
MEMORANDUM

TO: Members of Council
FROM: Tanisha R. Briley, City Manager
DATE: March 24, 2017
RE: March 27, 2017

MEETINGS & REMINDERS

Monday, March 27 - 6:15 p.m. - Committee of the Whole

LEGISLATION

1. April is Fair Housing Month.
2. April 17 – April 22 is National Community Development Week.
3. April 9 – 15 is National Library Week.
4. April is National Poetry Month.

GENERAL INFORMATION

1. Enclosed are the Council Update and Agenda.
2. Enclosed is a Community Outreach update from the Vice City Manager.
3. Enclosed is an update from the Public Works Director.
4. Enclosed is an update from the Utilities Commissioner.
5. Enclosed is an update from the Planning Director.
6. Enclosed is an update from the Economic Development Director.
7. Enclosed is an update from the Parks & Recreation Director.
8. Enclosed is the weekly activity report from the Police Chief.
9. Enclosed are the BOC actions.

TRB/jkw
Enclosures



COUNCIL UPDATE

March 24, 2017

1. LEGISLATION FOR MONDAY, APRIL 3, 2017

- Fair Housing Month. With this resolution we join the United States Department of Housing and Urban Development (“HUD”) and other communities throughout the nation in the observation of April as Fair Housing Month; and reaffirm the City of Cleveland Heights’ commitment to fair housing.
- National Community Development Week. This resolution proclaims April 17-22, 2017, National Community Development Week, in the City of Cleveland Heights.
- National Library Week. This resolution proclaims April 9-15, 2017, National Library Week in the City of Cleveland Heights.
- National Poetry Month. This resolution proclaims April 2017, National Poetry Month in the City of Cleveland Heights.

2. CHALLENGING SB 331

- Please see the enclosed memo from Assistant Law Director Elizabeth Rothenberg regarding the City’s participation with 19 other cities in a complaint against the State of Ohio in our opposition of SB 331. SB 331 went in to effect March 21, 2017 and requires cities and villages to permit “small cells” on municipally-owned structures in the right-of-way and severely limits a municipality’s authority to regulate the installation of small cells and related structures.

3. CHECKS BETWEEN \$10,000 - \$50,000

- The Illuminating Company - 34,886.12: Electrical Usage for various accounts
- Hez Enterprise, LLC - 18,745.00: Demolition of 3554 Randolph Rd and 3171 Oak Rd
- Lykins Oil Company - 26,172.34: ECO Supreme Clear Diesel 15Ppm, #9 No Lead Gas w/Ethanol
- Nicola, Gudbranson & Cooper - 17,781.49: Legal Fees for February, 2017

**CITY OF CLEVELAND HEIGHTS
LAW DEPARTMENT
MEMORANDUM**

TO: Members of Council:
Cheryl Stephens, Mayor
Jason S. Stein, Vice Mayor
Mary A. Dunbar
Melissa Yasinow
Kahlil Seren
Carol Roe
Michael N. Ungar

FROM: Elizabeth Wells Rothenberg, Assistant Law Director

cc: Tanisha R. Briley, City Manager
L. James Juliano, Jr., Law Director

DATE: March 23, 2017

RE: Legal Challenge to Senate Bill 331 on Small Towers

Ohio Senate Bill 331 went into effect on March 21, 2017. The new law requires Ohio's cities and villages to permit "small cells" on municipally-owned structures in the right-of-way and severely limits a municipality's authority to regulate the installation of small cell facilities and related structures in the right-of-ways, even in residential and historic areas. This new law goes against Cleveland Heights' interests in protecting the character and quality of its neighborhoods.

Cleveland Heights joined with nineteen (19) other cities in signing a complaint that was filed on March 17 in Summit County. The case is captioned *City of Hudson v. State of Ohio*, CV-2017-03-1103, and it is assigned to Judge Alison McCarty. Bill Hanna and Todd Hunt of Walter Haverfield are the lead attorneys for the municipal plaintiffs. A preliminary injunction

hearing is set for March 30. Arguments made on Cleveland Heights' behalf will include Home Rule and Single Subject rule arguments.

The City of Cleveland filed its own case in Cuyahoga County, and there are suits on behalf of forty-five (45) other municipalities filed in Franklin County and Lucas County.

We will continue to update you on the progress of this important case.



CLEVELAND HEIGHTS

Committee of the Whole

March 27, 2017

Agenda

1. Report of the Mayor & City Council
2. Staff Updates
3. Legislation Overview
4. Charter Review Commission Discussion
5. Executive Session: 1) To discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim; 2) To consider the appointment of a public official

TO : TANISHA R. BRILEY, CITY MANAGER

FROM : SUSANNA NIERMANN O'NEIL , ASSISTANT CITY MANAGER

RE: COMMUNITY OUTREACH UPDATE

DATE : MARCH 24 , 2017

COMMUNITY RELATIONS:

- **The Noble Road Resurfacing update meeting is scheduled for Thursday March 30th at 7:00pm at the Community Center. A notice was sent to Noble Neighbors for distribution. The notice is also posted on the City's homepage and went out on the weekly email blast.**
- **Cedar Fairmount merchants are considering hiring the VIP valet company that works at Cedar and Lee. The valet station would be in front of the Fairmount and Barrio's and vehicles would be parked at Cedar Hill Baptist and behind Firestone. This valet service will possibly start next week.**
- **Coventry is a nominee for the Main Street contest. Staff provided the SID with photographs to use in the application.**

PUBLIC RELATIONS:

- **Promotion of the Bicycle auction scheduled for April 2nd has been posted on the homepage and Facebook.**
- **The Cain Park Friends online fundraiser is going well. A \$50.00 ticket brings the winner 2 seats to every show this season. A very low maintenance fundraiser that has already sold 50 tickets.**
- **Staff is designing the Cain Park season mailer. This year we will also produce a wallet size schedule for distribution.**

SOCIAL MEDIA/FACEBOOK:

- **Facebook had the following stories: Throwback Thursday photo of a grocer from 1935 at Noble and Nelaview ; A story about America's Main Street voting for Coventry; Photos from the University Hospital presentation to our firefighters;a share of the Heights High Theater production of "Much Ado about Nothing"; an announcement from Charles Conwell about going pro in boxing.**



Memorandum

To: Tanisha Briley-City Manager
From: Alex Mannarino-Director of Public Works
Date: March 24, 2017
Re: Weekly Update

Cedar Road Resurfacing/Cedar-Fairmount Streetscape

Perk Company was out this past Thursday and the work zone has been set up from Taylor Road to Westminster. One lane of traffic in each direction is being maintained on the north side of the roadway. All access is to be maintained throughout the duration of the project.

We have recently received word from the Ohio Department of Transportation (ODOT) that all sub-contractor agreements requiring ODOT review have been approved.

Perk along with their paving contractor The Shelly Company, will start planing pavement on the south side of the road from Taylor to Westminster starting Monday, March 27.

Van Curen Tree Company will be working along Cedar Glen Parkway on Saturday March 25, starting at 8:00 a.m. clearing trees and brush for the construction of the multi-purpose path. This work should not last more than a day.

They will also be working within the Cedar-Fairmount Business District on Tuesday March 28, for a few hours removing some miscellaneous trees. They will post "no parking" on March 27 with the restricted hours. After work is complete all parking will return to normal. They have been in touch with Kaye Lowe of the Cedar-Fairmount SID to coordinate the disconnection of the electrical outlets within the tree planting beds.

Lee Road Streetscape

S.E.T. has pulled their Conex box from park area between Meadowbrook and Tullamore. Once the weather warms up, they will restore the area by grading and seeding it.

They are preparing to install the final light pole that was somehow omitted from their original order. This will be one of the final items to be completed.

Construction Project Updates

Mayfield Signalization

No new updates.

Dominion East Ohio

Cedar Road Accelerated Pipeline Replacement PIR-2083

We will be meeting with Dominion East Ohio next Wednesday the 29th. One of the topics of the meeting will be to set a date for a public meeting regarding this project.

Service Department

All operations continued as normal.

Date: March 24, 2017

To: Tanisha Briley, City Manager

From: Collette Clinkscale, Utilities Commissioner

Subject: Utilities Department Weekly Update

On Behalf of Cleveland Water

- Repaired main break at 3355 Meadowbrook
- Repaired main break at 1073 Nelaview
- Replaced fire hydrant at 3253 E. Yorkshire
- Repaired main break at 1138 Erieview
- Repaired main break at 3469 St. Albans
- Installed water line at 939 Vineshire
- Flushed curb boxes and turned off/on water per CWD request
- Normal investigation/inspection operations (investigated estimated and high reads)

Sewer

- Ran sewer machine on Lynn Park, Cummings (2), Staunton, Exeter, Washington, Berkeley, East Yorkshire, South Compton, and Tullamore
- Prepped and cemented road holes on Thorne (2), Quarry, and Montevista (4)
- Assisted water crews with curb box repairs and water main break repairs
- Snaked kitchen line at Fire Station #1
- Continued sanitary main investigation

Other

- Attended sewer-related meeting
- Continued processing of water deposit refunds

MEMORANDUM

To: Tanisha Briley, City Manager
From: Richard Wong, Planning Director
Date: March 24, 2017
Subject: Weekly Update

Housing Council

Karen gave a thorough summary of her inspection of the roughly \$50 million in housing that has been sold with tax abatement.

Bluestone homes under construction (right) were shown. The Housing Council

recommended that all current abatements be continued. Expiration of Housing Council members occurs next month, so City Council, the Mayor and Planning Commission should consider reappointments or new appointments.



Architectural Board of Review

Seven cases were efficiently decided in an hour. Architect Rebecca Fertel, received praise for her skill in designing an addition to her neighbors' home at 3419 Blanche near Hebrew Academy. A landscape architect also received kudos for good looking fencing of Lutheran East High School's dumpster area next to the main entry.



Eight cases are on the April 4 agenda. Bottlehouse Brewery is proposing a slick steel cable railing with metal trusses supporting overhead strings of lights. 2420 Derbyshire, the corner house next to the traffic circle, will be receiving an historically sensitive and comprehensive carriage house renovation by new owner Kristen Clarico. 2732 Fairmount is cleverly expanding its breakfast area on the first floor and adding a second floor laundry and office. The office is being built over an existing porch (shown to left).

Members are comfortable with my administrative approval of certain improvements, simplifying the process for residents and businesses when the ABR's expertise is not needed. City Council approval of the procedures is required by the 2015 ABR legislation.

Walmart Denial Follow-up

Now that the Board of Control has denied the conditional use permit, Walmart has said that they can be out of the building by April 21. A Notice of Zoning Code Violation will be issued so that the matter can be immediately sent to court if storage continues past the deadline.

Cleveland Heights Economic Development



To: City Manager Tanisha Briley
From: Business Development Manager Brian Anderson
Subject: Activities Report – March 24, 2017

Activities and Initiatives:

1. Food Trucks

Economic development staff continues to work with the Planning Department on the food truck issue. Planning has drafted a policy that would permit food trucks using our current zoning ordinances. The goal is to have a policy to present to Council and launch for this outdoor dining season.

2. Business Retention Expansion Attraction Creation (BREAC) Initiative:

BREAC activity highlights include:

- First Suburbs Development Council Meeting, March 22 – Presentation and discussion of the JobsOhio Revitalization Program for inner-ring projects
- Circle Heights Meeting, March 24 – Circle Heights is a Heights-Hillcrest Chamber of Commerce initiative that is focused on creating a shared campaign to jointly market and brand the six communities in the Chamber's footprint.
- Met with five existing businesses
- Responded to inquiries from four potential startups
- Updating of listings on Available Properties web-based tool

3. Medical Marijuana

Plans remain in place to have representatives of the group interested in doing business in Cleveland Heights appear at the April 12 Committee of the Whole meeting in conjunction with a staff report on the issue.

4. Economic Development Events

Staff is working on two upcoming events. One is an economic/business development event for the business community to update them on initiatives the City is working and provide an opportunity for feedback. The other is a public engagement meeting for the Top of the Hill project. Dates and additional details will be forthcoming.

Thank you,

Brian Anderson

Business Development Manager

Memorandum

To: Tanisha Briley, City Manager

From: Joseph P. McRae, Parks and Recreation Director

Subject: Parks and Recreation Department Update

Date: March 24, 2017

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

General Announcements

- New Rapid Results group fitness classes started this month and have been well attended. Classes take place in aerobics room in the Community Center.
- Staff has received several proposals in response to the posted Recreation Software RFP. The hope is to evaluate submittals, host demos and make a final selection by the end of April. The new software will feature a new easy to use online registration process.

Ice Programs

- The South Rink was taken down this week. During the offseason, the space will be utilized for indoor baseball practice, summer camp, Safety Town and other potential recreation events.

Sports Programs

- Registration for youth soccer, baseball and soccer remains open.
- Staff is working with Public Works to prepare the fields, courts, etc for the spring and summer season.

Senior Center

Activities for the week included:

- AARP had their board meeting
- The Senior Center held a special Saturday art workshop on collage
- AARP tax preparation continues every Wednesday through April 15

Proposed: 4/3/2017

RESOLUTION NO. (CCR)

By Council Member

A Resolution joining with the United States Department of Housing and Urban Development (“HUD”) and other communities throughout the nation in the observation of April as *Fair Housing Month*; reaffirming the City of Cleveland Heights’ commitment to open housing; and declaring an emergency.

WHEREAS, in celebration of the 49th anniversary of the Federal Fair Housing Law, HUD has promoted the observance of April as “Fair Housing Month” throughout the communities of this nation; and

WHEREAS, this City, since the year 1965, has continually and consistently approved and encouraged the concept of fair housing throughout the City of Cleveland Heights and the entire Cleveland metropolitan area; and

WHEREAS, 41 years ago, in 1976, this Council committed itself to a Resolution establishing the Nine-Point Plan to promote a well-maintained, full-service residential community and prevent re-segregation, and to develop programs with residents, community organizations, the Board of Education, the business community, and other institutions to implement this Plan; and

WHEREAS, since that time, the City of Cleveland Heights has created and operated programs to continue integration, and to educate and persuade residents and non-residents of the benefits of integrated neighborhoods in this City and others across the country.

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

SECTION 1. This Council hereby proclaims April, *Fair Housing Month*, in the City of Cleveland Heights. The City of Cleveland Heights joins with the United States Department of Housing and Urban Development and other communities nationwide in the observation *Fair Housing Month* and hereby reaffirms its commitment established over 50 years ago to fair housing in Cleveland Heights, Ohio, and throughout the Greater Cleveland area and the nation.

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.

RESOLUTION NO. (CCR)

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 recognize *National Fair Housing Month* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCH MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 4/3/2017

RESOLUTION NO. (CRR)

By Council Member

A Resolution proclaiming April 17-22, *National Community Development Week*, in Cleveland Heights; and declaring an emergency.

WHEREAS, the City of Cleveland Heights is a participant in the Community Development Block Grant (“CDBG”) program whose main purpose is to provide decent, safe and sanitary housing, a suitable living environment, and economic opportunities to low- and moderate-income people; and

WHEREAS, 2017 marks the 43rd anniversary of the CDBG program, which was enacted into law as part of the Housing and Community Development Act of 1974; and

WHEREAS, the City of Cleveland Heights is also a participant in the HOME Investment Partnerships (“HOME”) program which provides funding to local communities to create decent, safe, and affordable housing opportunities for low-income persons; and

WHEREAS, this Council recognizes that the CDBG and HOME programs are a partnership of federal, state, and local governments, businesses, non-profits, and community organizations, and that the services funded by the federal CDBG and HOME programs, which are administered by the local governments and often delivered by non-profit organizations, rely heavily on the dedication and good will of our combined efforts; and

WHEREAS, in light of the current federal administration’s threat to eliminate the CDBG program in its entirety, public recognition of the vital importance of the CDBG program to national communities like Cleveland Heights is essential.

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

SECTION 1. This Council hereby proclaims April 17-22, 2017, *National Community Development Week* in the City of Cleveland Heights and resolves that during this week this community will give special thanks and recognition to all participants whose hard work and devotion to their neighborhoods and their low- and moderate-income residents help insure the quality and effectiveness of the Community Development Block Grant and HOME programs.

SECTION 2. The City of Cleveland Heights, along with its service providers and other community residents, hereby petition the United States Congress and Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant and HOME programs and their vital importance to the nation’s communities and to their low- and moderate-income residents.

RESOLUTION NO. (CRR)

SECTION 3. Copies of this Resolution shall be conveyed to the appropriate elected and appointed officials of the Federal government, and the names of the City of Cleveland Heights and its non-profit service providers shall be added to the roll of those committed to the preservation and full funding of the CDBG and HOME programs and the maintenance of their essential features over the course of the next session of Congress.

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

SECTION 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for *National Community Development Week* to be recognized on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCH MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 4/3/2017

RESOLUTION NO. (CRR)

By Council Member

A Resolution proclaiming April 9-15, 2017, *National Library Week* in Cleveland Heights; and declaring an emergency.

WHEREAS, the Cleveland Heights-University Heights Public Library has been serving our community in myriad ways since 1916; and

WHEREAS, said library leads the nation as a five-star library because of its excellent staff, services, and facilities; and

WHEREAS, our library serves as a great equalizer of knowledge by providing free access to all; and

WHEREAS, our library works to meet the changing needs of our citizens, including building collections, expanding outreach services and increasing programming; and

WHEREAS, our library provides a forum for diverse ideas and points of view that help us better understand each other and ourselves; and

WHEREAS, our librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn, and work; and

WHEREAS, our librarians design and offer programs to meet the community's economic needs, providing residents with resume writing classes, interviewing workshops, and job seeking resources; and

WHEREAS, our libraries are places for education, opportunity, and lifelong learning; and

WHEREAS, libraries, librarians, library workers, and supporters across America are celebrating *National Library Week*.

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

SECTION 1. This Council hereby proclaims April 9-15, 2017, *National Library Week* in the City of Cleveland Heights and urges all residents to visit the library during this week to take advantage of the wonderful resources available at the library. This Council further notes that celebrations during National Library Week include:

RESOLUTION NO. (CRR)

•*National Library Workers Day*, Tuesday of National Library Week (April 11, 2017), a day for library staff, users, administrators and friends groups to recognize the valuable contributions made by all library workers; and

•*National Bookmobile Day*, Wednesday of National Library Week (April 12, 2017), a day to recognize the contributions of our nation’s bookmobiles and the dedicated professionals who make quality bookmobile outreach possible in their communities.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to recognize *National Library Week* on a timely basis. Wherefore, provided it receives the affirmative note of five (5) or more 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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCH MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 4/3/2017

RESOLUTION NO. (CRR)

By Council Member

A Resolution proclaiming April, *National Poetry Month* in Cleveland Heights; and declaring an emergency.

WHEREAS, the Academy of American Poets established the month of April as *National Poetry Month* in 1996; and

WHEREAS, *National Poetry Month* seeks to highlight the extraordinary legacy and ongoing achievement of American poets; introduce Americans to the pleasures and benefits of reading poetry, bring poets and poetry to the public in immediate and innovative ways, and make poetry an important part of our children's education; and

WHEREAS, as *National Poetry Month*, under the leadership and direction of the Academy of American Poets, is now the largest literary celebration in the world; and

WHEREAS, poetry enhances and enriches the lives of all Americans; and

WHEREAS, poetry, as an essential part of the arts and humanities, affects every aspect of life in America today, including education, the economy, and community pride and development; and

WHEREAS, poetry has produced some of the nation's leading creative artists and has inspired other artists in fields such as music, theatre, film, dance, and the visual arts; and

WHEREAS, Cleveland Heights is home to the Arts; and

WHEREAS, this Council recognizes the benefits of poetry and has recognized the Poet Laureate selected by HeightsArts since the program began in 2006.

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

SECTION 1. This Council hereby proclaims April, *National Poetry Month*, in the City of Cleveland Heights and urges all residents to observe this month, to celebrate the cultural riches our community has to offer, and to recognize the important role poetry in creating and sustaining this great city with appropriate ceremonies, activities, and programs.

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

RESOLUTION NO. (CRR)

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 recognize *National Poetry Month* on a timely basis. Wherefore, provided it receives the affirmative note of five (5) or more 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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCH MICHALEC
Acting Clerk of Council

PASSED:



CLEVELAND
HEIGHTS

CITY OF CLEVELAND HEIGHTS
ACTIONS OF THE BOARD OF CONTROL
ON MONDAY, MARCH 20, 2017

BOC 2017-01: Wal-Mart Stores, Inc., 3606 Mayfield Road, S-1 Mixed Use, requests conditional use permit for storage & warehousing of goods per Code chapters 1113, 1115, 1131, 1143, 1151, 1153, & 1161.

Denied, 4-0.