Coventry Road from Euclid Heights Boulevard to Fairhill Road; providing compensation therefor
- **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
- **CBA Firefighters Approval.** An Ordinance granting final approval of the compensation rates and benefits proposed by the tentative labor agreement with the Cleveland Heights Fire Fighters Association, Local No. 402/International Association of Fire Fighters, AFL-CIO

(Union) for the period commencing April 1, 2021 through March 31, 2024; giving the City Manager authority to sign said agreement; amending Section 3 of Ordinance No. 20-2021, "Wage and Salary Ordinance," to incorporate the labor agreement

- **Power of a Clean Future Ohio.** A Resolution authorizing the City of Cleveland Heights to become a Power a Clean Future Ohio Community and to adopt a goal to reduce greenhouse gas emissions in the city.
- **Integrated Overflow Control Master Plan.** A Resolution approving an Integrated Overflow Control Master Plan relating to the City's Sanitary Sewer Overflow Control program pursuant to a consent decree between the City of Cleveland Heights, the United States of America, the U.S. Environmental Protection Agency and the State of Ohio, authorizing and directing its submission by June 1, 2021

## **UPDATES**

### **City Manager**

- An excellent overview prepared by the Finance Director regarding the allowable categories of usage of the ARP funds is included in the packet. This will begin to help Council/staff make decisions regarding the allocation of these funds.
- The EPA/consent decree materials are posted on the website. Go to the homepage and scroll down to the box that says Sewer/EPA click on there and you will have everything from the most recent all the way to 2017.
- Parklets: Parklets are areas in business districts that move space into the parking lane. Parnell's at Cedar Fairmount has proposed the idea of a parklet in front of their business. Staff from Planning, Police and Fire are reviewing the proposal. Staff will also be contacting the SID and merchants in that area for feedback. Issues such as Liability and Safety will of course be considered.
- Staff had been working for a few weeks regarding COVID/health protocols to be put in place for the summer. This included pool, picnic shelters, Cain Park, block parties, etc. Now with the Governor's new orders we will have to review what we were proposing and possibly look at new protocols. Staff will have something for next week's packet.
- Staff continues to address the traffic issues at TOH, construction vehicles are no longer blocking site lines and new signage is in place to alert motorists going up the Hill.
- The City Hall safety review has been completed and things are being implemented. Staff will have door fobs for their Department and patrons will be buzzed in. The Receptionist area

will move inside the City Manager area and be designed for easy access for both the staffer and the patrons. Special glass is also going up in the Treasury window.

### **Police**

- On Thursday, May 6, 2021, at approximately 10:20 pm, Officers were dispatched to calls of shots fired in the area of 1630 Belmar Road. Upon arrival Officers located several bullet casings in the roadway on Belmar near Avondale. Two vehicles were damaged by gunfire, however no one was reported to have been injured. Preliminary investigation indicates that a dark colored vehicle was observed in the area and the occupants were the ones firing the gun shots from the vehicle. There are no suspects in this incident. Detectives are continuing to investigate.
- On Friday, May 7, 2021, around 9:15 pm a robbery was reported in the area of 2193 Grandview Ave. The two victims had just parked their vehicle in Municipal Lot 7 and after exiting the vehicle began walking northbound on Grandview. While walking on Grandview they observed two males walking toward them and as they moved to right of the sidewalk to allow the males to pass, one produced a handgun and demanded the car keys. One of the victims threw her purse and told the suspects the keys are in the bag. Both victims were also told to take off their watches and they complied. When the suspects picked up the purse both of the victims ran to their residence. The suspects then ran to the victim's vehicle, a 2019 Silver Honda CRV, entered the vehicle and drove away. Officers checked the area for the suspects with negative results.

On Monday, May 10, 2021, an Officer observed the stolen Honda CRV traveling southbound on South Taylor Road at Blanche. Detectives responded and began searching the area for the vehicle. A short time later Detectives located the vehicle parked unoccupied in Cleveland. Approximately ten minutes later they observed a male arrive and enter the driver's seat of the seat. Detectives immediately approached the vehicle and apprehended the male, a 16-year-old juvenile. The juvenile was found to be carrying a loaded handgun in his waistband at the time of the arrest. The incident remains under investigation.

- On Monday, May 10, 2021, Dr. Dunn and his team from the Diversity Institute at Cleveland State University completed the compilation of comments and questions from residents obtained at the recent Town Hall meetings. This information has been provided to the Police Department and is currently under review. A copy is attached for inclusion into the Council Packet. A copy of the Public Comment Report will be posted on the Police Department page of the City's website. There are some comments and questions that will need some clarification and to be answered. The Police Department will provide responses to the questions that were received from residents and post them on our webpage when complete. These responses should be completed in the next couple of weeks.

- On Tuesday, May 12, 2021, at 11:45 pm officers responded to the 1700 block of Preyer Road on a report of a man shot. Upon arrival officers located a 42 year old male who sustained a gunshot wound to the stomach. Officers immediately performed first aid measures until EMS arrived on the scene and took over treatment. He was transported to the hospital where he is still hospitalized in stable condition.

Preliminary investigation indicates that the victim arrived at his mother's child house on Preyer and became involved in an altercation with her current boyfriend, 41 year old Elliot Williams. The victim pulled a knife and threatened Mr. Williams.

Mr. Williams retrieved a firearm and subsequently shot the victim. Mr. Williams was taken into custody and at this time is only facing charges of Having a Weapon while Under Disability. Detectives are still investigating this incident. Mr. Williams will likely make his initial court appearance today at which time a bond will be set.

**From:** Amy Himmelein  
**Sent:** Wednesday, May 12  
**To:** Susanna Niermann O'Neil  
**Subject:** ARPA Allowable Uses

Susanna,

Below are the broad topics of what we can spend the American Rescue Plan Act monies on. I've also attached a handout from a webinar where I took the below from. This may be helpful to send to Council as well since it's a little more descriptive, but still concise.

1. Support Public Health Response
  - a. COVID-19 Mitigation and Containment
  - b. Medical Expenses
  - c. Behavioral Healthcare
  - d. Public Health and Safety Staff
2. Address Negative Economic Impacts
  - a. Workers & Families
  - b. Small Businesses
  - c. Public Sector
  - d. Impacted Industries
3. Provide Equity-Focused Services
  - a. Addressing Health Disparities
  - b. Investing in Housing & Neighborhoods
  - c. Addressing Educational Disparities
  - d. Promoting Healthy Childhood Environments
4. Replace Public Sector Revenue Loss
5. Premium Pay for Essential Employees
6. Water, Sewer and Broadband Infrastructure



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## Support the Public Health Response



This funding may be used to meet and address emergent public health needs.

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|---|--|
| <div style="border: 1px solid #0056b3; padding: 10px; margin-bottom: 10px;"><div style="background-color: #c00000; color: white; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;"><span style="font-size: 24px; margin-right: 5px;">1</span></div><div><b>COVID-19 Mitigation &amp; Containment</b></div></div> | <ul style="list-style-type: none"><li>• A broad range of services and programming that are needed to contain COVID-19</li></ul>  |
| <div style="border: 1px solid #0056b3; padding: 10px; margin-bottom: 10px;"><div style="background-color: #c00000; color: white; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;"><span style="font-size: 24px; margin-right: 5px;">2</span></div><div><b>Medical Expenses</b></div></div>                      | <ul style="list-style-type: none"><li>• Provide care and services to address COVID-19 public health needs, risks presented by new variants, and long-term effects of the virus</li></ul>         |
| <div style="border: 1px solid #0056b3; padding: 10px; margin-bottom: 10px;"><div style="background-color: #c00000; color: white; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;"><span style="font-size: 24px; margin-right: 5px;">3</span></div><div><b>Behavioral Healthcare</b></div></div>                 | <ul style="list-style-type: none"><li>• New or enhanced state and local government services that may be needed to meet mental health, substance use, and other behavioral health needs</li></ul> |
| <div style="border: 1px solid #0056b3; padding: 10px;"><div style="background-color: #c00000; color: white; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;"><span style="font-size: 24px; margin-right: 5px;">4</span></div><div><b>Public Health &amp; Safety Staff</b></div></div>                           | <ul style="list-style-type: none"><li>• Responding to the public health and negative economic impacts of the pandemic requires a substantial commitment of human resources</li></ul>             |

## Address Negative Economic Impacts



Recipients may use these funds to respond to the negative economic impacts of the COVID-19 public health emergency.

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| <div style="border: 1px solid #0056b3; padding: 10px; margin-bottom: 10px;"><div style="background-color: #c00000; color: white; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;"><span style="font-size: 24px; margin-right: 5px;">2</span></div><div><b>Small Businesses</b></div></div>       | <ul style="list-style-type: none"><li>• Loans and grants to mitigate financial hardship</li><li>• Loans, grants, and in-kind assistance to implement COVID-19 prevention or mitigation tactics</li><li>• Technical assistance</li></ul>    |
| <div style="border: 1px solid #0056b3; padding: 10px; margin-bottom: 10px;"><div style="background-color: #c00000; color: white; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;"><span style="font-size: 24px; margin-right: 5px;">3</span></div><div><b>Public Sector</b></div></div>          | <ul style="list-style-type: none"><li>• Rehire staff</li><li>• Replenish state unemployment insurance funds</li><li>• Administer economic relief programs</li></ul>  |
| <div style="border: 1px solid #0056b3; padding: 10px;"><div style="background-color: #c00000; color: white; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;"><span style="font-size: 24px; margin-right: 5px;">4</span></div><div><b>Impacted Industries</b></div></div>                         | <ul style="list-style-type: none"><li>• Tourism, travel, and hospitality sectors</li><li>• Other similarly affected sectors</li></ul>  |

## Provide Equity-Focused Services



Treasury will presume the following additional activities are eligible uses when provided within disproportionately impacted communities.

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| <div style="border: 1px solid blue; padding: 5px; margin-bottom: 10px;"><div style="background-color: red; color: white; border-radius: 50%; width: 20px; height: 20px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;">2</div><div>Investing in Housing &amp; Neighborhoods</div></div> | <ul style="list-style-type: none"><li>• Services to support individuals experiencing homelessness</li><li>• Affordable housing development</li><li>• Housing vouchers, residential counseling, navigation assistance</li></ul>   |
| <div style="border: 1px solid blue; padding: 5px; margin-bottom: 10px;"><div style="background-color: red; color: white; border-radius: 50%; width: 20px; height: 20px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;">3</div><div>Addressing Educational Disparities</div></div>       | <ul style="list-style-type: none"><li>• New or expanded early learning services</li><li>• Expanded resources for high-poverty school districts</li><li>• Educational services like tutoring and afterschool programs, as well as supports for social, emotional, and mental health needs</li></ul> |
| <div style="border: 1px solid blue; padding: 5px;"><div style="background-color: red; color: white; border-radius: 50%; width: 20px; height: 20px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;">4</div><div>Promoting Healthy Childhood Environments</div></div>                      | <ul style="list-style-type: none"><li>• New or expanded high quality childcare</li><li>• Home visiting programs for families with young children</li><li>• Services for child welfare-involved families and foster youth</li></ul>   |

## Replace Public Sector Revenue Loss



Recipients may use this funding to provide government services to the extent of the reduction in revenue experienced due to the COVID-19 public health emergency.

- Provide continuity of vital government services by filling budget shortfalls
- Revenue loss is calculated relative to the expected trend, beginning with the last full fiscal year pre-pandemic and adjusted annually for growth
- Recipients may re-calculate revenue loss at multiple points during the program, supporting those entities that experience revenue loss with a lag
- Once a reduction in revenue is identified, recipients have broad latitude to use these funds to support government services (with some exceptions, described later)



**The Interim Final Rule establishes a clear and consistent methodology that each recipient can use to calculate its reduction in revenue**

Calculation – approach allows to measure predictions/budgeted - flexible approaches to meet size of revenue loss.

## Premium Pay for Essential Employees



Recipients may use this funding to provide premium pay to eligible workers performing essential work, either in public sector roles or through grants to third-party employers.

### Example professions eligible for premium pay:

- ✓ Staff at nursing homes, hospitals, and home-care settings
  - ✓ Workers at farms, food production facilities, grocery stores, and restaurants
  - ✓ Janitors and sanitation workers
  - ✓ Truck drivers, transit staff, and warehouse workers
  - ✓ Public health and safety staff
  - ✓ Childcare workers, educators, and school staff
  - ✓ Social service and human services staff
- Essential work involves regular in-person interactions or physical handling of items that were also handled by others
  - Recipients have discretion to designate additional sectors

**Premium pay should prioritize low- and moderate-income workers, who face the greatest mismatch between employment-related health risks and compensation.**



## Water, Sewer, and Broadband Infrastructure



Recipients may use these funds to make necessary investments in water, sewer, and broadband infrastructure.

### Water and Sewer Infrastructure

- ✓ Includes improvements to infrastructure, such as building or upgrading facilities and transmission, distribution, and storage systems
- ✓ Eligible uses aligned to Environmental Protection Agency project categories across the:
  - Clean Water State Revolving Fund
  - Drinking Water State Revolving Fund

### Broadband Infrastructure

- ✓ Focus on households and businesses without a wireline connection capable of reliably delivering 25 Mbps download / 3 Mbps upload
- ✓ Fund projects that deliver reliable service
  - Minimum 100 Mbps download / 100 Mbps upload speeds unless impracticable
- ✓ Complement broadband investments made through the separate Capital Projects Fund

May use “revenue loss” provision for investment in other infrastructure needs



## Division of Diversity, Inclusion and University Engagement

From: Ronnie A Dunn, Ph.D.  
CC: Mittie Jones, Ph.D., Mike Hutson LT., Kyle Znamenak, Ph.D.  
Date: 5.10.2021  
REF: Cleveland Heights Town Hall Meetings & Public Comment Report

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### Executive Summary:

The Cleveland State University Diversity Institute conducted a review and assessment of the policing policies developed by Lexipol, including use-of-force, bias-free policing, vehicle pursuit, and recruitment and hiring policies, to ensure they reflect the culture and values of the Cleveland Heights community and align with state and national best-practices.

This process included:

- An individual evaluation of each policy was submitted to the CHP
- Community members submitted comments and questions on the drafted policies through an online form
- Two virtual community town hall meetings were held to obtain additional community feedback

This report is a compilation of the recommendations of the public comment and two town hall meetings.

Cleveland State University facilitated two virtual town hall meetings, which were open to the public. The sessions included representatives from the Cleveland Heights Police Department, the city government, and community members.

The first town hall meeting regarding the Vehicle Pursuit Policy and the Recruitment and Hiring policies took place on April 23, 2021. Fifty-four individuals registered for the meeting.

The second town hall regarding the Bias-Free Policing and Use of Force policies took place on April 28, 2021. Sixty-nine individuals registered for the meeting.

Each meeting included a review of public comments and questions raised on the policies prior to the meeting and four facilitated breakout sessions guided by the following questions:

1. What would you add or delete to improve upon the policy, or is it fine as it stands?
2. What are some of your concerns with the implementation of the policy?
3. Is there anything else you would like us to know regarding this policy?
4. What are some of the strengths of the policy?

\*Bolded sentences are the opinion of the Cleveland State University consulting group.  
[Online Comments] indicate the suggestion was from the online form.



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### **Overall Themes of the Policy Review:**

The following themes emerged from the review of the public comments submitted through the online form and the two town hall meetings.

#### **Theme 1: Public Versions of the Policy**

- The policies should highlight specific areas that impact community members and clearly define key policy areas for a layperson.

#### **Theme 2: Accuracy & Transparency of Data & Reporting**

- There was a general concern about the accuracy of the Cleveland Heights Police Department's data (e.g., hiring information, recruitment efforts, traffic stops, use of force, etc.) and reports (e.g., who gets to see them, who reviews the reports).

#### **Theme 3: Higher Standards**

- Community members suggested that the Cleveland Heights Police Department hold itself to a high standard for the vast majority of the policies reviewed than just meeting minimum state and federal standards.

#### **Theme 4: Community Input & Accountability**

- Generally, community members indicated that they would like some decision-making input and a structure to continually review the Cleveland Heights Police Department operations (e.g., community review board, access to reports, transparency around when use of force was used, clearly defined department budget allocations, etc.).



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Specific suggestions regarding a given policy are detailed below.

### Vehicle Pursuit Policy

The following suggestions were made regarding the policy:

1. The policy was challenging to read for the public. It was suggested that highlighting key elements of the policy could help the public easily understand how it impacts them.
2. There was support for not getting involved with pursuits from other jurisdictions.
3. There needs to be more explicit guidelines and specificity for what warrants a pursuit (e.g., defining what misdemeanor offenses are or if a stolen vehicle warrants a pursuit).
4. There was a concern around the review process only involving the chief (or a designee). Ideally, respondents would like a non-police civilian review board or a mix of officers and non-police civilians to review the reports.
5. There was a desire for keeping records of when pursuits occur and why they occurred. This record-keeping would allow for accountability and future analysis of the data.
  - a. Record keeping/ capturing data should begin when the officer starts the pursuit (e.g., car camera is on). It should keep track of the beginning, throughout, and to the end of the pursuit.
6. There was a concern regarding safety measures during pursuits and how they must be balanced with safety to pursue normal activities. Specifically, they were concerned with carjacking.
7. There should be more elaboration of the vehicle as a deadly weapon within the policy.
8. Is there coordination in surrounding cities around the pursuit policies? If pursuits are coming from one community to another, will everyone be clear on coordinating the implementation of the policy?

### Recruitment & Hiring Policy

1. Many of the community members were concerned with the education requirement of officers. They believe that officers should at least have an associate degree. They would prefer a bachelor's degree.
  - a. One community member did mention that there is an incentive for the police department to support officers' continuing education. In other words, maybe not making it required but encouraging them to continue their education through tuition reimbursement programs. **Hospitals do this by incentivizing recent hires to continue their education with tuition reimbursement and increasing their salary once they obtain the degree relevant to their jobs.**
2. If college education cannot be changed, what other metrics (outside of degree attainment) measure a successful candidate?
  - a. Are there measures for officers' desired skill set, including areas like critical thinking, creative thinking, etc.?



## Division of Diversity, Inclusion and University Engagement

- b. These measures of success should also consider areas like emotional intelligence.**
3. Regarding the officers' required age was suggested that there should be an increased minimum age from 21 to 24.
  - a. There is a concern that it would further complicate the hiring process since the pool of available candidates is limited.**
  - b. Some were also concerned that there was an age limit about how old a person could be when they become a police officer.
4. There should be increased research on the backgrounds of recruits and their online activity. The research could include areas like the dark web and a thorough review of social media profiles. There was a concern about officers belonging to radical groups such as white supremacy groups.
5. A question was raised about why one has to be a U.S. citizen to be a police officer.
6. Background checks should include exploring if an officer was fired or resigned from other police departments and reviewing their disciplinary records.
  - a. This can also be merit-based by reviewing records for the positive acts officers have done. Some chiefs call these "attaboy" records on their file, which could be positive letters from the community or supervisors.**
7. Within the policy, there is a statement that highlights the preferred qualifications of the candidates. It was suggested that these qualifications should be required for all applicants (minimum qualifications).
8. There was a suggestion that the department increase training around de-escalation and understanding individuals with a mental health crisis or who have mental health challenges.
9. There was a desire from the public that there is increased transparency around the budget of the police department and how money is invested in community-based training (e.g., de-escalation).
10. Some community members wanted to know what the recruitment strategy was for the police department. Some suggested recruiting at historically black colleges and high schools with diverse populations, specifically Black and Latinx.
11. It was suggested that recruitment efforts focus on individuals with backgrounds or majors in psychology or social work and give them additional credit for these experiences.
  - a. We suggested in our policy review to give more points based on previous experience that are aligned with community policing; our recommendation would also include experiences such as being a K-12 teacher. However, this can be done on a case-by-case basis since other experiences might be community-oriented that are not specified in the policy (e.g., working at a non-profit doing community organizing).**
12. Starting at the academy, psychological tests should be administered throughout an officer's career (every three to five years), given officers' stressful jobs. This would also include a focus on mental health in an attempt to end the stigma of officers seeking mental health services.



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- a. In addition to psychological tests, it was suggested that officers are screened for implicit bias before becoming officers.
  - b. There were also some concerns about the validity of the psychological tests.
  - c. Periodic counseling should be mandatory for officers.
13. Officers should receive additional points on their examination or preference if they are affiliated with Cleveland Heights (e.g., live in the community, grew up in the community, owned a business in the community, or have parents in the community, etc.). It would date back for 10 to 15 years. Including in the initial examination, as part of the test, officers need to score 70% to proceed in the hiring process. Could circumvent the Ohio Supreme Court decision that banned outright residency requirements.
14. The police department's culture should be that it demands the highest quality from the officers' performance.
15. How does the proposed policy differ from current policy in terms of achieving a diverse police force in Cleveland Heights? Have particular needs been identified regarding recruiting towards the goal of a diverse police force? [Online Comment]

### General Concerns around Both Recruitment & Hiring Policy and Recruitment & Hiring Policy Policies

1. There was concern about how officers will buy into the policy and thoroughly follow the policy as intended. What will be the procedure of sharing the policies for them?
  - a. There should also be consequences for not adhering to both policies.
  - b. In the collective bargaining agreement, the chief is the final arbitrator (this should be made clear in the policy).
2. There should be ongoing training on these policies.
3. Data should be used (internally and externally) to perform all these policies within the police department to determine if they are being implemented correctly and if they are meeting their intended outcomes.
  - a. This data can be used for the promotion of officers if they are successfully following the policy.
  - b. Ensure transparency around this data; it should be available to the public.

### Bias-Free Policing Policy

The following suggestions were made regarding the Policy:

1. The Policy should not be referred to as "Biased Based Policing" because of confusion. It should be referred to as "Biased Free Policing."
  - a. **CALEA standard for their biased based policy recommendations. This is a nationally recognized best practices policing organization. They recommend naming the policy "Biased Based Policing".**
  - b. **CALEA Biased Policing is the application of police authority based on a common trait of a group. This includes but is not limited to race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or**



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**language fluency. Law enforcement agencies should not condone biased policing in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, biased policing alienates the public, fosters distrust of law enforcement by the community, invites media scrutiny, invites legislative action, and judicial).**

2. There were multiple concerns about data accuracy and reporting
  - c. Reporting should go beyond just traffic stops and include all interactions an officer has with a civilian such as search and seizure, use of force, criminal investigations, pedestrian stops, bike stops, etc.
  - d. There should be a more accurate data gathering system for officers to report their interactions with civilians. If this process can be automated in some capacity, this would be ideal.
  - e. If a report is generated that reviews officers' performance (from the shift level all the way to the Chief's office.), it should be made public, i.e., uploaded onto the city's website and in a timely fashion.
  - f. These reports should be made available by public record access.
9. In addition to the annual report being made public, the bi-monthly Patrol Captain reviews of recordings and videos (as outlined in the Policy) should be made public [Online Comment].
10. The policy should address that officers need to be transparent and clear on why a civilian is being asked to do specific actions (e.g., get out of the car) by the officer—**We emphasize this type of transparency within the Building Mutual Respect and Community Trust Police Training.**
11. Reporting should be done on a quarterly basis.
12. Anti-bias, cultural competency training should be offered on an ongoing basis as continuing education.
13. Completion of anti-bias, cultural competency training should be a consideration in performance evaluations.
14. A question was raised about detecting and addressing the existence of possible bias, for example, with traffic stops.
15. 401.3 BIAS-BASED POLICING PROHIBITED
  - a. A resident expressed concern that the statement gives leeway to differentiate along racial lines.

### Use of Force Policy

The following suggestions were made regarding the Policy:

1. There should be more explicit definitions of what the Pain Compliance technique is and the calculation for using it as opposed to deadly force.
2. The chokehold area needs to indicate that it can only be used when an officer needs to protect him/herself.





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- a. Some community members believe the chokehold needs to be banned completely.
  - b. A community member shared research from Professor Futterman of the University of Chicago, who suggests alternatives to the chokehold.
3. Community members were concerned about the officer's "perception" of when to use force versus "objective" reasons for using force. Suggesting the word "perception" gives the officers too much discretion.
4. It was suggested that the Cleveland Heights Police Department hold itself to a higher standard, particularly within the area of training, which states, "Training shall meet and support minimum standards..."
5. A community member shared in the chat the concern about CHPD used unjustified force on Davey Drake, tackling him in the Marc's on Coventry and arresting him.
6. Regarding the discussion of imminent vs. immediate or instantaneous, why not limit use of deadly force to when a suspect is pointing the weapon at officers/others, rather than just a suspicion of a weapon? "Imminent" gives too much leeway to officers to act with deadly force based solely off a suspicion.
7. Under 300.1.1 DEFINITIONS –Under Deadly Force: delete "and intended", to read: "Force reasonably anticipated to create a substantial likelihood of causing death or severe injury." The officer should need only to anticipate, not intend, a substantial likelihood of causing death or very serious injury. [Online Comment]
8. Under 300.2.1 DUTY TO INTERCEDE AND REPORT: Eliminate the words: "when in a position to intervene." If something is "beyond that which is objectively reasonable," the response should be an imperative that the officer "shall intercede," with no qualifiers. [Online Comment]
9. Under 300.3 USE OF FORCE: [Online Comment]
  - a. Combine the first and second paragraphs into one paragraph to make it abundantly clear that "perceived by the officer at the time" has the limits set in the second paragraph.
  - b. Delete the final sentence/paragraph; this is duplicative of the last sentence in 300.3.2; or delete the final sentence of 300.3.2. The statement needs to be paired with an assessment of the proportionality of the actions of the person being apprehended to the actions of the officer.
10. Seriousness not the offense should be considered before getting into use of force. There should be a sliding scale of what warrants use of force as a threshold matter. [Online Comment]
11. When it's reasonable to use force and the amount of force is not spelled out in the written policy. Policies are often not implemented in the real world. [Online Comment]
12. Under 300.3.1 DE-ESCALATION – ALTERNATIVE TACTICS: This should read "DE-ESCALATION - INITIAL TACTICS", not "alternative". Delete "When circumstances reasonably permit,..." [Online Comment]





## Division of Diversity, Inclusion and University Engagement

- a. Add: "De-escalation should be the first approach in any interaction with the police." De-escalation should be the first step, always, for the reasons expressed in the text, and to prevent injury. Imagine if that had been done before Tamir Rice was killed. De-escalation allows time to assess a situation, to bring in additional resources – maybe mental health expertise -- to weigh proportionality of officer response to the situation.
  - b. **Although, de-escalation is a particular tactic and used to stop someone from a dangerous behavior, what the community member suggests is that officers should always try to use tactics that avoid physical confrontations and slow down to assess a situation before resorting to a physical altercation.**
13. Under 300.4 DEADLY FORCE APPLICATIONS: This section deserves an introduction. We suggest a strong statement, maybe: "Deadly force shall be applied only as a last resort, if there is no feasible alternative available to the officer(s) in a given situation."  
[Online Comment]
  - a. Plus add the GUIDING PRINCIPLE from the OCLEAC Standards Compliance Checklist: "The preservation of human life is of the highest value. [...] Therefore, officers must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force."
  - b. It has been documented that traffic stops can escalate into situations in which deadly force is employed. This policy should clarify the steps to be taken to reduce possible escalation and to state when, if ever, use of deadly force is appropriate in a traffic stop.
  - c. Eliminate the first two words "when feasible." It should be a requirement that the officer "make efforts." We believe the words "make efforts" provide sufficient flexibility.
  - d. In the final paragraph of this section, eliminate all examples as they can be read to eliminate any responsibility on the part of the officer and allow a "template" for reports. The examples imply that all the officer has to do is say they believed they were in danger, whether a weapon was in play or not, and they are off the hook.
14. Move sections 300.3.5 CAROTID CONTROL HOLD and 300.3.6 USE OF CHOKEHOLD; place them under 300.4 DEADLY FORCE APPLICATIONS; re-number them to 300.4.2 CAROTID CONTROL HOLD and 300.4.3 USE OF CHOKEHOLD. Carotid Control Hold and Chokehold are both deadly force and their use is "limited to those circumstances where deadly force is authorized" [quoted from 300.3.5 and 300.3.6]. They should both be placed under the heading of DEADLY FORCE APPLICATIONS.[Online Comment]
15. Under 300.3.6 USE OF CHOKEHOLD: [Online Comment]
  - a. Use of a chokehold is such a critical issue that this policy should state when Chokehold is authorized rather than simply referring to other documents.
  - b. There is nothing in 300.6 MEDICAL CONSIDERATION that explained when such force is authorized and we do not know what the "Medical Aid and Response



## Division of Diversity, Inclusion and University Engagement

Policy" says. This is the Policy Document on Use of Force. It must make it abundantly clear when Chokehold is authorized and when it is not.

16. Under 300.6 MEDICAL CONSIDERATION: [Online Comment]
  - a. Delete the first phrase ("Once it is reasonably safe to do so"). Not only is there is no explanation of what "once it is safe to do so" means, the sentence implies there are reasons not to call for medical assistance. The policy should begin "Medical assistance shall be provided . . ." because that is what we should require.
  - b. In the last sentence of this section, eliminate the words "as soon as practicable." Officers who suspect a medical emergency should seek medical assistance (period). In that same last sentence, clarify what it means to "have medical personnel stage away."
17. PROTECT AND SERVE WITH EVOLVING BEST PRACTICES: Descriptions of qualified civil immunity for police and municipalities, based on US Supreme Court cases, are not appropriately in police policies. (See the OCLEAC Standards Compliance Checklist.) Policies around use of force (and all other policies) should be based on evolving best practices, founded on a common commitment to protect and serve our community, bias-free. We challenge the Cleveland Heights Police Department to change with the times, to recognize the reasons for a police department as well as other services, and to mesh all services to fully protect and serve our whole community for the goal of wellness rather than control. [Online Comment]
18. Given the long list of recent instances in the US of police stopping people for minor offenses, such as expired registration or air fresheners hanging from rear view mirrors, and police subsequently using force (including, unfortunately, deadly force), and reports of the anxiety experienced by drivers of color when stopped by the policy, I wonder whether there needs to be stronger emphasis on evaluation of the need for an arrest or stop at all. Capturing license plate information should enable communication with a driver by letter about the need to update registration, for instance. I don't know what percentage of the time of Cleveland Heights police is spent on traffic stops, but I would like to see our police put their emphasis on higher priority offenses rather than minor traffic violations. [Online Comment]
  - a. During the town hall meeting, residents raised questions about the deployment of resources for traffic stops. Are traffic stops an effective use of officer time and a benefit to the community? Is there bias in deciding locations where officers are stationed for traffic patrol?



# POLICE BIKE AUCTION

*THURSDAY, JUNE 17*



CLEVELAND HEIGHTS POLICE WILL HOLD A PUBLIC BIKE AUCTION (CASH ONLY) ON THUR, JUNE 17 AT 6 PM AT THE CLEVELAND HEIGHTS POLICE DEPARTMENT ON THE NORTH LAWN, LOWER LEVEL OF CITY HALL, (40 SEVERANCE CIRCLE).

THE AUCTION WILL INCLUDE VARIOUS BICYCLES.





## **MEMORANDUM**

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

**From:** Eric Zamft, Planning Director

**Date:** May 12, 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 gathering of data and 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**

Staff is working with Heights Community Congress (HCC) in order to implement the recent change in the City's fair practices ordinance regarding source of income protection. Staff has been working with several non-profits in order to continue to further fair housing in Cleveland Heights as well as to expend more CARES Act CDBG funds. Some of the additional activities that will likely be undertaken are small business assistance grants, additional food pantry assistance, subrecipient support and assistance to residents facing eviction. Staff is also preparing for the open application period for Year 48 CDBG funding. The open application period will begin on June 3<sup>rd</sup> and end on July 15<sup>th</sup>, with the Citizens Advisory Committee (CAC) review to follow. An informational meeting will be held at 11 AM on June 8<sup>th</sup> via Zoom. Interested applicants should contact Brian Iorio to attend the meeting or to discuss their possible applications. 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.

#### **PLACEMAKING**

Planning is helping to guide a number of placemaking activities, working collaboratively with the Manager'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, Fire Department, DPW, and other City departments observed 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 / Streetscape Improvements
- Compton Road Greenway
- Community gardens
- Additional opportunities for passive and active spaces

### **ZONING**

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 the formal legislation and process for an upcoming meeting. Planning staff is also working with the Law Department on proposed legislation that would clarify the regulations related to rain gardens/rain barrels. Finally, staff is closely coordinating with First Suburbs on their Single-Family Housing Zoning project, which over the course of the next 18-24 months will be examining single-family housing in the First Suburbs' communities and offer recommendations for amendments that would remove barriers to development.

### **TRANSPORTATION**

The County, working with the City of Cleveland, is looking to deploy a regional shared micro-mobility network – including e-scooters. City staff has been working with neighboring municipalities on coordinated legislation and rebalancing stations locations. Staff is discussing with the Law Department and Manager's Office and should be bringing it forward at a future Council meeting. Staff is also working with the Manager's Office and other City departments on sidewalks and other matters referred to Council by the Transportation Advisory Committee (TAC).

### **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.

## **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 scope of the traffic and parking study, and other planning-related matters. A clear communications strategy and engagement process is being developed.

- *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 and the zoning of the redevelopment site.
- *Other Economic Development Initiatives* – Planning staff provides input and support on other initiatives, including additional NRP phases, the Taylor-Tudor property, the Storefront program, solid waste needs for businesses, other redevelopment opportunities, 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) – 1<sup>st</sup> and 3<sup>rd</sup> Tuesday**

At the May 4, 2021 ABR meeting, the following applications were discussed and approved:

Address	Case #	Project Description
2346 Woodmere Drive	ABR 2021-80	Request to install a new window
3455 Monticello Boulevard	ABR 2021-99	Request to extend and repair a porch in the rear yard
2746 Derbyshire Road	ABR 2021-100	Request to install a mini-split system
2457 Kenilworth Road	ABR 2021-101	Request to install a mini-split system
2565 Norfolk Road	ABR 2020-102	Request to install a 4' tall fence in the rear and corner side yard
3145 Sycamore Road	ABR 2021-103	Request to replace windows
1787 Middlehurst Road	ABR-2021-104	Request to install a paver patio and gazebo
13463 Cedar Road	ABR 2021-105	Request to install window decal signage
2485 Fairmont Boulevard	ABR 2021-106	Request to create a new window opening and convert an existing window to a door
2216 South Overlook Road	ABR 2021-107	Request to build a deck and one-story addition and to alter windows
3973 Navahoe Road	ABR 2021-108	Request to install a two-car detached garage
2649 Berkshire Road	ABR 2021-109	Request to install a deck in the side yard

3297 Dellwood Road	ABR 2021-110	Request to build a two-story addition
1728 Middlehurst Road	ABR 2021-111	Request to construct an 8-suite apartment building
1825 Coventry Road	ABR 2021-112	Request to install signage for Taco Roosters

For the following case 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

The next ABR meeting will be held on May 18, 2021. The agenda will be posted shortly.

**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) – 3<sup>rd</sup> Wednesday**

The next BZA meeting will be held on May 19, 2021. The agenda is available here: <https://www.clevelandheights.com/DocumentCenter/View/9289>

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

May is National Preservation Month. Council recognized National Preservation Month locally by Council on May 3, 2021. 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 next Landmark Commission meeting will be a joint meeting with the ABR on May 18, 2021.

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

The Planning Commission met on May 12, 2021 to discuss one (1) application. Information about the application can be found here: <https://www.clevelandheights.com/DocumentCenter/View/9255>. The next Planning Commission meeting will be held on June 9, 2021 and a link to the agenda will be provided in the next bi-weekly Planning Department report.

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

The next CAC meeting will be held on May 19, 2021. The agenda will be posted shortly.

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

The next TAC meeting will be held on May 26, 2021. The agenda will be posted and a link will be included in the next bi-weekly Director's Report.



Date: May 11, 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 May 7, 2021**

	<b><u>Completed Thru May 7, 2021 (LF)</u></b>	<b><u>Overall Remaining (LF)</u></b>	<b><u>Overall Remaining (%)</u></b>
<b>CCTV Phase 1</b>	395,097	-	-
<b>CCTV Phase 2</b>	202,995	21,797	10%
<b>MHs Phase 1</b>	1,978	-	-
<b>MHs Phase 2</b>	1,115	-	-
<b>Cleaning Total</b>	686,305	-	-
<b>Cleaning (2018) only</b>	173,355	-	-
<b>Cleaning (2019) only</b>	304,188	-	-
<b>Cleaning (2020) only</b>	140,713	-	-
<b>Cleaning (2021) only</b>	68,049	63,951	48%



## 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)	17% 38,084 LF	35% 83,932 LF	36% 80,979 LF
Cleaning (2021) only	3% 4,111 LF	26% 34,652 LF	22% 29,286 LF
Cleaning Total	27% 185,361 LF	45% 308,803 LF	28% 192,141 LF

## Capital Projects

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

Most of the punch list items have been completed. The wet weather has put a damper on some minor asphalt repair work that is needed. This should be wrapped up in the next week

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

The Delamere project is moving right along. The contractor has Installed 1 sanitary and 1 storm sewer manhole at the intersection of Delamere and Nottinghill and installed 134 LF of 48" storm sewer and 130 LF of 24" pressure rated PVC sanitary sewer along Nottinghill Drive.



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

Installation of the temporary water main has begun. Once the temporary main is completed, it will be chlorinated and tested. Once it passes inspection, temporary service connections will begin.

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

We are currently processing the contract documents. A start date has not been determined yet.

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

We are currently processing the contract documents.

### **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.

### **Streets Maintenance Division**

Road work season is upon us, and the asphalt crew is out repairing pot-holes and some of the winter water cut-outs. Crews are also out repairing tree-lawns.

As warm weather is upon us, we ask our residents to be cautious of workers in the road. Always drive slowly through work-zones or around refuse & recycling trucks and assume that workers do not see you.

### **Forestry Division**

The forestry crew is planting trees this week and responding to some miscellaneous tree calls

### **Refuse & Recycling**

Refuse & Recycling operations continue as normal. The division started collecting yard waste in kraft paper bags and bundled and tied branches. This year, starting with the street division's yard waste collection in April, and continuing with the Refuse & Recycling division, crews have been diligently screening yard waste bags to ensure that there are no contaminants that could cause them to be rejected at the dumping facility. If any non-yard waste materials are detected, bags are being tagged (**see image**). We will continue to run informative graphics in our bi-weekly newsletters and on social media to better inform our residents how they can assist in the success of recycling yard waste .

**UNABLE TO PICK-UP  
DUE TO CONTAMINATION**  
**Please Remove  
Plastics & Other  
Non-organic Materials**  
**Please place bag out on your  
next scheduled collection day**

Bulk collection week went well. Residents are reminded that for special requests for bulk pick-up outside of bulk collection week that the online form at the link below can be used to schedule a special bulk pick-up.

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



## Committee of the Whole

**May 19, 2021**

**6:30 p.m.**

**Agenda**

**Online Only**

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

1. Legislation
2. Executive Session – 1. *To discuss with an attorney for the public body, claims or disputes involving the public body that are the subject of pending court action, 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 consider the sale or lease of City-owned real property.*



## CLEVELAND HEIGHTS

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

**Wednesday, May 19, 2021**

**Online Only**

**Regular Meeting**

**7:30 p.m.**

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

- 1) Meeting called to order by Council President**
- 2) Roll Call of Council Members**
- 3) Excuse absent members**
- 4) Approval of the minutes of the Council meeting held on May 3, 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**

Notify Council that a notice has been received from the Ohio Department of Liquor Control advising that applications have been made by Marchant Manor LLC, 2211 Lee Road, Cleveland Heights, Ohio 44118 for the transfer of D1 and D2 permits from Annie's Wine Cottage LLC dba Annie's Wine Cottage, 1<sup>st</sup> Floor and 2<sup>nd</sup> Floor RR Only, 30 W. Olentangy St. & Porch & Patio, Powell, OH 43065

### **Matter of Record**

- 9) Committee Reports**
  - a.) PUBLIC SAFETY AND HEALTH COMMITTEE**
  - b.) ADMINISTRATIVE SERVICES COMMITTEE**

**ORDINANCE NO. 61-2021 (AS).** An Ordinance granting final approval of the compensation rates and benefits proposed by the tentative labor agreement with the Cleveland Heights Fire Fighters Association, Local No. 402/International

**RESOLUTION NO. 64-2021 (MS).** A Resolution approving an Integrated Overflow Control Master Plan relating to the City's Sanitary Sewer Overflow Control program pursuant to a consent decree between the City of Cleveland Heights, the United States of America, the U.S. Environmental Protection Agency and the State of Ohio, authorizing and directing its submission by June 1, 2021

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

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

**f.)      PLANNING AND DEVELOPMENT 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. 65-2021 (MS).** A Resolution authorizing the City Manager to enter into an agreement with GPD Group for engineering services associated with the rehabilitation of Coventry Road from Euclid Heights Boulevard to Fairhill Road; providing compensation therefor

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

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

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

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

**11)      Council President's Report**

**12)      Adjournment**

**NEXT MEETING OF COUNCIL: MONDAY, JUNE 7, 2021**

Proposed: 5/19/2021

ORDINANCE NO. 61-2021 (AS)

By Council Member

An Ordinance granting final approval of the compensation rates and benefits proposed by the tentative labor agreement with the Cleveland Heights Fire Fighters Association, Local No. 402/International Association of Fire Fighters, AFL-CIO (Union) for the period commencing April 1, 2021 through March 31, 2024; giving the City Manager authority to sign said agreement; amending Section 3 of Ordinance No. 20-2021, "Wage and Salary Ordinance," to incorporate the labor agreement; and declaring an emergency.

WHEREAS, Cleveland Heights Fire Fighters Association, Local No. 402, International Association of Fire Fighters, AFL-CIO (Union) was certified as the exclusive representative of specified classifications within the Division of Fire, Department of Public Safety by the State Employment Relations Board on December 3, 1984 (SERB Case No.: 84-VR-07-1597); and

WHEREAS, on March 3, 2021 the City and the Union commenced negotiations for a successor agreement to the agreement that expired March 31, 2021 (SERB Case No.: 2020-MED-12-1413); and

WHEREAS, pursuant to Section 121.06 of the Cleveland Heights Codified Ordinances, the City reached a tentative agreement with the Union; and

WHEREAS, said tentative agreement was ratified by the Union on April 22, 2021; and

WHEREAS, this Council has determined that the compensation rates and benefits set forth in that tentative agreement are fair and granting final approval of the compensation rates and benefits would be in the best interests of the City and its residents.

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

SECTION 1. This Council hereby grants final approval of all compensation rates and benefits set forth in the tentative agreement between the City and the Cleveland Heights Fire Fighters Association, Local No. 402/International Association of Fire Fighters, AFL-CIO covering the period commencing April 1, 2021 through March 31, 2024. A full and complete copy of said tentative agreement is on file with the Clerk of Council and is available for inspection.

SECTION 2. The City Manager is hereby authorized to enter into an agreement between the City and the Cleveland Heights Fire Fighters Association, Local No. 402/International Association of Fire Fighters, AFL-CIO that is substantively the same as said tentative agreement. The agreement shall be approved as to form by the Director of Law.

SECTION 3. Section 3 of Ordinance No. 20-2021, the "Wage and Salary Ordinance," shall be and hereby is amended to henceforth read as follows:

ORDINANCE NO. 61-2021 (AS)

Sworn members of the Fire Department who are represented by the International Association of Fire Fighters shall have the terms, conditions, and benefits of employment as described in the labor agreement and other related documents between the City of Cleveland Heights and the International Association of Fire Fighters. The agreement covers the period commencing April 1, 2021 through March 31, 2024 and may be extended by agreement of the parties. The paramedic compensation, academic achievement bonus, and the clothing maintenance allowance shall apply to all sworn members of the Department. A copy of the labor agreement and other related documents are on file in the Office of the City Manager.

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 timely grant approval of and execute said agreement for the purposes of uninterrupted employment of the above-referenced bargaining unit members for the continuation of essential public services. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:



Proposed: 5/19/2021

RESOLUTION NO. 62-2021 (AS),  
*First Reading*

By Council Member Seren

A Resolution authorizing the City of Cleveland Heights to become a Power a Clean Future Ohio Community and to adopt a goal to reduce greenhouse gas emissions in the city.

WHEREAS, Power a Clean Future Ohio is an expansive, diverse coalition engaging with cities and local governments across the state of Ohio to build a clean future for our communities; and

WHEREAS, Power a Clean Future Ohio empowers local leaders with tools and resources to create carbon reduction plans and implement them in ways that are achievable, measurable, equitable, and economical; and

WHEREAS, steps taken toward carbon emissions also aim to improve community quality of life, building community capital and increasing government efficiency, accountability, and transparency; and

WHEREAS, local governments have the unique opportunity to achieve reductions in both energy use and carbon emissions, along with cost savings through building and facilities management, land use and transportation planning, and through economic and community development; and

WHEREAS, efforts to address energy and climate issues provide an opportunity to move toward energy self-reliance and greater community resiliency and quality of life, and further provide environmentally healthy and cheaper-to-operate public buildings, encourage new economic development and local jobs, and support local renewable energy production; and

WHEREAS, on December 7, 2020, the Council of the City of Cleveland Heights unanimously passed Resolution No. 138-2020, to encourage effective plans to address climate change, a pressing problem already affecting Cleveland Heights; and

WHEREAS, the City of Cleveland Heights has installed solar arrays on three government buildings, alongside other comprehensive measures to reduce its carbon footprint and improve energy efficiency, and continues to actively seek ways to reduce energy use and carbon emissions; and

RESOLUTION NO. 62-2021 (AS), *First Reading*

WHEREAS, uncertainty in energy prices and the transition away from fossil fuel energy sources present new challenges and opportunities to both the City of Cleveland Heights and to the economic health of its citizens and businesses; and

WHEREAS, climate changes have been observed in Ohio and have the potential to negatively impact local, regional and state economies, infrastructure development, drinking water supplies and recreational opportunities; and

WHEREAS, climate changes further have the potential to negatively impact habitat and ecological communities, including native fish and wildlife populations, to increase the spread of invasive species and exotic diseases, and pose flooding, drought, and health threats to our citizens; and

WHEREAS, Power a Clean Future Ohio assists in facilitating technical assistance for the implementation of these carbon reduction policies; and

WHEREAS, the Power a Clean Future Ohio provides cost-effective sustainable development policies in the following four categories: (1) Renewable Energy; (2) Energy Efficiency; (3) Transportation Electrification; and (4) Land Use.

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

SECTION 1. The Council of the City of Cleveland Heights does hereby authorize the City of Cleveland Heights (“the City”) to participate in Power a Clean Future Ohio (“PCFO”) that offers a free, voluntary continuous improvement framework. Passage of this participation resolution allows the City to be recognized as a Power a Clean Future Community.

SECTION 2. The City hereby commits to a goal of reducing greenhouse gas emissions in the City of Cleveland Heights by 30% by 2030, relative to 2021 levels.

SECTION 3. The City will develop a plan during Fiscal Year 2021 that lays out a roadmap for the City to achieve this goal and to proactively seek input from the community in developing this plan.

SECTION 4. The City will prioritize the lowest cost measures identified in the plan to meet energy needs to be mindful of the use of taxpayer dollars and any impact of consumers’ personal expenses.

SECTION 5. The City Manager or her designee shall serve as the City’s PCFO coordinator for implementation through Fiscal Year 2021. After December 31, 2021, the Mayor or designee shall serve as the City’s PCFO coordinator for implementation.

RESOLUTION NO. 62-2021 (AS), *First Reading*

SECTION 6. The City will facilitate the involvement of community members in an equitable way and other units of government as appropriate in the planning, promoting, and/or implementing of PCFO policies.

SECTION 7. The City will provide public feedback once per year on how well PCFO is serving the City and on City needs from the PCFO program.

SECTION 8. The City will claim credit for having implemented and will work at its own pace toward implementing any policies from at least two of the PCFO policy categories (i.e. Renewable Energy; Energy Efficiency; Transportation Electrification; and Land Use) that will result in carbon emission reductions, cost savings, and quality of life improvement.

SECTION 9. 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 10. This Resolution shall take effect and be in force at the earliest time permitted by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Proposed: 5/19/2021

ORDINANCE NO. 63-2021 (F)

By Council Member

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

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

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

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

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

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

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JASON STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Exhibit 1

Fund	Department	Object	Reason	Previously Approved Budget	Requested Change	Revised Budget
101 - General	7402 - Housing Inspections	Personal Services	Transfer due to repairs at property as result of a settlement.	531,324.00	(20,000.00)	511,324.00
		O.T.P.S.	Transfer due to repairs at property as result of a settlement.	86,800.00	20,000.00	106,800.00
	7201 - Police Admin	Capital	Increase to purchase license plate readers.	1,000.00	50,000.00	51,000.00
606 - ALS Ambulance Services	7304 - ALS Ambulance Services	Capital	Increase to record cost associated with trade in of old fire truck. Revenue is also recorded.	546,105.00	20,000.00	566,105.00
<b>Total</b>				<b>1,165,229.00</b>	<b>70,000.00</b>	<b>1,235,229.00</b>

Proposed: 5/19/2021

RESOLUTION NO. 64-2021 (MS)

By Council Member

A Resolution approving an Integrated Overflow Control Master Plan relating to the City's Sanitary Sewer Overflow Control program pursuant to a consent decree between the City of Cleveland Heights, the United States of America, the U.S. Environmental Protection Agency and the State of Ohio, authorizing and directing its submission by June 1, 2021; and declaring an emergency.

WHEREAS, in 2017, pursuant to Resolution 66-2017, the City entered into a partial consent decree with the United States of America, the U.S. Environmental Protection Agency (EPA), and the State of Ohio related to alleged violations of the Clean Water Act; and

WHEREAS, Section V (F) of the partial consent decree requires that by June 1, 2021, the City submit for EPA review and approval an Integrated Overflow Control Master Plan (IOCMP) developed in accordance with Appendix A to the partial consent decree; and

WHEREAS, the City, working with professional engineers and financial consultants, has developed an IOCMP meeting the requirements of the partial consent decree, a draft of which is on file in the office of the City's Director of Public Works; and

WHEREAS, this Council wishes to approve the IOCMP and to authorize and direct that it be submitted by June 1, 2021 for EPA review and approval.

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

SECTION 1. This Council hereby approves an Integrated Overflow Control Master Plan substantially in accordance with the IOCMP on file in draft form in the office of the City's Director of Public Works.

SECTION 2. This Council hereby authorizes and directs the City Manager to cause the submission, by June 1, 2021, of the Integrated Overflow Control Master Plan approved in Section 1 for EPA review and approval pursuant to the partial consent decree.

SECTION 3. 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 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 timely meet partial consent decree requirements. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 64-2021 (MS)

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:





# Memo

To: Susanna Niermann O'Neil-City Manager  
From: Collette Clinkscale-Director of Public Works  
Date: April 28, 2021  
Re: Legislation Request for GPD Group – Coventry Road

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The attached legislation will authorize the City Manager to enter into an agreement with GPD Group for the design of the 2022 Coventry Road Resurfacing Project. The project involves the resurfacing of Coventry Road from Euclid Heights Boulevard to Fairhill along with the reconstruction of the traffic signal at the intersection of Fairmount, Coventry, and Scarborough.

Construction of Coventry Road will be a cooperative project between the City of Cleveland Heights and Cuyahoga County.

Proposed: 5/19/2021

RESOLUTION NO. 65-2021 (MS)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with GPD Group for engineering services associated with the rehabilitation of Coventry Road from Euclid Heights Boulevard to Fairhill Road; providing compensation therefor; and declaring an emergency.

WHEREAS, the City requires professional services of an engineering consultant concerning the rehabilitation of Coventry Road; and

WHEREAS, the City Manager has recommended that the services offered by GPD Group best meets the City's needs; and

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

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement and any related documents with GPD Group for engineering services associated with the rehabilitation of Coventry Road from Euclid Heights Boulevard to Fairhill Road. The agreement shall be in accordance with the terms and conditions set forth in the proposed agreement for professional services submitted by GPD Group, a copy of which is on file with the Clerk of Council. Compensation for the services detailed therein shall not exceed One Hundred Twenty-Nine Thousand and Four Dollars (\$129,004). All agreements hereunder shall be approved as to form and subject to the final approval of the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of 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 commence the above-described improvements at the earliest possible time to protect the safety and welfare of those persons using said public road within City. 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. 65-2021 (MS)

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:



## CLEVELAND HEIGHTS

**Monday, May 3, 2021 Minutes**

**COMMITTEE OF THE WHOLE**

6:37 – 9:04 p.m.

President of Council Stein presiding

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

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

Topic discussed: Legislation

**Executive Session**

8:24 – 9:04 p.m.

Council Member Dunbar made a motion to begin 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. The motion was seconded by Council Member Ungar.

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

**Motion Passed**

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

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

**Motion Passed**

**CITY COUNCIL**

9:05 – 9:58 p.m.

President of Council Stein presiding

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

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

Minutes from the City Council meeting held Monday, April 19, 2021 were approved with submitted edits.

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

Amy Himmelein read the following public comments.

<b>Name</b>	Gerald Sexton
<b>Public Comment</b>	We need a public park at Lee and Meadowbrook. Please consider this space as a much needed development for our city!
<b>Name</b>	Richard Goddard
<b>Public Comment</b>	Although I support fishing on the north side of Lower Lake, I recommend that the City partner with Shaker Heights to restore the aquatic environment of the lake before determining whether to permit fishing. The lake currently is nearly dead. The lake bed is a silt covered mud hole virtually devoid of plant life. Before the lake water was restored this past weekend, I was able to observe 50-100 invasive carp at the east end of the lake, just across from the Nature Center, along with a couple dozen snapping turtles, a few pairs of Mallards, and 10 or fewer Canada Geese. The discarded tire and abandoned road barrel tossed out on the lake bed provide no nutrients for any wildlife. We need to eliminate the carp which destroy vital plant life. We need to plant the aquatic plants that will provide habitat for aquatic insects which will become a primary food source for fish. The fish then will become a food source for herons, ospreys, eagles, hawks, and ducks. Without the aquatic environment necessary to sustain a fish population and the insects that will feed them, the fish will die. Dumping fish into the mud hole that is currently Lower Lake for people to catch would be little

better than dumping them into a barrel. Let's explore how best to create a sustainable environment at Lower Lake and work constructively with Shaker Heights to make this happen. We can decide on fishing (and the extremely limited access) at a later and more appropriate time. Thanks!

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<b>Name</b>	Anonymous (wrote City Hall as name)
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<b>Public Comment</b>	There was a lot of discussion about the need/call for police to help control traffic violations like speeding/running stop signs. This leads to the potential of unfair police practices. Instead, has the city considered adding speed humps on trouble areas, in addition to alternatives to stop signs, such as traffic circles or traffic diverters to help slow/control traffic? These methods are non-discriminatory, work at all hours without the need for bodies, and, most importantly, are shown to actually reduce speeds, and do so without fear of the consequences of a violation.
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<b>Name</b>	Shane Martin
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<b>Public Comment</b>	Since the city will no longer be picking up bulk trash items on a regular basis, which I do not appreciate, has the city lifted the ordinance that bans dumpsters?
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<b>Name</b>	Bill Smith
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<b>Public Comment</b>	As of May 1st, we have gathered 342 signatures on the petition for Cleveland Heights to open Fishing on Lower Shaker lake. Please consider these 342 pro-fishing and pro-wildlife signatures when you convene your community relations committee later this month to discuss this issue. I have already emailed the petition to each city council member so that they can verify the signatures themselves.
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**Name** Dirk Van Boxel

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**Public**

Re.: Top of the Hill parking garage

**Comment**

Ever since this project started the Buckingham Condominium Complex lost their assigned parking places behind the building. Since recently we have had the opportunity to park in the Top of the Hill parking garage on the first floor close to the Buckingham entrance, but we have NO assigned parking places. I rely on a handicapped parking place, thus I am very concerned that over time visitors and shoppers will occupy these first floor places and that I should drive around the parking garage to find a free spot and have to walk the distance to the entrance of the Buckingham building. Can we please have assigned handicapped and general parking places for the Buckingham residents on the first floor?

Please consider my request. Thank you very, very much!

Ps: the garage had severe water pouring into the first floor of the center of the building during two rainy days last week. ! I hope this will be resolved, otherwise the garage building is in jeopardy of deteriorating.

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**Name** Carol Leslie

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**Public**

**Comment**

I appeal to City Council to consider the parking rights of the tax paying, property owners of the Buckingham Condo, and to the rights of all in the building who pay for permits. As it stands, no assigned area, as promised, is in the new garage on the ground floor. Once shops, restaurants, extra apartments are open, parking will be tight. I ask for a Permit Only sign for the Buckingham to insure we can park our cars. We tote possessions, shopping from the garage, as do our disabled residents who are very upset at the lack of protection they are being offered. At worst, but perhaps bearable, can the sign read "permits only 6pm-6am" to guarantee parking on weekend, busy nights? Is it possible for us to continue to park on Euclid Hts Blvd? That would certainly alleviate much distress. It's infuriating that our needs are forgotten to where we are put in a cap-in-hand position of asking for basic rights.

Also, the traffic configuration is an accident waiting to happen. Now we are subjected to frequent horn honking at rush-hour because people can't anticipate the lane change down to 1 lane only at top of the hill. A sign 2/3 way up is way too late. Thus, folks headed for EHB continue to cross over in two lanes with near collisions right outside our door! If we're in the now correct lane

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uphill, and want to park outside our door, we are now at risk of being T-boned by those still using the inside lane!

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**Name** Garry Kanter

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**Public  
Comment**

Tonight's Agenda has two pieces of legislation which are improperly identified as "Emergency" and in any case, only serve to pour gas on whatever fire it is they purport to put out.

First is a charter change amendment regarding filling council vacancies. While this addresses an obvious charter flaw - and acknowledges the dysfunction of this particular city council - the so-called "remedy" and the ballot language do not solve anything.

The proposed change is an ill-conceived mess, that will not guarantee a timely appointment.

The brief ballot language is – by design - obtuse. It even fails to inform the voter of a fundamental change - the timeframes involved. Just so typical of CH city councils.

I remember when city council engaged outside attorneys to write up a full page of overly-detailed ballot language for the citizen-led elected mayor charter change amendment. It was just another in a long line of obfuscation tactics, one that the county board of elections would not go along with.

Regardless of how tonight's legislation is phrased, a county board of elections deadline of September 3rd can in no way be defined as an "Emergency" on May 3rd.

The second useless piece of "Emergency" legislation is the "Council Standing Rules" ordinance change.

This garbage is nothing but a reactionary response to some personal beefs of a council member. It, too, is ill-conceived, and will cause more problems than whatever all those "Whereas"-es claim exist.

That it expires on December 31, 2021 gives the game away, that it only exists for the convenience of one difficult council member.

I implore you to neither consider nor pass this jiggery pokery mockery of Roberts Rules of Order, respect for one's council peers, and simple common sense.

And your abuse of declaring legislation an "Emergency" needs to stop.

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**Name** Joanne Poderis

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**Public  
Comment**

This is one more appeal to City Council to reach out to F&C, or whomever now owns the garage, to seriously consider our request for signage which would indicate the permit only parking areas for the Buckingham Condominium. Several of us remember hearing, at one or other of the Council meetings early in the top of the Hill process, that this would happen. Once the general public starts using the garage in order to shop, to go to restaurants for meals, etc., our spots (especially the handicap ones) will be up for grabs if we have to leave the garage to run our own errands, etc. As a handicapped person, I have enough trouble as it is getting my groceries into our building because of not having access to our driveway loading dock for unloading various things (not just groceries). And this is another issue outstandingly annoying. The driveway is our property and we have not been able to use it for over a year. This has further inconvenienced our way of life - on top of everything else we have put up with this past year.

I must take the opportunity to remind you all that when the final vote was taken to allow procedure of TOH, we were promised by Mayor Stein that council would reach out to us and that has NEVER happened. Davida did come one time to look at whatever disturbing thing was happening at the time, Melody has helped us several times with parking, snow plowing, etc. and we are grateful, but it's too bad more of you did not show an interest in our plight - which now includes the proposed dog park across from our front door - one not available for the dog owners in our building.

PLEASE hear us!

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**Name** Tony Cuda

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**Public  
Comment**

Regarding the charter amendment for filling council vacancies: Council is to be commended for recognizing this flaw in our charter and trying to fix it. The proposed amendment, however, does more harm than good, and here's why:

1. The 90 days council gives itself to fill a vacancy is an option, not a mandate; and 90 days is too long. Sixty days is plenty, and more than most other municipalities.

2. The option/contingency of allowing voters to decide sounds good, but still leaves the now familiar problem of taking too long to find a replacement.

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Depending on which option council chooses, it would take a minimum of 7 to 9 months for an election to take place; and it would likely take longer.

3. The language in the amendment is unnecessarily confusing, and the ballot language lacks specificity, and is therefore, misleading. The amendment should bring clarity to this issue. It should also simplify the process, mandate a timely decision, and create a contingency that is also clear and timely. This amendment does not accomplish those goals.

We obviously need 7 councilpersons, not 6, for voting and other purposes. We need a timeline that forces council to make a timely decision. And we need a contingency that accomplishes the goals of filling a vacancy in a timely manner if council cannot agree on a replacement.

Please consider a 60-day timeline with a contingency of either the council president or the mayor making the choice if council is deadlocked.

<b>Name</b>	Jerry Hosticka
<b>Public Comment</b>	Living in the Buckingham, I have seen our city's government boldly ignore any of the Buckingham concerns with the TOH project. The latest is parking. It was my understanding, and not mine alone, there would be a designated area in the garage for Buckingham residents. It seems this is incorrect. This building houses seniors, some who use walkers and canes...who have lived in the building for decades. The parking situation is making it more difficult for the seniors than it has to be. As the population in this building is aging, the parking problem will only worsen. Surely, there can be some solution to this situation. A side note, with the new traffic pattern coming up Cedar Hill, I am just waiting for an accident. Would it be possible to warn vehicles earlier of the lane change. Now I see cars speeding up the hill and trying to fit into lanes that don't exist with a lot of horn action.
<b>Name</b>	Regina Staple
<b>Public Comment</b>	As a Buckingham resident/owner I have many concerns regarding our safety and parking allocation, as well as the quality of life issues that are impacting us by the TOH project. Besides the total disruption and inconvenience

of 360 degree destruction/construction, the lack of communication from the City, and lack of consideration for us living through this is of great concern.

Residing in a building with an aging population, and disabled residents, it is extremely important to have Permit Only Parking in the garage closest to our building. I'm not alone in asking for your advocacy to protect the rights of the disabled, and for consideration of the quality of life for the Buckingham community. Our "new neighborhood" will be a drastic adjustment for us after living among green space and manageable traffic patterns. The new traffic pattern on Cedar Hill is an accident(s) waiting to happen.

Another concern is the proposed private Dog Park at the steps of our building. This appears to be misplaced for the convenience of the Luxury Apartment residents, and another example of lack of concern for preserving green space around us.

I am asking for a reasonable and acceptable resolution to this issues. I, for one, a Buckingham resident would welcome a sit-down to further discuss out concerns.

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<b>Name</b>	Leah Castelaz
<b>Public Comment</b>	I would like to discuss the Cleveland Heights Parking Ordinance. This ordinance is arbitrarily and unfairly applied in our city. My partner and I have lived in Cleveland Heights for three years and this law is the bane of our existence. First, in a city where almost 50% of its residents rent, this law puts in unfair burden on those who do. For example, within our three family home, there are five cars with only two garage spots. One of the tenants has a child and we would not wish to block her in if there were ever an emergency. Therefore, three of the cars are relegated to the street where we only have 36 times a year that we are able to call our cars in or we can pay \$460 for the year for a parking permit which is not realistic for many people's budgets. Second, this law is applied inequitably. We have a neighbor who is a police officer and never once have they received a ticket on their car when we have even though they are parking a pick-up truck on the street which is also against the city ordinance which states, "Residents with pick-up trucks, vans or panel trucks must park them in a garage with the garage doors closed." Finally, throughout the pandemic this ordinance has not been applied consistently. Majority of the time we are okay with parking on the street but then there are mornings that we wake-up with two \$15 tickets on our car, which you can imagine can be financially stressful. It's unfortunate I cannot

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Speak for myself during this meeting and I am limited to 300 words, but I would appreciate a discussion around this and how we can truly make Cleveland Heights the city where All Are Welcome.

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**Name** Krista Hawthorne

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**Public Comment** Reaching Heights held its 30th Reaching Heights Spelling Bee last week. Nine teams representing community groups competed via Zoom to win the big, plastic Bee Trophy. The St. Paul's Episco-Spellians won on the word epicondylitis which is commonly known as tennis elbow. \$5085 was raised to support the Many Villages Tutoring Program and Reaching Heights Role Models.

This week is Teacher Appreciation Week. Please reach out to a teacher to thank them for educating our children. In the CH-UH City School District, our teachers are highly qualified. In fact, 81 percent have at least a Master's Degree (Ohio Dept of Education).

The District Teacher of the Year, Helping Hand of the Year, and Administrator of the Year will be announced at the Staff Awards Ceremony on June 2. This year, the event will be streamed live on the district's YouTube channel.

Two other upcoming events that will be streamed live on YouTube are the Heights High School Swim Cadets annual show on May 7 at 7 p.m. and the Heights High School Graduation Ceremony which will be held outside this year at the Heights High Stadium on Thursday, June 3rd at 6 pm.

A pilot Community Learning Center will launch at Noble Elementary next school year. The concept is to make the school a hub for education and services to the Noble Neighborhood. Ideally, each school in the district will serve the community in this way in the future. Noble Elementary was selected as the pilot site because it has many current community partnerships that are thriving and a strong staff capable of taking on this new project.

Finally, the 2019-2020 District Quality Profile was published and can be viewed online. Google CHUH District Quality Profile 2020 to link to this well-crafted snapshot of our amazing students and staff.

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## Report of the City Manager

Susanna Niermann O'Neil stated she would like to respond to some of the comments. Staff is looking at the garage at Top of the Hill to accommodate the Buckingham residents. The traffic patterns on Cedar Hill were not explained enough in advance and staff is working on signage.

Council Member Russell asked if there's anything they can do regarding the dog park. Susanna stated they will look into that and put it on the agenda.

### **Report of the Chief of Police**

No report.

### **Report of the Clerk of Council**

No report.

### **PLANNING AND DEVELOPMENT COMMITTEE**

Council Member Ungar stated he wanted to repeat his commendation to staff for the new format that reports are coming to Council, particularly Director Zamft.

### **PUBLIC SAFETY AND HEALTH**

Council Member Cobb stated he will be holding a committee meeting this Wednesday at 6:00 p.m. and more information is available on the website. The two items on the agenda will be curfew in business districts and traffic stop procedures and policies.

### **ADMINISTRATIVE SERVICES COMMITTEE**

Vice President of Council Seren stated there will be an Administrative Services Committee meeting this Thursday, May 6 at 6:00 p.m. to discuss ethics rules for avoiding and detecting public corruption. There will be guest speakers.

**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 Vice President of Council Seren

### **Legislation Introduced**

Vice President of Council Seren stated that he had a comment regarding the Temporary Standing Rules of Council. There is room for more clarification and Council needs to take rules of Council more seriously. If rules are being considered, a permanent set of rules

should be considered, not temporary ones with an end date of the end of this year. He would like these rules to be in place this year and begin on firm footing come January 1 with a new Mayor. The rule that requires a Council Member to request permission from another Council Member before introducing legislation concerns him because sometimes there is a group of residents who may find only one Council Member willing to champion a particular issue. Not allowing legislation to be introduced by one Member will decrease the opportunity for unpopular opinions and initially unpopular ideas to be heard.

The additional concentration of power in the Council Presidency is a concern. That relates to whether a committee meeting agenda can be approved and whether a topic can be discussed in a committee meeting. The President could decide whether an agenda item goes before Council or not. The requirement of Council to override a presidential declaration that something is not on an agenda is being extended and expanded to five votes of Council from four votes of Council. A fair majority should be sufficient to overrule an agenda setting determination by the Council President. He pledged that if anyone on Council seeks to introduce legislation, he will support that it be introduced.

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

Introduced by Council Member Ungar, Seconded by Council Member Dunbar

Council Member Ungar stated there were a couple revisions that happened up to this evening to address Council Members' concerns. He stated that the concerns just voiced were without merit and these were straightforward, easy rules. He stated they are temporary to allow the elected Mayor to establish rules with his or her input.

Council Member Ungar amended his motion to approve to include paragraph five under the temporary standing rules of Council to include the words, "official City," between the words, "any," and, "event." Paragraph six will begin with, "Absent written approval from the City Manager," and continue as stated.

Introduced by Council Member Ungar, Seconded by Council Member Dunbar

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

**Motion Passed**

Council Member Russell stated that she looked over the rules and she believes guidelines are okay. She reviewed times when logo and title were not permitted.

Council Member Hart stated she works with staff and has already told Council when she introduces legislation. She provided the example of short-term housing legislation she is working on.

Council Member Russell stated she looked at other legislators and there is an unwritten rule of the same process.

Introduced by Council Member Ungar, Seconded by Council Member Dunbar

Roll Call on legislation: Ayes: Dunbar, Hart, Russell, Stein, Ungar, Cobb  
Nays: Seren

**Legislation Passed**

## **COMMUNITY RELATIONS AND RECREATION COMMITTEE**

Council Member Russell thanked all school bus drivers because today is school bus appreciation day. She encouraged residents to thank the drivers.

It is also Worker's Memorial Day. This is about workers that have died on the job from unsafe conditions.

**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

Council Member Russell stated that there was a presentation in the committee meeting where Policy Matters discussed city taxes, services, and reducing the reliance on levies.

Introduced by Council Member Russell, Seconded by Council Member Hart

Council Member Dunbar stated she doesn't like voting on things that we do not control that are state and federal matters. Council Russell said she understands how she feels, but due to Council Member Dunbar's request, she had a committee meeting and brought in multiple experts for a robust discussion, but she was not in attendance.

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

**Legislation Passed**

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

Introduced by Council Member Russell, Seconded by Council Member Ungar



Council Member Dunbar stated this is an issue she knows more about as a former President of the Fairfax PTA and a public-school graduate, and she thinks this school funding is a massive mistake and we need to straighten it out.

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

**Legislation Passed**

**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 Russell, Seconded by Council Member Hart

Vice President of Council Seren thanked Council Member Russell for bringing this forward. All of the support that we can provide to our federal legislature to overcome the resistance in the Senate, including getting ride of the filibuster if necessary, to get this passed is important.

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

**Legislation Passed**

**FINANCE COMMITTEE**

Council Member Hart stated there was a wonderful Arbor Day celebration and trees were planted at the park at Roanoke.

Amy Himmelein stated that the ordinance is to increase the budget after reviewing the Top of the Hill bond anticipation note. We did get revenue in to cover most of that cost. There is also an increase in the budget for indigent burials. The court will be hiring an intern to help create some more paperless items for the court.

**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 Hart, Seconded by Council Member Dunbar

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



## **Legislation Passed**

### **MUNICIPAL SERVICES COMMITTEE**

Council Member Dunbar stated this month is Bike Month and Cleveland Heights has been recognizing it for years now as part of our campaign to be recognized as a Bicycle Friendly Community. We have to reapply every four years for that distinction and it's due again this summer. The Heights Bicycle Coalition is having a meeting tomorrow night at 7:00 regarding 2021 planning. More information can be found on their website or Facebook page.

Council Member Dunbar praised National Preservation Month stating one of the community's assets is the number of historic districts we have.

### **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 Ungar, Seconded by Council Member Hart

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: WEDNESDAY, MAY 19, 2021**

Respectfully submitted,

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Jason S. Stein, President of Council

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Amy Himmelein, Clerk of Council  
/jkc