
MEMORANDUM

TO: Members of Council
FROM: Tanisha R. Briley, City Manager
DATE: January 18, 2019
RE: January 22, 2019

MEETINGS & REMINDERS

Monday, January 21	-			City Hall and the Community Center will be closed in observation of Dr. Martin Luther King, Jr. Day
Tuesday, January 22	-	6:15 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council
Wednesday, January 23	-	7:00 p.m.	-	Transportation Advisory Committee
Thursday, January 24	-	6:00 p.m.	-	Meet Your Police
	-	7:00 p.m.	-	Charter Review Commission – Public Hearing

LEGISLATION

1. 2019 Codified Ordinances Update
2. Amending Section 1341.15 Family
3. Family Connections Parent Café (CDBG Program)
4. Open Doors Academy (CDBG Program)
5. Ordinance Amending Chapter 749 Fair Practices to Include Age
6. Refuse and Recycling Task Force Committee
7. Repealing Health Code Renumbering Remaining Relevant Sections

GENERAL INFORMATION

1. Enclosed are the Agendas and Council Update.
2. Enclosed is a Community Outreach update from the Vice City Manager.
3. Enclosed are updates from the Public Works Director.
4. Enclosed is an update from the Planning Director.
5. Enclosed is an update from the Economic Development Director.
6. Enclosed is an update from the Parks and Recreation Director.
7. Enclosed is the weekly activity report from the Fire Chief.
8. Enclosed is the weekly activity report from the Police Chief.
9. Enclosed are the minutes for ABR.

TRB/jkw
Enclosures



COUNCIL UPDATE

JANUARY 18, 2019

1. LEGISLATION

- 2019 Codified Ordinances Update. This legislation approves current replacement pages to the Cleveland Heights Codified Ordinances.
- Amending Section 1341.15 Family, First Reading. This legislation amends Section 1341.15, "Family," of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights.
- Fair Practices, First Reading. This legislation amends Chapter 749, "Fair Practices," of the Codified Ordinances of Cleveland Heights to add "age" as a protected class within the City.
- Family Connections Parent Café. This legislation authorizes the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Parent Café Program; providing compensation therefor.
- Open Door Academy. This legislation authorizes the City Manager to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization's Pathways to Independence Program at Cleveland Heights High School; providing compensation therefor.
- Refuse and Recycling Task Force Committee. This legislation establishes a Refuse and Recycling Task Force and prescribes the composition, duration, and purpose and duties of such Task Force.
- Repealing Health Code renumbering, First Reading. This legislation repeals Part Seventeen, *Health Code*, of the Codified Ordinances of Cleveland Heights and renumbering Section 1715.10 to Section 737.06, Chapter 1753 to Chapter 763, Chapter 1779 to Chapter 555; amending Subsection 1553.01(a)(3).



CLEVELAND HEIGHTS

Committee of the Whole

January 22, 2019

Agenda

1. Report of City Council Members 6:15 p.m. – 6:25 p.m.
Goal: Mayor and City Council members will provide updates on items of interest
2. Legislation Overview 6:25 p.m. – 6:35 p.m.
Goal: Discuss proposed legislation
3. Discussion of Staff Reports 6:35 p.m. – 6:45 p.m.
Goal: Council members will ask staff questions about their reports and/or activities
4. Branding/Marketing Campaign Update 6:45 p.m. – 7:15 p.m.
Goal: Staff will provide an update on the branding and marketing campaign

TO: TANISHA R. BRILEY, CITY MANAGER

FROM: SUSANNA NIERMANN O'NEIL, ASSISTANT CITY MANAGER

RE: COMMUNITY OUTREACH UPDATE

DATE: JANUARY 18, 2019

CHARTER REVIEW COMMISSION:

Please see enclosed 3 documents regarding the work of the Commission- the Current Charter; the Charter edits; and a summary of Charter changes proposed by the Commission. These to be discussed/presented at the Community meeting on Thursday January 24th at 7 at the Community Center.

COMMUNITY RELATIONS:

- Staff coordinated the entries for the MLK ceremony from the schools. As always very heartfelt expressions regarding Dr.King. Reminder: Ceremony is on Wednesday January 23rd at 7:00pm at the Community Center.
- Staff is organizing neighborhood garden requests and applications for races to be held in 2019.

COMMUNICATION INITIATIVES:

- Finalized script for a Cleveland Heights promotional video- highlighting all that makes our town special
- Ongoing work on the 8 page supplement that will run in the Cleveland Magazine April issue that highlights Restaurants.
- Staff (Trupo) met with new Cedar Fairmount Executive Director Myra Orenstein
- All staff working on the Spring Focus (combines City and Recreation) and staff finalizing ad buys.
- Another business video testimonial – Mac's Backs Books. This one and others can be found on the City's website.

SOCIAL MEDIA:

- Facebook : City meetings and events noted ; Congratulations to Reflections 10th year anniversary; City News posted (as well as sent directly to all subscribers), other news and reminders.

OTHER:

- One indigent burial
- 5 Domestic Partner registrations and 1 termination
- Reviewing Record Retention in order to organize documents in a more efficient manner

Summary Guide to Charter Changes

Current Charter Provision	First Amended Charter Provision	Changes
Preamble	Preamble	No substantive change; edited for clarity and consistency.
Article 1 Name and Boundaries	Article One Name and Boundaries	
Single Paragraph	Single Paragraph	No substantive change; edited for clarity and consistency
Article II Powers	Article Two Form of Government and Powers	
No existing provision	2.1 Form of Government	Specifically identifies form of government as Council-Manager
Powers Single Paragraph	2.2 Powers	Council authority more specifically articulated; edited for clarity and consistency.
Article III The Council	Article Three The Council	
Section 1 Powers, Number, and Term	3.1 Powers, Number, and Term	Provides broader, more flexible authority to Council. Also edited for clarity and consistency.
Section 2 Qualifications	3.2 Qualifications	Eliminates employment with CH/UH and East Cleveland school districts as disqualification for service on Council. Also edited for clarity and consistency.
Section 3 Removal	3.3 Removal	No substantive change; edited for clarity and consistency

Section 4 Vacancies	3.4 Vacancies	Limits to 90 days the time for Council to fill a vacancy by appointment. Failure to make a timely appointment triggers an election to fill the vacancy, unless the unexpired term would expire in the meantime. Term of an appointee may vary from that of a person chosen in a vacancy election.
Section 5 Salaries	3.5 Salaries	Council must (not may) fix Council salaries every four (not two) years, in the year preceding the year of a U.S. presidential election. The Civil Service Commission must at that time assess and submit to Council for its use a report recommending Council salaries. The salary of the President of Council is specified as 25% greater than the salary of other members.
Section 6 Appointees First Paragraph	3.6(a) Appointments	Council is explicitly required to evaluate the City Manager at least annually and to announce publicly when the evaluation is complete.
Section 6 Appointees Second Paragraph	3.6(b) Appointments	No substantive change, but clarifies Council's authority to obtain outside services for assistance.
Section 6 Appointees Third Paragraph	3.6(c) Appointments	No substantive change; edited for clarity and consistency.
Section 6 Appointees Fourth Paragraph	3.6(d) Appointments	No substantive change; edited for clarity and consistency.
Section 6 Appointees Fifth Paragraph	3.6(e) Appointments	Accounts for the City's more expansive definition of protected classes than currently contained in state and federal law and provides that all classes protected under any applicable law must guide City employment decisions.

Section 7 Meetings	3.7 Meetings	No substantive change; edited for clarity and consistency
Section 8 General Provisions	3.8 General Provisions	Explicitly acknowledges the concept of open government, with principles to be interpreted and applied in the discretion of Council via ordinance; like ordinances covering other specific subjects in this paragraph, an open government ordinance can be repealed only by affirmative vote of at least 5 Council members, or by an initiative as defined in 8.1. Also edited for clarity and consistency.
Section 9 Franchises	3.9 Emergency Measures	Topic in existing Section 9 moved to 3.10. Replacement provision defines an emergency measure as one necessary for immediate preservation of the public peace, health, or safety; requires a specific statement of reason for emergency; and requires affirmative vote of at least 5 Council members for passage.
Section 10 Interest in Contracts	3.10 Public Utilities and Franchises	Previous Section 10 eliminated, with its contents now covered elsewhere in charter. This provision, formerly in Section 9, expanded to include public utilities as well as franchises, and also to state the authority of Council to set applicable conditions and to renew them. Continues prohibition against granting a franchise or regulating a utility by an emergency ordinance.
Section 11 Mayor and Vice Mayor First Paragraph	3.11(a) Titles of President and Vice President	Removes the titles of Mayor and Vice Mayor, leaving only President and Vice President of Council, respectively. Also edited for clarity and consistency.
Section 11 Second Paragraph	3.11(b) Council Agenda and President Pro Tem	Specifically empowers the President and in the absence of the President, the Vice President, to set the Council agenda. Creates the office of President Pro Tem to preside at Council meetings from which both the President and Vice President are absent, and specifies terms of selection. President of Council or in the absence of the President, the Vice President,

		may (non-exclusively) represent the City for ceremonial purposes.
Article IV City Manager	Article Four City Manager	
Section 1 Appointment	4.1 Appointment, Tenure, Removal	Clarifies but does not substantively alter appointment/tenure/removal of City Manager. Continues at-will relationship but explicitly permits an employment agreement that provides post-employment payments and benefits.
Section 2 Residence Requirement	No provision	Requirement that City Manager reside in the City removed.
Section 3 Chief Administrative Officer First Sentence	4.2 Powers and Duties	Changes the designation of the City Manager to chief executive officer who provides general direction, supervision, management, and administration of all City affairs. Specific authority is listed in subsections as noted below.
No existing provision	4.2(a) Intergovernmental Relations	City Manager to represent the City in intergovernmental affairs.
No existing provision	4.2(b) Represent the City	City Manager to represent the City with business and residential interests, consistent with master plans and Council strategy and directions.
Section 3 Appointment Authority First Sentence	4.2(c) Appointment Authority	More explicit statement of City Manager's authority to appoint, suspend, discipline, or remove all City officers and employees except as otherwise provided.
Section 3 Participation in Council Second Sentence	4.2(e) Advice to Council	City Manager to develop and submit policy proposals and advice to Council.

No existing provision	4.2(f) Recommendations to Council	City Manager to recommend ordinances, resolutions, and other actions to Council.
Section 3 Budget Authority and Duties Third Sentence	4.2(g) Budget Authority and Duty	Expands and makes explicit City Manager's responsibility to prepare and submit comprehensive annual operating budget and multi-year capital budget and supporting materials to Council, to ensure they are publicly posted, and to deliver annual state-of-the-City message to Council.
No existing provision	4.2(h) Promote Plan and Vision	City Manager to promote and pursue vision and plan for the City as determined by Council in light of existing conditions.
No existing provision	4.2(i) Execution of Agreements	City Manager to execute all types of agreements on behalf of the City.
Section 3 Participation in Council Second Sentence	4.2(j) City Manager in Council	No substantive change, except that City Manager is explicitly authorized to bring matters up during Council meetings and can attend committee meetings without invitation. Also edited for clarity and consistency.
No existing provision	4.2(k) Represent non-exclusively City for ceremonial Purposes	City Manager may (non-exclusively) represent City for ceremonial purposes and is recognized by Courts and the Governor for certain formal purposes.
Section 3 Third Sentence Perform Other Duties	4.2(l) Perform Other Duties	No substantive change. Edited for clarity and consistency.
No existing provision	4.2(m) Delegation of Authority	Explicitly recognizes that the City Manager can delegate authority to another officer, who is subject to the City Manager's direction

Section 4 Vice Manager	4.3(a) Vice City Manager Appointment	Vice City Manager whose appointment by the City Manager must be confirmed by affirmative vote of at least 4 Council members and who explicitly serves at the pleasure of the City Manager, is empowered and directed to assist the City Manager on a daily operational basis (not just to fill in upon City Manager's unavailability).
Section 4 Vice Manager	4.3(b) Vice City Manager	If the Vice City Manager is called upon to, but cannot, perform the duties of the City Manager, the Director of Law is explicitly authorized to do so.
Section 5 Acting City Manager	4.4 Acting City Manager	Vice City Manager designated to serve as Acting City Manager if the Office of City Manager is vacant and Council does not designate someone else. If the Vice City Manager is unavailable to serve as Acting City Manager, the Director Law is explicitly authorized to serve.
Article V Administrative Officers and Departments	Article Five Administrative Officers and Departments	
Section 1 Departments	5.1 Departments	Comprehensive list of administrative departments corrected by name, elimination of a non-existing department, and adding additional departments created by Council. Any further new departments created by Council must be by codified ordinance. Also edited for clarity and consistency.
Section 2 Directors	5.2 Directors	Appointment of the directors of all departments in 5.1 must be approved by Council with at least four affirmative votes. Qualifications for Director of Law modified for flexibility, requiring only admission to practice of law in Ohio. Also edited for clarity and consistency.
Section 3 City Manager as Head of Departments	5.3 City Manager as Head of Departments	No substantive change; edited for clarity and consistency.

Section 4 Salaries and Bonds	5.4 Salaries and Bonds	No substantive change; edited for clarity and consistency.
Article Six Municipal Court	Article Six Municipal Court	
Sections 1, 2 and 3	6.1, 6.2 and 6.3	No substantive change; edited for clarity and consistency.
Article VII Nominations and Elections	Article Seven Nominations and Elections	
Section 1 Time of Holding Elections	7.1 Time of Holding Elections	No substantive change; edited for clarity and consistency.
Section 2 Ballots	7.2 Ballots	All aspects of the official ballot to be controlled by the election laws of the State of Ohio. Non-partisan elections retained.
Section 3 Petition for Places on the Ballot	7.3 Petition for Places on the Ballot	The term, “elector,” replaced by the phrase, “registered voter,” in this section and all other sections of the charter. Removes provision restricting persons from signing more petitions than number of positions to be filled. Otherwise, no substantive change, but edited for clarity and consistency.
Section 4 Acceptance	7.4 Acceptance	No substantive change; edited for consistency and clarity.
Section 5 Who Elected	7.5 Write in Candidates	Title of section changed to, “Write-in Candidates;” edited for clarity and consistency.
Section 6 Conduct of Election and Canvass of Votes	7.6 Conduct of Election and Canvass of Votes	No substantive change; edited for clarity and consistency.

Section 7 Voting by a Member of the Armed Forces and his Family	7.7 Voting by Members of the Armed Forces and their Families	No substantive change; plural substituted for singular in applicable categories.
Article VIII Initiative, Referendum and Recall	Article Eight Initiative, Referendum and Recall	Separate paragraphs throughout this article are labeled with small case letters
Section 1 Initiative First Paragraph	8.1(a) Initiative and Petition Signature Requirement	Reserves the right of initiative but, in clarification of current textual ambiguity, explicitly states that the number of signatures required is percentage (10%) of the total number of those voting in the most recent regular municipal election. Requires petitions to state names of petitioners' committee.
Section 1 Council Committee Actions Second Paragraph	8.1(b) Council Committee Actions	No substantive change; edited for clarity and consistency.
Section 1 Actions of Council and Timing Third Paragraph	8.1(c) Actions of Council and Timing	Prohibits substantively amending the original proposed initiative after affixing of signatures delivery to Council and before submission to voters. Also edited for clarity and consistency.
Section 1 Two year prohibition of repealing an initiative Fourth Paragraph	8.1(d) Two year prohibition of repealing an initiative	No substantive change; edited for clarity and consistency.
Section 2 Referendum First Paragraph	8.2(a) Right to referendum; 30 day period before ordinance goes into effect	Reserves the right of referendum; substantively unchanged but edited for clarity and consistency.
Section 2 Referendum Second Paragraph	8.2(b) Petition requirements for Referendum	As with regard to the provision for initiative, signature requirement is clarified as percentage (15%) of those voting in

		the most recent regular municipal election. Also edited for clarity and consistency.
Section 2 Referendum Third Paragraph	8.2(c) Referendum only on first if more than one ordinance required for an action	No substantive change; edited for clarity and consistency.
Section 2 Referendum Fourth Paragraph	8.2(d) Subsequent ordinance for bonds not susceptible to referendum	No substantive change; edited for clarity and consistency.
Section 2 Referendum Fifth Paragraph	8.2(e) Ordinances not subject to referendum	Reference to emergency ordinances is eliminated because will be covered elsewhere in charter. Otherwise, no substantive change; edited for clarity and consistency.
Section 3(a) Recall First Paragraph	8.3(a) Right to Recall	Reserves the right of recall
Section 3(a) Recall Second Paragraph	8.3(b) Recall petition requirements	As with the provisions for initiative and referendum, signature requirement is clarified as percentage (25%) of those voting in the most recent regular municipal election. Provides that any signature affixed to a recall petition fewer than 180 days after the beginning of the term being challenged is invalid. Also edited for clarity and consistency.
Section 3(a) Recall Third Paragraph	8.3(c) Action of Clerk and Council	No substantive change; edited for clarity and consistency.
Section 3(b) Recall First Paragraph	8.3(d) Recalled by affirmative vote vacates Council seat	No substantive change; edited for clarity and consistency.

Section 3(b) Recall First and Second Paragraph	8.3(e) Seat vacant when official canvass confirms vote; how vacancy or vacancies filled	No substantive change; edited for clarity and consistency.
Section 3(b) Recall Third Paragraph	8.3(f) Reasonable expenses for unsuccessful recall	No substantive change; edited for clarity and consistency.
Section 4 General Provisions	8.4(a) through 8.4(h) General Provisions	The name of a Council member being recalled must be stated in the petition along with reasons for the removal. When four or more members are being recalled at the same time, the time bracket within which an election must be called is clarified as 120 to 180 days. Specifies that a second ruling of insufficiency of a petition, following submission of supplementary signatures to remedy a prior insufficiency, is final. Otherwise, no substantive change, but edited for clarity and consistency.
Section 5 Official Publicity	8.5(a) and (b) Official Publicity	Contains only mailing and publicity requirements, which are not substantively changed.
Section 5 Official Publicity	8.6(a) Statements in Support and Opposition	Newly numbered section titled, "Statements in Support and Opposition." Reference to Mayor changed to President of City Council but otherwise no substantive change; edited for clarity and consistency.
Section 5 Official Publicity	8.6(b) Statements in Support and Opposition	Reference to Mayor changed to President of City Council. Permitted size of explanation or argument for an issue expanded from 300 to 500 words. Also edited for clarity and consistency.
Article IX Finances	Article Nine Finances	

No existing section	9.1 General	Statement that the laws of the State of Ohio generally control the City's budget process and other fiscal matters. The original language was an inaccurate and anachronistic statement of the state laws that control much of the municipal budget process.
Section 1 Budget	9.2 Budget	Continues the requirement for use of a budget system but replaces an inaccurate description of the process with a description that conforms to the manner in which budget activities actually and effectively occur, so as to permit Council consideration and adoption of an appropriation ordinance.
Section 2 Appropriation Ordinance	9.3 Appropriation Ordinance	Continues the requirement that appropriations be predicated on a budget and not exceed projected revenues, but clarifies the process for making an annual appropriation; explicitly provides for use of an interim appropriation ordinance and for amendment of both types of ordinances.
Sections 3 Transfer of Funds	No provision	Eliminated as unnecessary; topics effectively covered by state law.
Section 4 Unencumbered Balances	No provision	Eliminated as unnecessary; topics effectively covered by state law.
Section 5 Payment of Claims	No provision	Eliminated as unnecessary; topics effectively covered by state law.
Section 6 Certification of Funds	No provision	Eliminated as unnecessary; topics effectively covered by state law.
Section 7 Money in the Funds	No provision	Eliminated as unnecessary; topics effectively covered by state law.
Section 8 Bond Issues	9.4 Bond Issues	No substantive change; edited for clarity and consistency.

Section 9 Maturity of Bonds	9.5 Maturity of Bonds	Limitation to using only serial bonds removed. Otherwise no substantive change, but edited for clarity and consistency.
Section 10 Temporary Loans	No provision	Eliminated as unnecessary; topic effectively covered by state law.
Section 11 Limitation on Rate of Taxation for Current Operating Expenses	9.6(a) Limitation on Rate of Taxation for Current Operating Expenses	Combined with Section 11(A) into new single Section 9.6 with two subsections, and redesignated 9.6(a); no substantive change but edited for clarity and consistency.
Section 11(A) Limitation on Rate of Taxation for Improvement and Maintenance of City Owned Parks, Recreation and Cultural Facilities	9.6(b) Limitation on Rate of Taxation for Improvement and Maintenance of City Owned Parks, Recreation and Cultural Facilities	Combined with Section 11 into new single Section 9.6 with two subsections, and redesignated 9.6(b); no substantive change but edited for clarity and consistency.
Section 12 Auditing Finances	9.7 Auditing Finances	Expressly requires an annual financial audit of the City which may be done by the state auditor or an authorized independent accountant or firm. Separately empowers Council to use the services of an independent accountant or firm to audit City finances as it deems necessary.
Article X Franchises	3.10	Existing provisions largely eliminated, with clauses that remain now treated in Article Three, Section 3.10.
No existing provision	Article X Ethics	Entirely new provisions.
No existing provision	10.1 General Expectations	General statement of behavior expected of all who work for the City.

No existing provision	10.2 Oath of Office	Establishes requirement for who must take an oath of office before setting to work for the City, and refers to state law for contents of oath.
No existing provision	10.3(a) Fiduciary Duty	States which officers owe a fiduciary duty. In addition, requires the named officers and the heads of administrative departments to avoid any actual or apparent conflict of interest and any action that would give the appearance of impropriety.
No existing provision	10.3(b) Ethical policy duty of City Manager	City Manager is tasked with seeing ethics policies are adopted, implemented, and communicated to all City employees.
No existing provision	10.3(c) Prohibitions against activities affecting City actions	Prohibits improper behavior by City personnel that affects hiring by the City, letting of a contract, or other City action that could secure something of value for the personnel, a relative, or a business associate.
No existing provision	10.3(d) Forfeiture and Ineligibility for Felony Conviction	Specifies offices for which a person convicted of specified felonies is ineligible. Specifies immediate forfeiture of office for City officers found guilty the felonies.
No existing provision	10.4 Council Authority on Ethics	Empowers Council to adopt additional ethics provisions.
Article XI City Planning Commission	Article Eleven City Planning Commission	
Section 1 Establishment	11.1 Establishment	No substantive change; edited for Clarity and consistency.

Section 2 Powers	11.2 Powers	No substantive change; addition of the modifying phrase, “including but not limited to such factors as economic, environmental and social sustainability,” recognizes both current practice and newer notions of city planning. Also edited for clarity and consistency.
Article XII Civil Service Commission	Article Twelve Civil Service Commission	
Section 1 Establishment	12.1 Establishment	Prohibition against member of commission holding other municipal employment narrowed to prohibit only City employment. Also edited for clarity and consistency.
Section 2 Officers and Employees	12.2 President and Secretary	Title of section changed to, “President and Secretary” to conform to contents of text. No substantive change to text.
Section 3 Powers and Procedures	12.3 Powers and Procedures	Requires Council to provide the powers, duties and jurisdiction of the Commission by codified ordinance.
No existing provision	12.4 Council Compensation Review	In each year preceding a U.S. presidential election, the Commission is to assess and provide the Council a written report with recommendations for salary and other compensation for members of Council.
Article XIII Amendments	Article Thirteen Amendments	Article divided into two sections.
First Paragraph	13.1 Submission of Amendments	No substantive change; edited for clarity and consistency.
Second Paragraph	13.2 Effective Date	No substantive change; edited for clarity and consistency.
Article XIV Charter Review	Article Fourteen Charter Review	Moved from Article Fifteen, and renumbered.

Single Paragraph	Single Paragraph	Requires Council to establish a commission for a full charter review every 20 years. In the interim, every 5 years Council must consider whether to establish a charter review commission.
Article XV Savings Clauses	Article Fifteen Savings Clauses	Moved from Article Fourteen, and renumbered.
Section 1 Laws continued in force	15.1 Laws Continued in Force	No substantive change; edited for clarity and consistency.
Section 2 Partial Invalidity	15.2 Partial Invalidity	No substantive change; edited for clarity and consistency.
Section 3 Continuance of Present Officials	15.3 Continuation of Present Officials	No substantive change; title and text edited for clarity and consistency.
Section 4 Continuance of Contracts and Vested Rights	15.4 Continuation of Contracts and Vested Rights	No substantive change; title and text edited for clarity and consistency.
Article Sixteen When Charter Takes Effect	Article Sixteen Effective Date of Charter	
Single Paragraph	Single Paragraph	Date to be entered by Council depending upon timing of anticipated action by voters on the charter.

**FIRST AMENDED CHARTER
OF THE
CITY OF CLEVELAND HEIGHTS, OHIO**

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**FIRST AMENDED CHARTER
OF THE
CITY OF CLEVELAND HEIGHTS, OHIO**

PREAMBLE

We, the people of the City of Cleveland Heights (City), in the County of Cuyahoga and the State of Ohio, in order to secure for ourselves the benefits of local self-government under the Constitution of the State of Ohio (Constitution), do ordain and establish this First Amended Charter (Charter) for the government of the City.

**ARTICLE ONE
NAME AND BOUNDARIES**

The municipal corporation now existing and known as the City of Cleveland Heights shall continue to be an organized, incorporated governmental entity under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous to its existing boundaries in the manner authorized by the general laws of the State of Ohio. However, no territory shall be detached from the City nor shall the City be annexed to any other municipality, without the consent of the Council and of a majority of the registered voters of the City voting on that question.

ARTICLE TWO. FORM OF GOVERNMENT AND POWERS.

- 2.1 Form of Government.
- 2.2 Powers.

**ARTICLE TWO
FORM OF GOVERNMENT AND POWERS**

2.1 FORM OF GOVERNMENT

The municipal government provided by this Charter shall, as reflected more specifically in other provisions of the Charter, be and be known as Council-Manager government.

2.2 POWERS.

The City shall have all powers of local self-government now or hereafter granted to municipalities by the Constitution and laws of Ohio, and such further powers as may now or hereafter be granted by the Constitution and laws of Ohio. All such powers shall be exercised in the manner prescribed by this Charter or, to the extent

not inconsistent with this Charter, by ordinances, resolutions, or motions of the Council.

ARTICLE THREE. THE COUNCIL

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ARTICLE THREE THE COUNCIL

3.1 POWERS, NUMBER AND TERM.

Except as otherwise provided by the laws of the State of Ohio or this Charter, the legislative power of the City and such additional powers as may be expressly granted by the Charter or by codified ordinance shall be vested in a council of seven (7) members elected at large (Council). Other than as called for under Section 3.4 of the Charter to address a vacancy, three (3) members shall be elected in the regular municipal election held in the year immediately preceding that in which a United States presidential general election is held, and four (4) members shall be elected in the regular municipal election held in the year immediately following that in which a United States presidential general election is held. The terms of Council members shall begin on the first day of January immediately following their election. The term of each member of Council shall be four (4) years or until his or her respective successor is chosen and qualified, provided that the members of Council in office when the Charter becomes effective shall continue in office until the expiration of their then existing terms.

3.2 QUALIFICATIONS.

To serve as a member of Council, a person shall reside in, and be registered to vote in, the City at the time of submitting his or her nominating petition to the election authorities as required under the terms of this Charter, and shall continue to reside in the City during his or her term of office. No person serving on Council may hold any employment with the City or any elected public office other than that of precinct committee person or State central committee person.

3.3 REMOVAL.

The Council shall be the judge of the election and qualifications of its own members. It may expel any member for gross misconduct, for malfeasance in or disqualification for office, for conviction of a crime involving moral turpitude while in office, for violation of this Charter, or for persistent failure to abide by the rules of the Council. However, that expulsion may take place only upon Council acting by an affirmative vote of at least five (5) of its members, and only after the accused member has been given an opportunity to be heard. At least ten (10) days before the hearing, the accused member must be given both written notice of the time and place of the hearing and a written statement of the charges advanced as the basis for expulsion.

3.4 VACANCIES.

The procedure for filling a Council vacancy is as follows:

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

3.5 SALARIES.

In each year immediately preceding the year in which a United States presidential general election is to be held, Council shall, following receipt and consideration of the report of the Civil Service Commission prescribed by Section

12.4 of this Charter, by ordinance, fix the salaries of all members of Council for the four-year period beginning on January 1 of the year following the year in which the ordinance is adopted. Any ordinance fixing salaries shall be null and void unless adopted at least sixty (60) days before the deadline for filing nominating petitions by candidates for Council for the regular municipal election to be held in the year of adoption, and subject to further provisions of this Charter. Salaries for the six (6) members of Council other than the President of Council shall be identical. The salary for the President of Council shall be larger by twenty-five percent (25%) than the salary for other members.

3.6 APPOINTMENTS.

- (a) The Council shall appoint a City Manager. The Council shall evaluate the performance of the City Manager no less frequently than annually and shall, at the first meeting of Council that follows completion of the evaluation, announce that it has been performed and completed.
- (b) Unless otherwise provided by ordinance of the Council, the Director of Finance shall serve as ex officio Clerk of the Council, and shall have the duty of keeping Council's records and performing all other duties required of the Clerk by this Charter and by the Council. The Council may also appoint, employ, retain, contract with, and otherwise secure the services of additional persons as Council may deem necessary to advise or assist it in its functions, with all such persons to hold their appointment, employment, retention, or other status at the pleasure of Council.
- (c) The Council may create and establish any other offices and positions it deems necessary to administer City affairs and for which this Charter does not otherwise provide.
- (d) Neither the Council nor any of its members or committees may dictate the appointment of any person to office or employment by the City Manager, or in any manner interfere with or prevent the City Manager from exercising his or her own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members must deal with the administrative service solely through the City Manager and neither the Council nor any member of Council may give orders to any subordinate of the City Manager, unless otherwise provided in this Charter.
- (e) In its employment practices, the City is and shall continue to be an equal opportunity employer with respect to all protected classes recognized within the jurisdiction of the City. At least once each year, the City Manager must submit a report to the Council for review concerning the carrying out of this policy. Council must make this report public.

3.7 MEETINGS.

The Council shall meet for the purpose of organization on the first Monday in January following each regular municipal election. In the event the first Monday is a legal holiday, Council shall meet the following day. Thereafter, the Council shall meet at such times and at such public places within the City as may be prescribed by ordinance or resolution. Four members shall constitute a quorum.

3.8 GENERAL PROVISIONS.

The Council shall determine its own rules and order of business, provide for special meetings and keep a record of its proceedings. The Council may by ordinance provide for: legislative procedure; the form and method of enactment of ordinances; a simplified procedure for levying assessments; the method and manner of giving public notice of passage of ordinances or resolutions of a general or permanent nature; the advertisement and sale of bonds and notes; the advertisement and awarding of public contracts; and interpretation of principles of open government for the City, as well as the methods and manners of applying those principles. Ordinances of the type listed immediately above, when once adopted, may not be repealed or amended except by an affirmative vote of at least five (5) Council members or by initiative under Section 8.1 of this Charter.

3.9 EMERGENCY MEASURES.

An emergency ordinance, resolution, or other measure is one that is necessary for the immediate preservation of the public peace, health or safety in the City. No action of Council can qualify as an emergency ordinance, resolution, or other measure unless it receives the affirmative vote of at least five Council members, and the specific reason or reasons for the need to declare the emergency must be separately set forth in a section of the ordinance, resolution, or other measure.

3.10 PUBLIC UTILITIES AND FRANCHISES.

The Council may by ordinance grant permission to any person to construct and operate a public utility or other franchise on, across, under or above any public street or ground within the City. It may prescribe in the ordinance the kind and quality of service or product to be furnished, the rates to be charged for the service or product, and any other terms considered by Council conducive to the public interest. The grant may be amended or renewed in the manner and subject to the provisions established for original grants. The grant, amendment or renewal shall be for a period of time determined by Council and shall be made subject to Council's continuing right to provide reasonable regulations for the operation of the utility or other franchise. No ordinance making, amending or renewing a public utility or other franchise may be passed as an emergency measure.

3.11 PRESIDENT OF COUNCIL AND VICE PRESIDENT OF COUNCIL.

(a) The Council shall, at the time of organizing following each regular municipal election, elect one of its members as President and another as Vice President. In

the event of a vacancy in either office, or if the Council determines by an affirmative vote of at least four (4) members that either the President or the Vice President is unable to fulfill the duties of the respective office, the Council shall immediately proceed to elect one of its members to serve in that office.

(b) The President of Council, or in the President's absence the Vice President, shall prepare the agenda for meetings of the Council. The President of Council, or in the President's absence the Vice President, or in the absence of both the President and the Vice President, the President Pro Tem, shall preside at meetings of the Council, and shall have a voice and vote in its proceedings but no veto. A President Pro Tem shall be elected by the affirmative vote of a majority of the Council members present at the meeting. The President of Council, or in the President's absence the Vice President, shall be recognized as a non-exclusive representative of the City for ceremonial purposes.

ARTICLE FOUR. CITY MANAGER.

- 4.1 Appointment, Tenure, Removal.
- 4.2 Powers and Duties.
- 4.3 Vice City Manager.
- 4.4 Acting City Manager.

ARTICLE FOUR CITY MANAGER

4.1 APPOINTMENT, TENURE, REMOVAL.

The Council, acting by a vote of at least four (4) of its members, shall select and appoint a City Manager. The City Manager serves at the will of the Council, which, by an affirmative vote of at least four (4) of its members, may remove or suspend the City Manager with or without cause. No employment agreement between the City and the City Manager may limit the Council's authority to suspend or remove the City Manager, but the agreement may provide for post-employment payments and benefits.

4.2 POWERS AND DUTIES.

The City Manager is the chief executive officer of the City and official head of City government, and is responsible to the Council for the general direction, supervision, management and administration of all City affairs and the enforcement of all laws and ordinances, except as otherwise provided by law or by this Charter. The more particular powers and duties of the City Manager include, but are not limited to, the following:

- (a) To represent the City in intergovernmental relationships;

- (b) To represent the City in its relationships with business and residential interests consistent with the City's master plans and strategies adopted from time to time by Council and with the ordinances, resolutions, and other acts Council;
- (c) To appoint, promote, suspend, discipline and/or remove all City employees and appointed City officers except as otherwise provided by federal, state or local law or by the Charter, and subject at all times to the terms of applicable collective bargaining agreements.
- (d) To be the chief conservator of the peace within the City, and to see that all laws and ordinances are enforced;
- (e) To develop and submit to Council policy proposals, including from time to time proposals for new or revised master plans and strategies, and to provide advice to Council on matters of policy;
- (f) To develop and recommend ordinances and resolutions for consideration by Council and otherwise make recommendations for actions to be taken by the City;
- (g) To prepare and to submit to Council annually, and to publish promptly in media of ready availability to City residents:
 - (1) A proposed operating budget for the upcoming fiscal year;
 - (2) A proposed capital improvements program and budget containing the improvements scheduled for or proposed for the upcoming fiscal year and for each of at least the three (3) following fiscal years;
 - (3) A written message accompanying the budget proposals that (i) describes the state of the City, including but not limited to its financial condition and its future needs, and identifies any longer term risks the City Manager believes are reasonably likely to have a material impact on the City's future financial status and/or other aspects of its well-being; (ii) makes recommendations for the establishment and achievement of future City goals and deals with the risks identified; and (iii) sets forth the initiatives proposed for the upcoming fiscal year and for each of at least the three (3) following fiscal years;
- (h) To promote and pursue the vision and plan for the City as determined from time to time by Council in light of and in response to the proposed

budgets, the description of condition and needs, the identification of risks, and the proposed goals and initiatives;

(i) To execute on behalf of the City all contracts, agreements, memoranda of understanding, conveyances, evidences of indebtedness, and other instruments to which the City is a party;

(j) To attend meetings of Council, with the right to participate fully in its discussions and bring matters to its attention but without the right to vote on or to veto any measure, and to attend meetings of any committee of Council and, when permitted or requested by that committee, to bring matters to the committee's attention but without the right to vote on or to veto any measure;

(k) To be recognized by the Courts for purposes of receiving service of civil process and by the Governor for military or defense purposes, and as a non-exclusive representative of the City for ceremonial purposes;

(l) To perform such other duties as may be prescribed by the Charter or by ordinances or resolutions of Council not inconsistent with the Charter; and

(m) To delegate to any other City officer, department head, or supervisor, subject to direction of, supervision of, and ultimate responsibility of the City Manager, the authority to exercise any of the City Manager's powers and duties.

4.3 VICE CITY MANAGER.

(a) There shall be a Vice City Manager who is selected and appointed by the City Manager and whose appointment is subject to, and effective only upon, approval by Council acting by an affirmative vote of at least four of its members. The Vice City Manager reports to, is responsible to, and serves at the will of the City Manager, and may be suspended or removed by the City Manager without the approval of Council.

(b) The Vice City Manager assists the City Manager in the operation of the City Manager's office and the execution of the City Manager's powers and duties, subject to the direction of, supervision of, and ultimate responsibility of the City Manager. During any temporary absence, suspension or disability of the City Manager, the Vice City Manager has and exercises the powers and performs the duties of the City Manager; if, in any circumstance of this kind, the Vice City Manager is also unavailable to exercise the powers or perform the duties of City Manager, the Director of Law shall do so.

4.4 ACTING CITY MANAGER.

Upon a vacancy in the office of the City Manager, the Vice City Manager serves as Acting City Manager until another City Manager is appointed or Council appoints a separate person to be Acting City Manager. If the Vice City Manager is serving as Acting City Manager but is unavailable to exercise the powers or perform the duties of City Manager, the Director of Law shall do so. The Council may suspend or remove an Acting City Manager from that office at any time.

ARTICLE FIVE. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

- 5.1 Departments.
- 5.2 Directors.
- 5.3 City Manager as Head of Departments.
- 5.4 Salaries and Bonds.

ARTICLE FIVE ADMINISTRATIVE OFFICERS AND DEPARTMENTS

5.1 DEPARTMENTS.

The following administrative departments (Department) are hereby established: (1) Department of Law; (2) Department of Finance; (3) Department of Planning & Development; (4) Department of Public Safety; (5) Department of Public Works; (6) Department of Community Services; and (7) Department of Parks & Recreation.

The Council shall determine and prescribe the functions and duties of each Department, and, acting by an affirmative vote of at least five (5) of its members via a codified ordinance, may create new Departments, may combine or abolish existing Departments including but not limited to Departments established by this Charter, and may establish temporary Departments for special work.

5.2 DIRECTORS.

There shall be a director of each Department (Director) who supervises and controls the Department, and who is appointed by, and is immediately responsible to, the City Manager for the Department's administration. The City Manager's appointment of each Director is subject to and effective only upon the affirmative vote of at least four Council members. The City Manager may remove the Director of any Department without Council approval.

The Director of Law must be an attorney at law duly admitted to practice in the State of Ohio. The Director of Finance shall also have the title of City Auditor. Nothing in this Charter shall be construed as preventing the same person from being Director of more than one Department.

5.3 CITY MANAGER AS HEAD OF DEPARTMENTS.

Excepting the Departments of Law, Finance, and Planning & Development, the City Manager may serve as the Director of each and every Department of the City government unless otherwise stipulated by the Council.

5.4 SALARIES AND BONDS.

The Council shall fix by ordinance the salary, rate, or other amount of compensation of all officers and employees of the City, except as otherwise provided in this Charter. The Council may require any officer or employee to give a bond for the faithful performance of his or her duties, in such an amount as it may determine, and it may provide that the premium for the bond shall be paid by the City.

ARTICLE SIX. MUNICIPAL COURT

6.1 Establishment.

6.2 Nomination and Election.

6.3 General Provisions.

ARTICLE SIX MUNICIPAL COURT

6.1 ESTABLISHMENT.

The Cleveland Heights Municipal Court (Court) has been created and is in existence pursuant to the laws of the State of Ohio.

6.2 NOMINATION AND ELECTION.

The provisions of Article SEVEN of this Charter shall govern the nomination and election of the Judge of the Court.

6.3 GENERAL PROVISIONS.

Except as otherwise specifically provided this Charter, the Court shall be governed by the laws, rules and regulations of the State of Ohio.

ARTICLE SEVEN. NOMINATIONS AND ELECTIONS

7.1 Time of Holding Elections.

7.2 Ballots.

7.3 Petition for Places on Ballots.

7.4 Acceptance.

7.5 Write-In Candidates.

7.6 Conduct of Elections and Canvass of Votes.

7.7 Voting by Members of the Armed Forces and Their Families.

ARTICLE SEVEN NOMINATIONS AND ELECTIONS

7.1 TIME OF HOLDING ELECTIONS.

Regular municipal elections shall be held on the first Tuesday after the first Monday in November in odd numbered years. Any matter that, by the terms of this Charter, may be submitted to the voters of the City at a special election, may also be submitted at the time of a primary election or a general election.

7.2 BALLOTS.

The ballots used in all elections provided for in this Charter shall be consistent with the election laws of the State of Ohio.

The ballots used in all elections provided for in the Charter shall be without party marks or designations. The names of all candidates for any office shall be placed upon the same ballot and the names shall be rotated in the manner provided by the election laws of the State of Ohio.

7.3 PETITION FOR PLACES ON BALLOTS.

The name of anyone registered to vote in the City must be printed upon the ballot as a candidate if there is filed with the election authorities prescribed by the election laws of the State of Ohio a petition in accordance with the following requirements:

(a) The petition must state the name and place of residence of the person whose name is presented for a place upon the ballot and the name of the office for which the person is a candidate. The nomination of each candidate must be made by separate petition.

(b) The petition must be signed by registered voters of the City equal in number to at least two percent (2%) of the total number of persons voting at the last regular municipal election.

(c) Each person signing a petition must add to the signature his or her place of residence, with street and number and date of signing. All signatures must be made with ink.

(d) The signatures on a petition need not all be affixed to a single paper, but to each separate paper there shall be attached a signed statement of the circulator of the paper, made under penalty of election falsification, stating the number of signers of the paper, that each person signed the paper in the

circulator's presence on the date noted, and that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it appears to be.

(e) No petition may be signed more than one hundred eighty (180) days before the day of the applicable election, and any signature affixed before that date shall not be counted. The petition must be filed with the election authorities at least ninety (90) days before the day of the election.

7.4 ACCEPTANCE.

Any person whose name has been submitted for candidacy by petition must file an acceptance of candidacy with the election authorities at least eighty-five (85) days before the applicable election; otherwise, that person's name shall not appear on the ballot. The signature of a candidate upon a declaration of candidacy contained as part of a petition filed with the election authorities in accordance with the election laws of the State of Ohio shall constitute compliance with the requirements of this Section.

7.5 WRITE-IN CANDIDATES.

A person seeking election as a write-in candidate must file a declaration of intent with the election authorities at least seventy-two (72) days before the election and must be registered to vote in the City at the time the declaration is filed. The declaration must state the person's name and place of residence and the office for which he or she intends to run. A voter may write on the ballot the name of any person who has properly and timely filed a declaration of intent to run as a write-in candidate, and that vote shall be counted.

7.6 CONDUCT OF ELECTIONS AND CANVASS OF VOTES.

All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by the election laws of the State of Ohio, and all other election matters for which no specific provision is made in this Charter or by ordinance of Council shall also be determined by the election laws of the State of Ohio.

7.7 VOTING BY MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

Members of the Armed Forces of the United States and their families are entitled to vote in accordance with and pursuant to the procedures of the election laws of the State of Ohio.

ARTICLE EIGHT. INITIATIVE, REFERENDUM, AND RECALL.

- 8.1 Initiative.
- 8.2 Referendum.
- 8.3 Recall.
- 8.4 General Provisions.
- 8.5 Official Publicity.
- 8.6 Statements in Support and Opposition.

**ARTICLE EIGHT
INITIATIVE, REFERENDUM, AND RECALL**

8.1 INITIATIVE.

(a) The people reserve to themselves the right, by initiative petition, to propose any legislative measure, including the repeal of ordinances adopted by the Council, approved by referendum vote, or initiated by the people. A legislative initiative petition must be signed by registered voters of the City equal in number to at least ten percent (10%) of the total number of persons who voted in the most recent regular municipal election and must identify a committee of petitioners as defined in Section 8.4 of this Charter.

(b) When a petition proposing an ordinance or other measure has been signed by the required number of persons and duly filed with the Clerk of Council, the Clerk shall, at the next regular Council meeting, certify the petition to the Council. At that meeting, the Council shall read the petition and refer it to an appropriate Council committee, which may be the committee of the whole. The committee to which the petition is referred may provide for public hearings on the proposed legislation. Not later than the second regular meeting of the Council following the meeting at which the proposed measure was certified to the Council by the Clerk, the committee must report the proposed measure to the Council along with its recommendations.

(c) The Council must then proceed to consider it and take final action on the proposed measure not later than thirty (30) days following the date of the committee's report and recommendations to Council. If the Council rejects the proposed measure, fails to act on it within the time prescribed, or passes it in a form different from that set forth in the petition, the committee of petitioners may require that it be submitted to a vote of the people in its original form.

Alternatively, the committee of petitioners may require that the proposed measure be submitted to a vote with any proposed change, addition or amendment that had been presented, either at a public hearing before the committee of Council to which the proposed measure had been referred, or during the consideration of the proposed measure by the Council. In no instance may any such change, addition or amendment substantively alter the measure as it had appeared in the petition

originally circulated for signatures. If the committee of petitioners intends to require a submission of the measure for a vote, it shall certify that intent to the Clerk in writing no later than ten (10) days after the final action on the proposed measure by the Council or after the expiration of the prescribed time without Council having acted, whichever is applicable. The Clerk shall promptly certify the committee's intent to the Council, which must provide for submitting it to a vote of the people.

(d) No measure initiated by the people and adopted by popular vote shall be repealed or materially amended by the Council, within two (2) years after it takes effect.

8.2 REFERENDUM.

(a) The people reserve to themselves the right, by petition, to subject to referendum any ordinance or other measure passed by the Council, except as otherwise provided in this Section. Except as otherwise provided in this Section, no ordinance or other measure shall become effective until thirty (30) days after it has been passed by the Council, provided, however, that nothing contained in this Section shall prevent the City, after the passage of any ordinance or other measure, from proceeding at once to give any notice or make any tender or publication required by the measure, by this Charter, by the laws of the State of Ohio, or by ordinance or resolution.

(b) A petition demanding that an ordinance or other measure be submitted to the people for their approval or rejection must be signed by registered voters of the City equal in number to at least fifteen percent (15%) of the persons who voted in the most recent regular municipal election and must be filed with the Clerk of Council no later than thirty (30) days after the ordinance or other measure has been passed by the Council. When a referendum petition has been signed by the required number of persons and duly filed, the Clerk of Council shall, at the next regular Council meeting, certify the petition to the Council. Upon receipt of the certified petition, the Council shall immediately proceed to reconsider the ordinance or other measure. If upon reconsideration, the ordinance or other measure is not entirely repealed within thirty (30) days of Council's receipt of the petition, the Council shall provide for submitting it to a vote of the people, and it shall not go into effect unless and until approved by a majority of those voting on it.

(c) Whenever the Council is required by the laws of the State of Ohio or by ordinance to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the provisions of this Section shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating to the first ordinance or measure.

(d) Whenever the people have authorized the issuance of bonds, subsequent ordinances or other measures relating to the issuance of the bonds shall not be subject to the provisions of this Section.

(e) Ordinances or other measures providing for appropriations for the current expenses of the City, or for street improvements petitioned for by the owners of a majority of the front feet of the property benefited and to be specially assessed for the cost of the improvements, as provided by general law or ordinance, and emergency ordinances or other measures, shall go into immediate effect and are not subject to the provisions of this Section.

8.3 RECALL.

(a) The people reserve to themselves the right, by recall petition, to remove from office any member of the Council.

(b) A petition for removal of a Council member must contain the name of the person sought to be removed and a concise statement setting forth the basis for removal and must be signed by registered voters of the City equal in number to at least twenty-five percent (25%) of the total number of persons who voted in the most recent regular municipal election. No petition shall be signed fewer than one hundred eighty (180) days following the commencement of the most recent term of office of the Council member whose removal is sought, and any signature affixed before that date shall not be counted. No petition may relate to the recall of more than one Council member.

(c) When a petition for recall has been signed by the required number of registered voters and duly filed with the Clerk of Council, the Clerk shall, at the next regular Council meeting, certify the petition to the Council and shall at the same time furnish a copy of the petition to the member of the Council whose removal is sought. Unless the member of Council tenders his or her written resignation to the Clerk within no more than five (5) days after certification of the petition to Council, the member of Council tenders his or her written resignation to the Clerk, the Council shall provide for submitting the question of removal to a vote of the people.

(d) If a majority of the votes cast at the election on the question of removal are affirmative, the person whose removal is sought shall be deemed removed from office upon the certification of the official canvass of the election to the Council.

(e) A vacancy caused by the removal of a member of Council shall be filled by the remainder of the Council according to the provisions of Article Three of this Charter, provided that if the removal of four (4) or more members of Council is the subject of a single election, any vacancy caused by removal shall be filled by election at the same election at which the question of removal is presented. The candidates for the vacancies shall be nominated by petitions similar in form to petitions

presenting names of candidates for regular municipal elections, dated and verified in the manner required for those petitions, and filed with the election authorities not later than ninety (90) days before the recall election, but no nominating petition shall be signed until the recall petition has been certified to the Council, and any signature affixed before that date shall not be counted.

(f) If a majority of the votes cast at the election on the question of removal are not in the affirmative, the person whose removal has been sought shall be allowed by the Council reasonable expenses incident to the election.

8.4 GENERAL PROVISIONS.

(a) Any initiative, referendum or recall petition may be presented in separate parts. Each part of an initiative petition must contain a full and correct copy of the title and text of the proposed ordinance or other measure. Each part of a referendum petition must contain the number and the full and correct copy of the title of the ordinance or other measure sought to be referred, but need not contain the full text of the ordinance or other measure. Each part of a recall petition must contain the name of the member of Council sought to be removed and the statement of basis for removal.

(b) Each person signing a petition must add to the signature his or her street and number of residence and date of signing. All signatures must be made with ink. Each part of a petition must contain a signed statement of the person circulating the petition, made under penalty of election falsification, stating the number of signers of the part and that to the best of the circulator's knowledge and belief (i) each of the signatures contained on the part is the genuine signature of the person whose name it appears to be, (ii) each signer is a registered voter of the City, and (iii) each signer signed the petition with the knowledge of its contents. Each part of a petition shall also have printed on it the names and addresses of at least five (5) registered voters of the City, who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for purposes of this Article.

(c) All petitions must be filed with the Clerk of the Council and all parts of any the petition shall be assembled by the Clerk as one instrument.

Upon the filing of a petition the Clerk must examine it and, not later than ten (10) days after the filing, determine whether the petition has been signed by the required number of registered voters. Upon the completion of his or her examination, the Clerk shall endorse upon the petition a certificate of the result.

(d) If the Clerk's certificate shows that the petition has an insufficient number of signatures, the Clerk must promptly notify each member of the committee of the petitioners, and the petition may be amended at any time within fifteen (15) days from the date of the Clerk's certificate of examination by filing with the Clerk a

supplement to the petition in one or more parts with additional signatures in the same manner as provided for the original petition. If, upon challenge, a court determines that a certificate of the Clerk to the effect that the petition is sufficient is erroneous, a similar period of fifteen days (15) after the final judicial determination shall be granted for amending the petition in the same manner.

(e) Upon amendment by the filing of a supplement to the petition, the Clerk must, no later than ten (10) days after the filing, examine the petition as amended and endorse upon it a certificate of the result of the examination, which shall constitute the final determination. The final determination of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

(f) An initiative, referendum or recall petition is deemed to be filed by the Clerk with the Council on the date the final Clerk's certificate is endorsed on the petition.

(g) Whenever the Council is required to provide for an election by reason of the filing of a petition for initiative or referendum or recall, the Council must set the election at the next regular primary or general election occurring not less than sixty (60) days or more than one hundred twenty (120) days after the requirement has arisen. If no regular primary or general election is to be held within that period, the Council must provide for a special election to be held not less than sixty days or more than one hundred twenty days after the requirement has arisen; provided, however, that if the recall of four or more members of Council is sought by petition in a single election, the periods of sixty days and one hundred twenty days shall be changed, respectively, to one hundred twenty days and one hundred eighty (180) days. The Council shall certify the action to the election authorities.

(h) When a legislative measure resulting from an initiative or referendum petition is approved by a majority of those voting on it, then the measure shall become effective at the time fixed in the measure, and if no time is fixed in it, the measure shall become effective upon the certification of the official canvass of the election to the Council; provided, however, that in the event two or more inconsistent legislative measures on the same subject are submitted at the same election, only the one receiving the largest affirmative vote, at least a majority of those voting, shall become effective.

8.5 OFFICIAL PUBLICITY.

(a) At least thirty (30) days before an election at which a Charter amendment, an initiated or referred legislative measure, or recall of an elective official is to be submitted to the voters, the Clerk of Council shall either:

- (1) Mail materials to each registered voter of the City determined as of the most recent general election; or

(2) Publish materials promptly in a newspaper of general circulation within the City. The publication must be made once a week for at least two (2) consecutive weeks with the first publication being at least (30) days before the election.

(b) The materials mailed or published must contain at least the full text of the Charter amendment, initiated or referred ordinance, or recall petition, with their respective ballot titles, together with any explanation or argument for or against the measure or recall that that may have been filed with the Clerk of Council. The validity of a Charter amendment or an initiated or referred legislative measure approved by the voters, and the result of a recall election, shall not be questioned because of technical or non-consequential errors or irregularities in the mailing or publication.

8.6 STATEMENTS IN SUPPORT AND OPPOSITION.

(a) At least fifty (50) days before an election prompted by a petition, the committee of petitioners designated in the petition at issue may submit to the Clerk of Council an explanation or argument supporting the position taken by the signers of the petition. If a Charter amendment is proposed by the Council, a committee of three members of Council to be appointed by the President of Council shall prepare an explanation or argument in support.

(b) In the event of an initiated Charter amendment, an initiated ordinance, or a referred ordinance, a committee of three (3) members of Council appointed by the President of Council shall prepare an answer to the explanation or argument submitted by the committee of petitioners. In the event of a recall election, the Council member whose recall is sought may prepare an answer to the explanation or argument submitted by the committee of petitioners. If a Charter amendment is proposed either by Council or by initiative, any civic body or committee of citizens may prepare and submit an answer to the explanation or argument submitted in favor of the amendment. All answers must be filed with the Clerk at least forty (40) days before the applicable election. An explanation or argument for or against any measure or recall must be signed by the person or persons authorized to submit it. No explanation or argument may exceed five hundred (500) words in length. All explanations and arguments in favor of or against any Charter amendment, legislative measure or recall, once filed with the Clerk, shall at all times be open to the inspection of anyone interested in them.

ARTICLE NINE. FINANCES.

9.1 General.

9.2 Budget.

9.3 Appropriation Ordinance.

- 9.4 Bond Issues.
- 9.5 Maturities of Bonds.
- 9.6 Limitations on Rates of Taxation.
- 9.7 Auditing Finances.

ARTICLE NINE FINANCES

9.1 GENERAL.

The laws of the State of Ohio relating to budgets, appropriations, taxation, debt, bonds and notes, assessments and other fiscal matters of the City shall be applicable to the City, except as otherwise provided by this Charter or by Council.

9.2 BUDGET

The financial affairs of the City shall be managed on a budget system. The City Manager shall prepare an annual budget in such form and detail as Council may, by ordinance, resolution or motion, request. For the purpose of the budget, each office, department or agency of the municipality shall furnish to the City Manager, at such times and in such forms as he or she may require, (i) estimates of revenue and expenditures of that office, department or agency for the upcoming fiscal year and such other supporting data as the City Manager may request, together with (ii) estimates of expenditures for all capital projects that are pending or that the head of the respective office, department or agency believes should be undertaken (a) within the upcoming fiscal year, and (b) for each year within at least the upcoming three (3) fiscal years. The City Manager shall review these estimates and make revisions, if any, that he or she may deem advisable, and shall submit the budget to the Council at such time as will permit Council's consideration and adoption of an appropriation ordinance as well as other actions required by the laws of the State of Ohio.

9.3 APPROPRIATION ORDINANCE.

Before the beginning of each fiscal year, Council shall adopt an annual appropriation ordinance for that year, using as a basis the budget submitted by the City Manager. Appropriations in the ordinance may not exceed the estimated revenues of the City for that year. In addition, in its discretion, Council may by ordinance provide for an interim appropriation, but in that event an annual appropriation ordinance shall nevertheless be adopted not later than the time provided by the laws of the State of Ohio. An appropriation whether annual or interim, may be amended as necessary from time to time by ordinance.

9.4 BOND ISSUES.

Except as may be authorized specifically by the laws of the State of Ohio, no bonds or notes of the City may at any time be issued for current operating expenses or for acquisition of any property, asset or improvement whose estimated life or

usefulness is less than five (5) years, but this prohibition shall not be construed as applying to money borrowed in anticipation of the collection of special assessments, or for defraying the expenses of an extraordinary epidemic of disease or emergency expenses made necessary by sudden casualty that could not reasonably have been foreseen, or for paying final judgments upon non-contractual obligations.

9.5 MATURITIES OF BONDS.

The maturities of bonds may not extend beyond the estimated life of the related property, asset, or improvement, as certified to the Council by the Director of Finance, which certificate must be on file with the Council before the passage of any bond ordinance.

9.6 LIMITATIONS ON RATES OF TAXATION.

(a) The Council may not, in the absence of a favorable vote of the people, levy taxes in excess of eight (8) mills per one dollar (\$1.00) of assessed valuation on property in the City that is assessed and listed for taxation according to value and that is required or lawfully permitted to be included in the general levy for the general fund of the City for the purpose of paying current operating expenses including the purpose of police and fire pensions.

(b) Notwithstanding the eight (8) mill limitation on taxation for current operating expenses, and in addition to it, Council may levy annually a tax not to exceed seven-tenths (.7) of one mill per one dollar (\$1.00) of property in the City that is assessed and listed for taxation according to value, to be used for the for the acquisition, construction, reconstruction, rehabilitation, renovation, improvement, equipping and maintenance of land, facilities, buildings and structures belonging to or operated by the City and used for parks, playgrounds, play fields, rights of way, swimming pools, indoor recreation and community centers, municipal amphitheaters and cultural facilities, and related equipment, and for the debt charges on general obligation bonds and bond anticipation notes issued to pay the cost of the improvements and/or maintenance specified in this Section.

9.7 AUDITING FINANCES.

There shall be a financial audit of all of the affairs and accounts of the City each calendar year. This audit shall be conducted by the State of Ohio or by an independent certified public accountant or accounting firm authorized by the State of Ohio to conduct required audits of cities. Council may, in addition, at any other time, engage the services of an independent certified public accountant or accounting firm for the purpose of auditing all or a portion of the City's finances covering a period Council deems advisable.

ARTICLE TEN. ETHICS.

- 10.1 General Expectations.
- 10.2 Oath of Office.
- 10.3 Public Ethics.
- 10.4 Role of Council.

ARTICLE TEN ETHICS

10.1 GENERAL EXPECTATIONS.

The citizens of Cleveland Heights rightfully expect their government of elected and appointed officials, and their employees, to behave legally and ethically. All officials are expected to treat each other with respect and together work to make the City a desirable place to live. The citizens also rightfully expect honesty, respect and fair treatment by all involved in governance. City officials have a responsibility to educate, monitor and support all employees and City representatives in this mission.

10.2 OATH OF OFFICE.

The City Manager, the Vice City Manager, all members of Council, all other officers of the City and all employees holding a position with an annual salary shall, before entering upon the duties of the respective office, take and subscribe an oath or affirmation that conforms to applicable laws of the State of Ohio and shall be kept in the office of the clerk of the Council.

10.3 PUBLIC ETHICS.

- (a) The City Manager, Vice City Manager, members of Council, and Directors of the Departments of Law and Finance owe a fiduciary duty to the City. In the interest of preserving public trust, these officials and all other Directors of Departments shall avoid any actual or perceived conflict of interest and any action likely to give the appearance of impropriety in the execution of their public duties.
- (b) The City Manager is responsible for seeing that policies governing the ethics of City employees in the execution of their job duties are adopted and implemented, that the policies are consistent with ethical requirements of the laws of the State of Ohio, and that the policies are communicated in writing to all City employees.
- (c) No City official or employee, through any improper use of that person's official position with the City, may affect the hiring of any person, the letting of any contract, or the taking of any other action by the City that may result in that official or employee, or any of the official's or employee's immediate family members or close business associates, securing anything of value. Nothing in this Section shall

be construed to prohibit a City official or employee from serving as an employment, personal, or credit reference for any person.

(d) Any person who has been found guilty by a court of competent jurisdiction of a felony violation of law relating to bribery, theft in office, having an unlawful interest in a public contract, soliciting or accepting improper compensation, perjury relating to an official duty, or corrupt practices relating to any local, state or federal election (Disqualifying Offense) shall be ineligible to hold office as City Manager, Vice City Manager, member of Council, or Director of a Department. If, while in office, the City Manager, the Vice City Manager, a member of Council, or a Director of a Department is found guilty by a court of competent jurisdiction of any Disqualifying Offense, that person shall, upon the finality of the conviction, immediately forfeit the office held. The terms used in this Section shall be interpreted consistent with their use in the law of the State of Ohio.

10.4 ROLE OF COUNCIL.

Nothing in this Article shall be construed to prohibit Council from adopting any rules or policies that govern ethics of City employees that are not inconsistent with the provisions of this Charter, or enacting any additional prohibitions or penalties relating to public ethics.

ARTICLE ELEVEN. CITY PLANNING COMMISSION.

11.1 Establishment.

11.2 Powers.

ARTICLE ELEVEN CITY PLANNING COMMISSION

11.1 ESTABLISHMENT.

The Council shall establish a City Planning Commission of seven (7) voting members, all of whom shall be residents of the City appointed by the Council and not employed by the City. A vacancy occurring during the term of any voting member shall be filled for the unexpired term in the manner authorized for an original appointment. The following shall be nonvoting members of the Commission: The Chairman of the City Planning and Development Committee of the Council; the City Manager; the Director of the Department of Planning and Development, who shall serve as ex officio secretary of the Commission; and such other persons as the Council shall from time to time appoint by ordinance. The voting members shall serve for a term of six (6) years, provided that the members of the Commission in office at the time this Charter becomes effective shall continue in office until the expiration of their then existing terms.

11.2 POWERS.

The Commission may make recommendations to the Council and City Manager on all matters affecting the physical development of the City, including but not limited to such factors as economic, environmental and social sustainability. In addition, the Commission shall perform all other duties and responsibilities provided by codified ordinance.

ARTICLE TWELVE. CIVIL SERVICE COMMISSION.

- 12.1 Establishment.
- 12.2 President and Secretary.
- 12.3 Powers and Procedures.
- 12.4 Council Compensation Review.

ARTICLE TWELVE CIVIL SERVICE COMMISSION

12.1 ESTABLISHMENT.

The Civil Service Commission shall consist of three (3) registered voters of the City not holding other City office or employment, to be appointed by the City Manager, which appointment is subject to and effective only upon the approval of Council acting by at least four (4) of its members. Each Commissioner shall serve for a term of six (6) years or until a successor has been appointed and approved by Council, provided that the members of the Commission in office at the time this Charter becomes effective shall continue in office until the expiration of the then existing terms. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.

12.2 PRESIDENT AND SECRETARY.

The Civil Service Commission shall elect one of its members as President. The City Manager shall appoint a City employee to serve as secretary of the Commission.

12.3 POWERS AND PROCEDURES.

Except as otherwise specifically set forth in this Charter, Council shall provide by codified ordinance the powers, duties and jurisdiction of the Commission, the determination of the positions of employment that shall comprise the classified and unclassified service of the City, the method and procedure for determining merit and fitness for employment and promotion in the classified service, and such other matters relating to classified employment service as the Council may determine are necessary and proper and are consistent with the laws of the State of Ohio..

12.4 COUNCIL COMPENSATION REVIEW.

In each year immediately preceding the year in which a United States presidential general election is to be held, the Commission shall conduct a review of compensation for members of Council and, on or before May 1 of that year, shall file with the Clerk of Council a written report to Council based on that review setting forth the Commission's recommendations for salary and other compensation for members of Council.

ARTICLE THIRTEEN. AMENDMENTS

13.1 Submission of Amendments

13.2 Effective Date

ARTICLE THIRTEEN AMENDMENTS

13.1 SUBMISSION OF AMENDMENTS

Amendments to this Charter may be submitted to a vote of the people of the City by the Council by an affirmative vote of at least five (5) of its members. Amendments must be submitted to a vote of the people by the Council when a petition setting forth the proposed amendments has been signed by registered voters of the City equal in number to at least ten percent (10%) of the total number of registered voters who voted in the most recent regular municipal election and has been filed in the manner and form prescribed in Sections 8.1 and 8.4 of the Charter for the submission of ordinances by initiative petition. The amendments must be submitted to the people at the next regular primary or general election, if one shall occur not less than sixty (60) days or more than one hundred twenty (120) days after the passage by Council or the filing of a petition, whichever is applicable. Otherwise the Council must provide for the submission of the amendments at a special election to be held not less than sixty (60) days or more than one hundred twenty (120) days after the passage or filing.

13.2 EFFECTIVE DATE

When a proposed amendment is approved by a majority of those voting on it, the amendment shall become a part of the Charter at the time fixed in the amendment. If no time is fixed in it, then the amendment shall become a part of the Charter upon the certification of the official canvass of the election, provided, however, that if two (2) or more inconsistent amendments on the same subject are submitted at the same election, only the amendment receiving the largest affirmative vote, at least a majority of those voting, shall become a part of the Charter.

**ARTICLE FOURTEEN
CHARTER REVIEW**

Council shall, at least once during every twenty year (20) year period (Review Period), by ordinance or resolution, appoint a Commission to review the entire Charter. The first Review Period shall commence on January 1, [insert the year immediately following the election in which voters have considered the Charter]. Each new Review Period shall commence on January 1 of the year following the year in which Council takes action on the recommendations of a Commission that has most recently reviewed the entire Charter. At no greater interval than every five (5) years commencing with the beginning of a Review Period, Council shall consider and determine whether to appoint a Commission to review the entire Charter.

ARTICLE FIFTEEN. SAVINGS CLAUSES.

- 15.1 Laws Continued in Force.
- 15.2 Partial Invalidity.
- 15.3 Continuation of Present Officials.
- 15.4 Continuation of Contracts and Vested Rights.

**ARTICLE FIFTEEN
SAVINGS CLAUSES**

15.1 LAWS CONTINUED IN FORCE.

All general laws of the State of Ohio that are not in conflict with the provisions of this Charter or with any ordinance or resolution enacted under it shall apply to the government of the City. All ordinances and resolutions that are in force at the time the Charter takes effect and are not inconsistent with its provisions shall continue in full force and effect until amended or repealed.

15.2 PARTIAL INVALIDITY.

The determination by a court of competent jurisdiction that any section or part of a section of this Charter is invalid shall neither invalidate, nor impair the force or effect of, any other section or part of a section, except to the extent the other section or part of a section is dependent for its operation upon the section or part of a section declared invalid.

15.3 CONTINUATION OF PRESENT OFFICIALS.

All persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties unless and until provision is otherwise made in accordance with the Charter for the performance or discontinuance of the duties of that office. If a provision of that kind is made, the term of the officer

affected shall expire and the office be deemed abolished. The powers conferred and the duties imposed upon any officer, commission, board, Department, or other unit or body of the City under the laws of the State of Ohio, or under any City ordinance, contract, agreement, or memorandum of understanding in force at the time this Charter takes effect shall, if the office, commission, board, Department, unit or body is abolished by the Charter, be exercised and discharged by the officer, commission, board, Department, unit or body upon whom corresponding functions, powers, and duties are imposed by the Charter or by any ordinance or resolution of the Council subsequently enacted.

15.4 CONTINUATION OF CONTRACTS AND VESTED RIGHTS.

All vested rights of the City shall continue to be vested in the City and shall not in any manner be affected by the adoption of this Charter; nor shall any right or liability, or pending suit or prosecution, either in behalf of or against the City, be in any manner affected by the adoption of the Charter, unless otherwise expressly provided to the contrary in the Charter. All contracts, agreements, and memoranda of understanding entered into by the City or for its benefit before the Charter becomes effective shall continue in full force and effect. All public work begun prior to the taking effect of the Charter shall be continued and perfected under it. Public improvements for which legislative steps shall have been taken under laws in force at the time the Charter takes effect may be carried to completion in accordance with the provisions of those laws.

ARTICLE SIXTEEN EFFECTIVE DATE OF CHARTER

This Charter shall take effect on January 1, [insert the year immediately following the election in which voters have approved the Charter] or such earlier date as Council may determine.

**CHARTER
OF THE
CITY OF CLEVELAND HEIGHTS, OHIO
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(EDITOR'S NOTE: The Charter was originally adopted by the voters at a special election on August 9, 1921. Dates appearing in parentheses following a section heading indicate that those provisions were subsequently amended or adopted on the date given.)

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**THE CHARTER OF THE CITY OF
CLEVELAND HEIGHTS
PREAMBLE**

We, the people of the City of Cleveland Heights, in the County of Cuyahoga and the State of Ohio, in order to secure for ourselves the benefits of local self-government under the Constitution of the State of Ohio, do ordain and establish this Charter for the government of the City of Cleveland Heights.

**ARTICLE I
NAME AND BOUNDARIES**

The municipal corporation now existing and known as the City of Cleveland Heights shall continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of Ohio; but no territory shall be detached therefrom nor shall the City be annexed to any other municipality, without the consent of the Council and of a majority of its electors voting on such question.

**ARTICLE II
POWERS**

The City of Cleveland Heights shall have all powers of local self-government now or hereafter granted to municipalities by the Constitution and laws of Ohio, and such further powers as may now or hereafter be granted by the laws of Ohio; and all such powers shall be exercised in the manner prescribed by this Charter or by ordinances of the Council created hereby.

**ARTICLE III
THE COUNCIL**

SECTION III-1. POWERS, NUMBER AND TERM.

The legislative power of the City, except as limited by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of seven members elected at large. The terms of the members of the Council shall begin the first day of January next following their election, and they shall serve for a term of four years or until their successors are chosen and qualified, except that the three members elected at the first election by the lowest votes shall serve for two years only.

SECTION III-2. QUALIFICATIONS.

To serve as a member of the Council, a person shall be a resident and elector of the City of Cleveland Heights at the time for submitting his or her nominating petition to the election authorities as required under the terms of this Charter, and shall continue to reside therein during his or her term of office. No person shall be a member of Council who holds any employment with the City of Cleveland Heights, the Cleveland Heights/University Heights School District, or the East Cleveland School District, or who holds any elected public office other than that of precinct committee person or State central committee person.

(Amended 5-6-86.)

SECTION III-3. REMOVAL.

The Council shall be the judge of the election and qualifications of its own members. It may expel any member for gross misconduct, or malfeasance in or disqualification for office, or for conviction of a crime involving moral turpitude while in office, or violation of its charter, or

persistent failure to abide by the rules of the Council; provided, however, that such expulsion shall not take place without the concurrence of five members nor until the accused member shall have been given a written copy of the charges against him and an opportunity to be heard, with not less than ten days' notice of the time and place of hearing.
(Amended 11-7-72.)

SECTION III-4. VACANCIES.

Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment by a majority of the remaining members of the Council. Such appointee shall hold office through December 31 following the next regular municipal election taking place more than sixty days after such vacancy occurs; provided, however, that the term of a member shall not be lengthened by his resignation and subsequent appointment. The term of the person chosen at such election to succeed such appointee for any unexpired term shall begin the first day of January next following his election and he shall serve the remainder of such unexpired term.
(Amended 11-7-72.)

SECTION III-5. SALARIES.

Council may, by ordinance passed biennially in odd numbered years, fix the salaries of the Mayor and all members of the Council for the two-year period commencing on January 1 of the second year following the year that this section shall become effective; provided that any such ordinance must be adopted at least sixty days prior to the filing date for the regular municipal election to be held in the year of adoption; and provided further that Council may, in the year in which this section shall become effective, pass an ordinance fixing, but not increasing, the salaries of the Mayor and all members of Council for the two-year period commencing on January 1 of the first year following the year in which this section shall become effective. This section shall become effective January 1, 1983.
(Amended 11-2-82.)

SECTION III-6. APPOINTEES.

The Council shall appoint a City Manager.

Unless otherwise provided by ordinance of the Council, the Director of Finance shall serve as ex officio Clerk of the Council, and shall have the duty of keeping Council's records and performing all other duties required by this Charter and by the Council. The Council may also appoint and employ such other officers and employees of its body as it deems necessary, all such officers and employees to hold office at the pleasure of the Council.

The Council may create and establish any other offices and positions which it may deem necessary in connection with the administration of the City affairs and which are not herein otherwise provided for.

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office or employment by the City Manager, nor in any manner interfere with or prevent the City Manager from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

In its employment practices, the City is and shall continue to be an equal opportunity employer. At least once each year, the City Manager shall submit a report to the Council for review concerning the carrying out of this policy. Council shall make this report public.

This section shall become effective January 1, 1983.
(Amended 11-2-82.)

SECTION III-7. MEETINGS.

The Council shall meet for the purpose of organization on the first Monday in January following each regular municipal election. In the event such first Monday is a legal holiday, Council shall meet the following day. Thereafter the Council shall meet at such times and at such public places within the City of Cleveland Heights as may be prescribed by ordinance or resolution. Four members shall constitute a quorum.

(Amended 11-7-72.)

SECTION III-8. GENERAL PROVISIONS.

The Council shall determine its own rules and order of business, provide for special meetings and keep a journal of its proceedings. The Council may by general ordinance provide: for legislative procedure; the form and method of enactment of ordinances; a simplified procedure for levying assessments; the method and manner of giving public notice of passage of ordinances or resolutions of a general or permanent nature; the advertisement and sale of bonds and notes; and the advertisement and awarding of public contracts. Such general ordinances, when once adopted, shall not be repealed or amended except by vote of five members of the Council or by the people.

SECTION III-9. FRANCHISES.

No measure making a grant, renewal or extension of a franchise or other special privilege, or regulating a rate to be charged for its service by any public utility, shall ever be passed as an emergency measure.

SECTION III-10. INTEREST IN CONTRACTS.

No member of the Council, nor the City Manager, nor any other officer or employee of the City shall be directly or indirectly interested in any contract, job, work, or service with or for the City; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the City; and any contract with the City in which any officer or employee is or becomes interested may be declared void by the Council.

SECTION III-11. MAYOR AND VICE MAYOR.

The Council shall, at the time of organizing, and every two years thereafter, elect one of its members as President, who shall also have the title of Mayor, and another as Vice President, who shall also have the title of Vice Mayor. In the event of a vacancy in either the office of Mayor or Vice Mayor, or in the event the Council shall determine by at least four of its members that either the Mayor or Vice Mayor is unable to fulfill the duties of his respective office, the Council shall immediately proceed to elect one of its members to serve in such office.

The President, and in his absence the Vice President, shall preside at all meetings of the Council and shall have a voice and vote in its proceedings, but no veto. Except as the same are otherwise disposed of or provided for herein, the Mayor, or in the event he is unavailable, the

Vice Mayor, shall exercise all powers and discharge all duties imposed upon Mayors of municipalities by the general laws of the State, which are not inconsistent with the provisions of this Charter; but nothing herein provided shall be construed as conferring upon him any administrative or executive functions herein conferred upon other officers.

(Amended 11-7-72.)

ARTICLE IV CITY MANAGER

SECTION IV-1. APPOINTMENT.

The City Manager shall be appointed by the Council to serve at the will of the Council, a majority of all the members of the Council being required for his appointment, suspension or removal.

(Amended 11-7-72.)

SECTION IV-2. RESIDENCE REQUIREMENTS.

The City Manager need not be a resident of the City at the time of his appointment, but shall reside therein during his tenure of office.

(Amended 11-7-72.)

SECTION IV-3. POWERS AND DUTIES.

The City Manager shall be the chief administrative officer of the City, and shall be responsible to the Council for the proper administration of all the affairs of the City and the enforcement of all the laws and ordinances, except as herein otherwise provided; and to that end he shall have authority to appoint and remove all other administrative officers and employees, except as otherwise provided herein. He shall attend all meetings of the Council, with the right to participate in its discussions, but without the right to vote; and he shall attend meetings of any committee of the Council when so required by such committee. He shall prepare and submit to the Council the annual budget, after receiving estimates made by the directors of the several departments, and shall perform such other duties as may be prescribed by this Charter or by the ordinances or resolutions of the Council.

SECTION IV-4. VICE MANAGER.

The City Manager shall appoint a qualified City administrative officer as Vice Manager to exercise the powers and perform the duties of the City Manager during his temporary absence or disability. The City Manager shall certify such appointment in writing to the Council.

(Amended 11-7-72.)

SECTION IV-5. ACTING CITY MANAGER.

If the Council suspends the City Manager or there is a vacancy in the office of the City Manager the Council may appoint an Acting City Manager to serve until such suspension ceases or until another City Manager is appointed and qualified. The Council may suspend or remove an Acting City Manager at any time.

(Amended 11-7-72.)

**ARTICLE V
ADMINISTRATIVE OFFICERS AND DEPARTMENTS**

SECTION V-1. DEPARTMENTS.

The following administrative departments are hereby established: (1) Department of Law; (2) Department of Finance; (3) Department of Planning; (4) Department of Public Safety; (5) Department of Public Service; and (6) Department of Public Health.

The Council shall determine and prescribe the functions and duties of each department, and, by vote of five of its members, may create new departments, combine or abolish existing departments and establish temporary departments for special work.
(Amended 11-7-72.)

SECTION V-2. DIRECTORS.

There shall be a director of each department who shall have the supervision and control thereof, and who shall be appointed by, and shall be immediately responsible to the City Manager for the administration of his department. The City Manager's appointment of the Director of Law, Director of Finance and Director of Planning shall be effective only upon the approval of a majority of the members of Council. The City Manager may remove the director of any department without the approval of Council.

The Director of Law shall be an attorney at law duly admitted to practice in the State of Ohio, and shall have been engaged in active practice of law continuously for a period of five years next preceding his appointment. The Director of Finance shall also have the title of City Auditor. Nothing herein shall be construed as preventing the same person from being director of more than one department.
(Amended 11-7-72.)

SECTION V-3. CITY MANAGER AS HEAD OF DEPARTMENTS.

Excepting the Departments of Law, Finance and Planning, the City Manager may be the director of each and every department of the City government unless otherwise provided by the Council.
(Amended 11-7-72.)

SECTION V-4. SALARIES AND BONDS.

The Council shall fix by ordinance the salary, rate, or amount of compensation of all officers and employees of the City, except as otherwise provided in this Charter. The Council may require any officer or employee to give a bond for the faithful performance of his duties, in such an amount as it may determine, and it may provide that the premium therefor shall be paid by the City.

**ARTICLE VI
MUNICIPAL COURT**

SECTION VI-1. ESTABLISHMENT.

The Cleveland Heights Municipal Court has been created and is in existence pursuant to the laws of the State of Ohio.
(Amended 11-7-72.)

SECTION VI-2. NOMINATION AND ELECTION.

The provisions of Article **VII** of this Charter shall govern the nomination and election of the Judge of the Cleveland Heights Municipal Court.

(Amended 11-7-72.)

SECTION VI-3. GENERAL PROVISIONS.

Except as otherwise specifically provided herein the Cleveland Heights Municipal Court shall be governed by the laws, rules and regulations of the State of Ohio.

(Amended 11-7-72.)

**ARTICLE VII
NOMINATIONS AND ELECTIONS**

SECTION VII-1. TIME OF HOLDING ELECTIONS.

The regular municipal election shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Any matter which, by the terms of this Charter, may be submitted to the electors of the City at any special election, may be submitted at the time of a primary election or of a general election.

SECTION VII-2. BALLOTS.

The ballots used in all elections provided for in this Charter shall be paper ballots or mechanical or other devices for voting not inconsistent with the general election laws of the State of Ohio.

The ballots used in all elections provided for in this Charter shall be without party marks or designations. The names of all candidates for any office shall be placed upon the same ballot and the names shall be rotated in the manner provided by the laws of the State of Ohio.

The full names of all candidates shall be printed on the ballots. If two or more candidates for the same office have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

(Amended 11-7-72.)

SECTION VII-3. PETITION FOR PLACES ON BALLOTS.

The name of any elector of the City shall be printed upon the ballot if there is filed with the election authorities prescribed by general law a petition in accordance with the following requirements:

(a) Such petition shall state the name and place of residence of the person whose name is presented for a place upon the ballot and the name of the office for which he is a candidate. The nomination of each candidate shall be made by separate petition.

(b) Such petition shall be signed by electors of the Municipality equal in number to not less than two percent of the total number of voters voting at the last regular election of municipal officers.

(c) Each elector signing a petition shall add to his signature his place of residence, with street and number and date of signing. No elector shall sign more nominating petitions for different candidates for a particular office than there are positions to be filled for that office at the election for which the petition is signed. If he does so, his signatures on all petitions which postdate his signing the permissible number of petitions shall be invalid. All signatures shall be made with ink.

(d) The signature of all petitioners need not be appended to one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, made under penalty of election falsification, stating the number of signers thereto, that each person signed in the circulator's presence on the date mentioned, and that the signature is that of the person whose name it appears to be.

(e) Such petition shall not be signed by any electors more than one hundred eighty (180) days prior to the day of such election, and such petition shall be filed with the election authorities prescribed by general law not less than ninety (90) days previous to the day of such election. This section shall become effective January 1, 2017.

(Amended 11-8-16.)

SECTION VII-4. ACCEPTANCE.

Any person whose name has been submitted for candidacy by any such petition shall file an acceptance of such candidacy with the election authorities not later than eighty-five (85) days previous to said election; otherwise, the name of that person shall not appear on the ballot. The signature of a candidate upon a declaration of candidacy contained as part of petitions filed with the election authorities, in accordance with law, shall constitute compliance with the requirements of this section. This section shall become effective January 1, 2017.

(Amended 11-8-16.)

SECTION VII-5. WHO ELECTED.

The voter may write the name of any candidate who has properly filed a declaration as a write in candidate with the election authorities on or before the seventy-second (72nd) day before the election shall be counted. Such declaration shall state the name of the candidate, his or her place of residence, and the office for which he or she desires to run. A write in candidate shall be an elector of the City at the time his or her declaration as such a candidate is filed with the election authorities. This section shall become effective January 1, 2017.

(Amended 11-8-16.)

SECTION VII-6. CONDUCT OF ELECTIONS AND CANVASS OF VOTES.

All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by general election laws, and all other matters relating to elections not herein or by ordinance of the Council specifically provided for shall be determined by the general election laws of the State.

SECTION VII-7. VOTING BY A MEMBER OF THE ARMED FORCES AND HIS FAMILY.

A member of the Armed Forces of the United States or a member of his family shall be entitled to vote in accordance with and pursuant to the procedures of the general election laws of the State of Ohio.

(Amended 11-7-72.)

**ARTICLE VIII
INITIATIVE, REFERENDUM AND RECALL**

SECTION VIII-1. INITIATIVE.

The people reserve unto themselves the right to propose, by initiative petition, any legislative measure, including the repeal of ordinances adopted by the Council, approved by referendum vote or initiated by the people. Such initiative petition must contain the signatures of not less than ten percent of the electors of the City.

When there shall have been filed a petition signed by the aforesaid required number of electors proposing an ordinance or other measure, the Clerk shall certify the same to the Council at the next regular meeting, and the Council shall at once read and refer the same to an appropriate committee which may be the committee of the whole; provision may be made for public hearings upon the proposed legislation before the committee to which it is referred; thereafter the committee shall report the proposed measure to the Council with its recommendations thereon not later than the second regular meeting of the Council following that at which the proposed measure was submitted to the Council.

Upon receiving the proposed measure from the committee, the Council shall at once proceed to consider the same and shall take final action thereon within thirty days from the date of such committee's report. If the Council rejects the proposed measure, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment which was presented in writing, either at a public hearing before the committee to which such proposed measure was referred, or during the consideration thereof by the Council, and shall certify such fact to the Clerk within ten days after the final action on such proposed measure by the Council, who shall forthwith certify the same to the Council, which shall call an election.

No measure initiated by the people and adopted by popular vote shall be repealed by the Council, or so amended by it as to destroy the effectiveness thereof, within two years after it takes effect.

SECTION VIII-2. REFERENDUM.

Any ordinance or other measure passed by the Council shall be subject to referendum, except as hereinafter provided. No ordinance or other measure shall go into effect until thirty days after it shall have been passed by the Council, except as hereinafter provided; but nothing herein contained shall prevent the City, after the passage of any ordinance or other measure, from proceeding at once to give any notice or make any tender or publication required by such a measure, by this Charter, by general law or by general ordinance.

When there shall have been filed a petition signed by not less than fifteen percent of the electors of the City within thirty days after any ordinance or other measure shall have been passed by the Council, ordering that such ordinance or other measure be submitted to the electors of the City for their approval or rejection, the Clerk shall, at the next regular meeting of the Council, certify such petition to the Council. The Council shall thereupon proceed to reconsider such ordinance or other measure. If upon such reconsideration the ordinance or other measure be not entirely repealed, the Council shall provide for submitting it to a vote of the electors as herein elsewhere provided. No such ordinance or measure shall go into effect until approved by a majority of those voting on the same.

Whenever the Council is by law or provisions of general ordinances required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the provisions of this section shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating thereto.

Whenever the electors shall have authorized the issuance of bonds, subsequent ordinances or other measures relating to the issuance of such bonds shall not be subject to the provisions of this section.

Ordinances or other measures providing for appropriations for the current expenses of the City, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be specially assessed for the cost thereof, as provided by general law or general ordinance, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety of the City, shall go into immediate effect and shall not be subject to the provisions of this section.

Such emergency ordinances or measures must upon an aye or nay vote receive the vote of five members of the Council, and the reasons for such necessity shall be set forth in one section of the ordinance or other measure.

SECTION VIII-3. RECALL.

(a) The people reserve unto themselves the right to recall and remove from office any member of the Council. The procedure to effect such recall or removal shall be as follows:

A petition demanding that the question of removal of such officer be submitted to the electors shall contain a concise statement setting forth the basis for the recall and shall be signed by at least twenty-five percent of the electors of the City. No petition may relate to the recall of more than one officer.

When there shall have been filed a question signed by the aforesaid required number of electors, the Clerk shall certify the same to the Council at the next regular meeting and shall furnish a copy thereof to the member of the Council whose removal is so sought, and the Council shall call an election upon the question of such removal as herein elsewhere provided, unless within five days after such certification the member of the Council shall have tendered his written resignation to the Clerk.

(b) If a majority of the votes cast at such election on the question of removal of any member of Council are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the certification of the official canvass of that election to the Council, and a vacancy caused by such recall shall be filled by the remainder of the Council according to the provisions of Article III of this Charter.

If, however, an election is held for the recall of more than three members of the Council, candidates to succeed them for their unexpired terms shall be voted upon at the same election and shall be nominated by petitions dated and verified in the manner required for petitions presenting names of candidates for regular municipal elections and similar in form to such petitions and filed with the election authorities at least ninety (90) days prior to such recall election, but no such nominating petition shall be signed or circulated until such recall petition has been certified to the Council, and any signatures ante-dating such time shall not be counted.

If a majority of the votes cast on the question of removal of any member of the Council are in the negative, the person whose removal is sought shall be allowed by the Council his reasonable expenses incident to such election. This section shall become effective January 1, 2017. (Amended 11-8-16.)

SECTION VIII-4. GENERAL PROVISIONS.

Any initiative or referendum petition, or one for a recall, may be presented in separate parts. Each part of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure, and each part of any referendum petition shall contain the number and the full and correct copy of the title of the ordinance or other measure sought to be referred, but need not contain the full text of such ordinance or other measure.

Each signer of a petition shall be a registered voter of the City and shall sign his name in ink and shall place on the petition his name and place of residence by street and number. Each part of any such petition shall contain the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of signers of such part of such petition and shall state that to the best of the affiant's knowledge and belief each of the signatures contained on such part is the genuine signature of the person whose name it purports to be, and that he believes such persons are registered electors of the City, and that they signed such petition with the knowledge of the contents thereof. Each part of such petition shall also have printed thereon the names and addresses of at least five registered electors, who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose herein elsewhere named.

All such petitions shall be filed with the Clerk of the Council and all parts of any such petition shall be assembled by the Clerk as one instrument.

Within ten days after the filing of a petition the Clerk shall ascertain whether the same is signed by the required number of qualified electors. Upon the completion of his examination the Clerk shall endorse upon the petition a certificate of the result thereof.

If the Clerk's certificate shows that the petition is insufficient he shall at once notify each member of the committee of the petitioners herein elsewhere provided for, and the petition may be amended at any time within fifteen days from the date of the Clerk's certificate of examination by filing with the Clerk an additional petition in one or more parts in the same manner as provided for the original petition. In the event that it shall be determined by judicial proceedings that the certificate of the Clerk to the effect that the petition is sufficient is erroneous, a similar period of time shall be granted for additional petitions after the final determination of such question.

Upon the filing of any such additional petitions, the Clerk shall within ten days thereafter examine the petition as thus amended and attach thereto his certificate of the result, and the petition shall thereafter be treated in the same manner as it would have been treated after the original certification. The final determination of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

The sufficiency of the number of signers to any initiative, referendum or recall petition, shall be determined on the basis of the number of registered voters at the last general election for municipal officers.

The filing of an initiative, referendum or recall petition by the Clerk with the Council within the times herein elsewhere provided shall be computed from the date of the attaching of the final certificate of the Clerk to such petition.

Whenever it becomes the duty of the Council to call an election by reason of the filing of an initiative or referendum petition or one for recall, the Council shall call an election for the submission of such question, or recall, at the next regular primary or general election occurring not less than sixty (60) days nor more than one hundred twenty (120) days thereafter. If no such regular primary or general election is to be held within such time, the Council shall provide for calling a special election not less than sixty (60) days nor more than one hundred twenty (120) days thereafter. In either event, the Council shall certify its action to the Director of Elections. Provided, however, that if the recall of more than three (3) members of the Council is sought by petition, the period of sixty (60) days hereinbefore provided shall be changed to one hundred twenty (120) days.

When any legislative measure resulting from any initiative or referendum petition is approved by a majority of the electors voting thereon, such legislative measure shall become effective at the time fixed therein and if no time is fixed therein, then such legislative measure shall become effective upon its approval by the electors; provided, however, that in the event that two or more inconsistent legislative measures on the same subject are submitted at the same election, only the one receiving the largest affirmative vote, not less than a majority, shall become effective. This section shall become effective January 1, 2017.

(Amended 11-8-16.)

SECTION VIII-5. OFFICIAL PUBLICITY.

Not less than thirty (30) days prior to the election at which any Charter amendment, initiated or referred legislative measure, or recall of any elective official is to be submitted to the electors, the Clerk of Council shall either:

- (a) Print and mail to each registered elector an official publicity pamphlet, or
- (b) Publicize official publicity in a newspaper published and generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City. Such publication shall be made once a week for not less than two consecutive weeks with the first publication being at least thirty (30) days prior to such election.

Such publicity pamphlet or publication shall contain a full text of the Charter amendment, initiated or referred ordinance, or recall petition, with their respective ballot titles, together with any explanation or argument for or against such measure or recall which may have been filed with the Clerk of Council, as hereinafter provided. The validity of any Charter amendment, initiated or referred legislative measure, approved by the electors, and the result of any recall election, shall not be questioned because of technical or non-consequential errors or irregularities in such mailing, distribution or publication.

Not less than fifty (50) days before any such election, the committee designated in the petition, as a result of which said election is called, may submit to the Clerk of Council an explanation or argument supporting the position taken by the signers of such petition. If a Charter amendment is proposed by the Council a committee of three of the Council to be appointed by the Mayor shall prepare such explanation or argument. In the event of an initiated ordinance, which Council has failed to pass, or of a referred ordinance, the Mayor shall appoint a committee of three of the Council to prepare an answer to the explanation or argument submitted by the committee of the petitioners. In the case of recall elections, the official whose recall is sought may prepare an answer to the argument of the committee of the petitioners. Where a Charter amendment is proposed, any civic body or committee of citizens may prepare and submit an answer to the explanation or argument in favor of such amendment. Any such answer shall be

prepared and filed with the Clerk not less than forty (40) days prior to any such election. All explanations or arguments for or against any measure or recall shall be signed by the persons authorized to submit the same. No such explanation or argument shall exceed three hundred (300) words in length unless the person or persons submitting the same shall at the same time deposit with the Clerk of Council a sum of money sufficient to cover the proportionate cost of printing such excess. Arguments in favor of or against any measure or election, filed with the Clerk, shall at all times be open to the inspection of anyone interested therein. (Amended 11-7-72.)

ARTICLE IX FINANCES

SECTION IX-1. BUDGET.

The finances of the City shall always be conducted upon the budget system. The City Manager, with the assistance of the Director of Finance, shall furnish to the Council at such time prior to the first Monday in June of each year (or such other date as may from time to time be fixed by general law for the certifying of the budget of the Municipality, to the Budget Commissioners of the County or other similar officials having charge of taxation matters), as may be required by Council, an annual budget setting forth in itemized form an estimate stating the amount of money needed for the various departments in the Municipality for the succeeding calendar year, which shall be the fiscal year of the Municipality, and for each month thereof. Such annual budget shall set forth specifically such items as may be required by general law or by ordinance of the Council and the Council shall thereupon and within such time as may be prescribed by general law approve or revise such budget and submit the same to the County Budget Commissioners or similar officials. On or before the fifteenth day of November of each year, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from the detailed information obtained from the several departments, on uniform blanks to be furnished by the City Manager and approved by the Council; and the Director of Finance shall assist the City Manager in the preparation of such information. Such information shall be furnished in detail for each department, and in such form as the City Council may from time to time require; and shall contain the recommendations of the City Manager as to the amounts to be appropriated, with the reasons therefor, in such detail as the Council may require.

SECTION IX-2. APPROPRIATION ORDINANCE.

Upon receipt of such estimate, the Council shall at once prepare an appropriation ordinance, in such manner as may be provided by general ordinance or resolution, using the City Manager's estimate as a basis, and such appropriations shall not exceed the estimated revenues of the Municipality.

SECTION IX-3. TRANSFER OF FUNDS.

Upon request of the City Manager, the Council may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year as proved insufficient, or may authorize a transfer of money to be made between items appropriated to the same office or department.

SECTION IX-4. UNENCUMBERED BALANCES.

At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated, and shall be subject to future appropriation. Any accumulated revenue not appropriated as hereinbefore provided, and any balances at any time remaining after the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the Council to such uses as will not conflict with any uses for which such revenues specifically accrue. No money shall be drawn from the treasury of the City nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Council.

SECTION IX-5. PAYMENT OF CLAIMS.

No warrant for the payment of any claim shall be issued by the Director of Finance until such claim shall have been approved by the director for the department for which the indebtedness was incurred, and by the City Manager. Such officers and their sureties shall be liable to the Municipality for any loss or damage sustained by the Municipality by reason of the corrupt approval of any such claim against the Municipality. Whenever any claim shall be presented to the Director of Finance, he shall have power to require evidence that the amount of the claim is justly due and is in conformity to law and ordinance; and for that purpose he may summon before him any officer, agent or employee of any department of the Municipality, or any other person, and examine him upon oath or affirmation relative thereto.

SECTION IX-6. CERTIFICATION OF FUNDS.

No contract, agreement, or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be issued by the Council or be authorized by any officer of the City unless the Director of Finance shall have first certified in writing to the Council, or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement, or obligation; but the provisions of this section shall not be construed as prohibiting the making of contracts for the furnishing of services or public utilities for a period extending beyond a single fiscal year when such contracts are otherwise authorized by this Charter or by general law.

SECTION IX-7. MONEY IN THE FUNDS.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes, assessments, or license fees, or from sales of services, products, or by-products of any City undertaking, and moneys to be derived from lawfully authorized bonds, sold and in process of delivery, shall, for the purpose of such certificate, be deemed to be in the treasury to the credit of the appropriate fund, and shall be subject to such certification.

SECTION IX-8. BOND ISSUES.

Except as may be authorized specifically by the laws of the State of Ohio, no bonds or notes of the City shall at any time be issued for current operating expenses or for acquisition of any

property, asset or improvement of the estimated life or usefulness of less than five years, but this prohibition shall not be construed as applying to money borrowed in anticipation of the collection of special assessments, or for defraying the expenses of an extraordinary epidemic of disease, or emergency expenses made necessary by sudden casualty which could not reasonably have been foreseen, or for paying final judgments upon non-contractual obligations. (Amended 11-7-72.)

SECTION IX-9. MATURITIES OF BONDS.

All bonds shall be serial bonds; and the maturities thereof shall not extend beyond the estimated life of the property, asset, or improvement, as certified to the Council by the Director of Finance, which certificate shall be on file with the Council prior to the passage of any bond ordinance.

SECTION IX-10. TEMPORARY LOANS.

In anticipation of the collections of current revenues in any fiscal year, the City may borrow money and issue certificates of indebtedness therefor, signed as municipal bonds are signed, but no such loans shall be made to exceed the amount estimated to be actually received from taxes or other current revenues, for such fiscal year, after deducting all advances. The sum so anticipated shall be deemed appropriated for the payment of such certificates at maturity. The certificates shall not run for a longer period than six months nor bear a greater rate of interest than is permitted under the laws of the State of Ohio, and shall not be sold for less than the par value thereof with accrued interest. (Amended 11-7-72.)

SECTION IX-11. LIMITATION ON RATE OF TAXATION FOR CURRENT OPERATING EXPENSES.

The power of the Council without a vote of the people to levy taxes on property assessed and listed for taxation according to value for the purpose of paying the current operating expenses including the purpose of police and fire pensions, which is required to be, or may lawfully be, included in the general levy for the general fund of the City, shall not exceed 8 mills per one dollar (\$1.00) of assessed valuation. (Amended 11-7-72.)

SECTION IX-11(A). LIMITATION ON RATE OF TAXATION FOR IMPROVEMENT AND MAINTENANCE OF CITY OWNED PARKS, RECREATION AND CULTURAL FACILITIES.

Notwithstanding the 8 mill limitation on current operating expenses contained in Section 11 of this article, and in addition thereto, Council may levy annually, commencing with a levy on the 2004 tax duplicate for collection in calendar year 2005, a tax not to exceed seven-tenths (.7) of one mill per dollar of all property in the City assessed and listed for taxation for the acquisition, construction, reconstruction, rehabilitation, renovation, improvement, equipping and maintenance of land, facilities, buildings and structures belonging to or operated by the City and used for parks, playgrounds, play fields, rights of way, swimming pools, indoor recreation and community centers, municipal amphitheaters and cultural facilities, and the equipment therefor, and for the debt charges on general obligation bonds and bond anticipation notes issued to pay the cost of the improvements and/or maintenance specified herein. (Added 11-2-04.)

SECTION IX-12. AUDITING FINANCES.

Council may engage the services of a private independent public accounting firm for the purpose of auditing the City's finances. Said contractual arrangements shall be for a period deemed proper by Council. This section shall become effective January 1, 1983.
(Adopted 11-2-82.)

**ARTICLE X
FRANCHISES**

SECTION X-1. GRANTS LIMITED.

No grant, or renewal thereof, to construct or operate a public utility on, under, or above the streets of the City shall be made by the Council to any person, persons, association, or corporation in violation of any limitation contained in this Charter.

SECTION X-2. PERIOD OF GRANTS.

No such grant shall be made for a longer period than twenty-five years. No such grant shall be renewed earlier than two years prior to its expiration, unless the Council shall, by a vote of at least five of its members, first declare by ordinance its intention of considering a renewal thereof, which ordinance shall be passed at least thirty days prior to the passage of the ordinance granting such renewal.

SECTION X-3. CONSENTS.

No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.

SECTION X-4. REGULATIONS.

The Council shall at all times direct the distribution of space in, over, under, or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the Council to pass reasonable regulations for the operation of such utilities, including the right to require such reconstruction, relocation, or discontinuance of the appliances used by the utilities, in the streets or public grounds, as shall, in the opinion of the Council, be necessary in the public interest.

SECTION X-5. GRANTS NOT INCLUDED.

Revocable permits for laying temporary tracks across or along streets or other public grounds, to connect railroad or railway tracks with any property, shall not be regarded as a grant within the meaning of this Charter, but may be permitted in accordance with such terms or conditions as the Council may by ordinance prescribe.

**ARTICLE XI
CITY PLANNING COMMISSION**

SECTION XI-1. ESTABLISHMENT.

The Council shall establish a City Planning Commission of seven voting members, all of whom shall be residents of the City of Cleveland Heights appointed by the Council and not employed by the City of Cleveland Heights. A vacancy occurring during the term of any voting member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment. There shall be the following nonvoting members of the Commission: The Chairman of the City Planning and Development Committee of the Council; the City Manager; the Director of the Department of Planning and Development, who shall serve as ex officio secretary of the Commission; and such other persons as the Council shall from time to time appoint by ordinance. The voting members shall serve for a term of six years except that, of the members first appointed, two shall be appointed for a term of two years, and two shall be appointed for a term of four years, and two shall be appointed for a term of six years, beginning January 1, 1955. On or after the effective date of this section, the Council shall appoint a replacement for the position on the Commission previously occupied by the City Manager. The person so appointed shall serve for the remainder of an unexpired six-year term that shall commence on January 1, 1983. This section shall become effective January 1, 1983. (Amended 11-2-82.)

SECTION XI-2. POWERS.

The City Planning Commission may make recommendations to the Council and City Manager on all matters affecting the physical development of the City. In addition the Commission shall perform all other duties and responsibilities provided by ordinance. (Amended 11-7-72.)

**ARTICLE XII
CIVIL SERVICE COMMISSION**

SECTION XII-1. ESTABLISHMENT.

The Civil Service Commission shall consist of three electors of the City not holding other municipal office or employment, to be appointed by the City Manager, which appointment shall be confirmed by the Council. Each Civil Service Commissioner shall serve for a term of six years and until his successor shall have been appointed and qualified. Any vacancies occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment. (Amended 11-7-72.)

SECTION XII-2. OFFICERS AND EMPLOYEES.

The Civil Service Commission shall elect one of its members as President. The City Manager shall appoint a City employee to serve as secretary of such Commission. (Amended 11-7-72.)

SECTION XII-3. POWERS AND PROCEDURES.

The Council shall provide by ordinance the powers, duties and jurisdiction of the Civil Service Commission, the determination of the positions of employment which shall comprise the

classified and unclassified service of the City, the method and procedure for determining merit and fitness for employment and promotion in the classified service, and such other matters relating to classified employment service as may be necessary and proper.

(Amended 11-7-72.)

ARTICLE XIII AMENDMENTS

Amendments to this Charter may be submitted to the electors of the City by a vote of five members of the Council, and shall be submitted by the Council when a petition signed by not less than ten percent of the total number of electors as shown by those registered at the last general or municipal election, setting forth any such proposed amendment shall have been filed in the manner and form prescribed herein for the submission of ordinances by initiative petition. The amendment shall be submitted to the electors at the next regular primary or general election, if one shall occur not less than sixty (60) days, nor more than one hundred twenty (120) days after its passage or filing; otherwise the Council shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.

If any such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of this Charter at the time fixed in the amendment; and if no time is fixed therein, then such amendment shall become a part of this Charter upon its approval by the electors; provided, however, that in the event that two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.

(Amended 11-7-72.)

ARTICLE XIV SAVING CLAUSES

SECTION XIV-1. LAWS CONTINUED IN FORCE.

All general laws of the State which are not in conflict with the provisions of this Charter or with any ordinance enacted thereunder shall apply to the government of the City of Cleveland Heights; and all ordinances, by-laws, and resolutions in force at the time of the taking effect of this Charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

SECTION XIV-2. PARTIAL INVALIDITY.

The determination by a court of competent jurisdiction that any section or part of a section of this Charter is invalid shall not invalidate, nor impair the force or effect, of any other section or part of a section, except to the extent that such other section or part of a section is dependent for its operation upon the section or part of a section so declared invalid.

SECTION XIV-3. CONTINUANCE OF PRESENT OFFICIALS.

All persons holding office at the time this Charter takes effect shall continue in office, and in the performance of their duties until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made, the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, commission, board, or department of the City under the laws of the State, or under any City ordinance or contract in force at the time of the taking effect of this Charter shall, if such

office, commission, board, or department is abolished by this Charter, be thereafter exercised and discharged by the officer, commission, board, or department upon whom are imposed corresponding functions, powers, and duties by this Charter or by any ordinance or resolution of the Council thereafter enacted.

SECTION XIV-4. CONTINUANCE OF CONTRACTS AND VESTED RIGHTS.

All vested rights of the City shall continue to be vested in the City and shall not in any manner be affected by the adoption of this Charter; nor shall any right or liability, or pending suit or prosecution, either in behalf of or against the City, be in any manner affected by the adoption of this Charter, unless herein otherwise expressly provided to the contrary. All contracts entered into by this City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected thereunder. Public improvements for which legislative stops shall have been taken under laws in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws.

**ARTICLE XV
CHARTER REVIEW**

Council shall, at least once during each ten-year period, by ordinance or resolution, determine whether to appoint a Charter Review Commission to review the entire Charter. The first ten-year period shall end December 31, 1982. Thereafter each successive ten-year period shall commence on the date of Council's ordinance or resolution making such determination. (Amended 11-7-72.)

**ARTICLE XVI
WHEN CHARTER TAKES EFFECT**

For the purpose of electing officers and holding and conducting municipal elections, this Charter shall take effect from the time of its approval by the electors of the City; and for all other purposes it shall take effect on the first day of January in the year nineteen hundred and twenty-two.

We, the undersigned members of the Charter Commission of the City of Cleveland Heights, Ohio, elected at the general election held on the second day of November in the year nineteen hundred and twenty, have framed and hereby propose for adoption, at a special election hereby called and to be held on the ninth day of August, nineteen hundred and twenty-one, the foregoing as a Charter for the City of Cleveland Heights, Ohio.

Done in the City of Cleveland Heights, Ohio, this fifteenth day of June, in the year nineteen hundred and twenty-one.

THE CHARTER COMMISSION.

- Frank C. Cain, Chairman
- Charles E. Adams
- Clarence L. Berkey
- Alva Bradley
- Robert F. Denison
- G. H. Gardner
- Samuel Gross
- G. E. Hartshorn
- Mertice G. Laffer (Mrs. W. B.)
- Charles A. Niman

John L. Severance
George W. Staiger
Walter G. Stephan
A. H. Throckmorton, Secretary
(Amended 11-7-72.)



To: Tanisha Briley, City Manager
From: Collette Clinkscale, Director of Public Works
Date: January 17, 2019
Subject: Public Works Weekly Update

Forestry:

- Tree Tracker work history from January 10, through January 16, 2018.
 - YTD: Trimmed 17 trees, removed 3, planted 3 trees, dumped 14 loads of woodchips and 1 load of logs
- In addition to the work history listed the Division also collected Christmas trees throughout the City.

Sewer:

- MACP Inspections
- Cleaned catch basin filters at Service garage
- Cleaned Gap Vac pit
- Jetted trouble spot mains
- CCTV N St. James
- Cleaned sanitary main on N St. James
- Repaired catch basin #1 at Powell and Blanche
- Jetted sanitary main on N St. James
- Met with Brown and Caldwell for CCTV training
- Repaired catch basin # 2 at Powell and Blanche
- Cleaned catch basin at Oakwood School
- Install tethered discs for monitoring
- Repair curbs at Powell and Blanche
- Jetting mains for televising
- Participated in training with M Tech for our new locator

Sewer Service Calls:

- 1634 Compton, 1497 S Noble, 2997 Hampshire, 3018 Washington, City Hall basement men's room, 872 Eloise, 1048 Pembroke, 3563 Bendemeer

Refuse:

- Transported 165.25 tons (11 loads) of refuse to Shiloh landfill and 121.53 tons (8 loads) to Harvard Transfer Station
- Transported 62.58 tons (6 loads) of mixed recycling to Kimble

Streets Maintenance:

- **Cold Patch:** Westover (1426, 1446, 1417, 1412, 1386, 1453) Meadowbrook (3524, 3516 at Rinard, 3499, 3480, 3476, 3460, 3251, 2959), Coventry (1660, 1717, at Mayfield), 2500 Lee Rd, Hampshire Lane
- **Construction Crew:** 1901 Staunton (CWD cutout, curb to curb 24x10, 9ft of curb), 2253 Delaware (CWD cutout 6x6x10 n), 2253 Delaware (CWD cutout 24x9x9in), 2265 Delaware (CWD cutout 10.5x12.5x10in to top), 2356 S Overlook (CWD cutout 5x6x10in to top)
- **Miscellaneous:** #981, #984, #983 – ready for plowing and salt
Removed plate at 3561 Fairmount (patched with cold patch until it can be fixed)
- **Snow and Ice:** 01/12 – plowed and salted mains
01/13 – plowed sides and salted stop signs and hills
01/16 – salted mains and all sides (ice)
- **Hauling:** Grinding leaves, woodchips, hauling mulch, yardwaste (Bremec/Kurtz Bro.)



Memo

To: Tanisha Briley-City Manager
From: Collette Clinkscale-Director of Public Works
Date: January 18, 2019
Re: Capital Projects Weekly Update

Community Center – Dugway East Culvert Rehabilitation

No new updates. We are still waiting for materials to arrive from the manufacturer.

Cedar Road Resurfacing/Cedar-Fairmount Streetscape

We are currently working on the final project paperwork.

Cuyahoga County Aggregated Solar Project

No new updates

Meadowbrook Boulevard Reconstruction

Plans are 60% completed. We anticipate bidding the project out sometime in February.

Mayfield Signalization

The contractor continues to install signal controller cabinets. We anticipate that the signal poles will be delivered before the end of the month.

Safe Routes to Schools – ODOT PID 101112

Construction start date has not been set yet. This will be administered by the Ohio Department of Transportation.

Edgehill and Overlook Intersection Re-Design – ODOT PID 106749

Work is tentatively scheduled to begin on April 15th.

2018 Street Resurfacing Program

Contract completion date has been extended to June 1, 2019.

2019 Street Resurfacing & ADA Curb Ramp Replacement Program

Bids are scheduled to be opened on February 22nd.

2019 Surface Treating Program

Bids are scheduled to be opened on February 22nd.

2019-2020-2021 Pavement Striping Program

Bids are scheduled to be opened on February 22nd.

Dominion Energy

Hillstone Road PIR-2590

Work continues with boring the new gas lines.

Washington Boulevard PIR-3047

Temporary erosion and silt control is in place. The contractor will have to return for final seeding and grading in the spring.

Euclid Heights Boulevard PIR-3036-C

Work is complete on Euclid Heights. Temporary erosion and silt control is in place, and final seeding and grading will not occur until the spring.

Lee & Superior PIR-2228

Work on the streets between Washington and Superior, and Goodnor and Lee is scheduled to begin immediately after the work concludes on Bluestone which will most likely be sometime in March.

Princeton Road PIR-2171

Work is tentatively scheduled for the summer of 2019 after school has been dismissed.

Montford Road PIR-2226

Work is tentatively scheduled for spring of 2019.

MEMORANDUM

To: Tanisha Briley, City Manager
From: Richard Wong, Planning Director
Date: January 18, 2019
Subject: Weekly Update

Monroe/Stadium Square Historic District

The Taylor Tudor mixed-use buildings Park Drive are one step closer to listing Historic Places. Based on a submitted, the Ohio Preservation Office found this area likely qualify for nomination to the National Register of Historic Places. An OHPO February 8 site visit is next.



and the homes along Superior on the National Register of Historic Places. Based on a submitted questionnaire staff (OHPO) found this area likely to

Staff hopes the Ohio Development Services Agency awards an Ohio Historic Preservation Tax Credit Pipeline Initiative grant for consultant fees to nominate the properties. National and state historic tax credits make rehabilitation and updating the properties more financially feasible. We should hear in the next month or two about a second grant application (Ohio History Fund) for documentation, building conditions assessment and market scan for the three mixed-use buildings along Taylor Road.

Board of Zoning Appeals

Denial (3-0) of Motorcars' proposed construction of a self-storage building occurred. The proposed use was found to conflict with the Master Plan's recommendations. Also mentioned as a reason for denial was Planning Commission's and City Council's recent decision to not expand the permitted uses in this C-1 Office zoning district and rejection of a zoning amendment allowing self-storage there. Pedestrian friendliness and district vitality continue to be goals. Public comments-- including Forest Hills Homeowners Association-- were against the proposal. Use variance Board of Zoning Appeals' denials are not heard by City Council, so the next step would either be a different proposal or Common Pleas Court.

**City of Cleveland Heights
Economic Development**



To: City Manager Tanisha Briley
From: Economic Development Director Tim Boland
Subject: Activities Report – January 18, 2019

Activities and Initiatives:

1. Storefront Renovation Program Update – Weinstein & Frankel Project (2234-2260 Lee Road)

Construction continues on the Weinstein & Frankel storefront project with the major components of the project completed. New signage and other touch up work remains to be completed over the coming weeks. The total projected cost of the project is \$231,745 with the City providing \$25,000 in the form of a rebate and a \$100,000 loan through the Storefront Renovation Program as previously approved by Council.



Kensington Pub

With the major work largely completed, the [Kensington Pub](#), 2260 Lee Road, is preparing for their long anticipated opening. They are completing the hiring and training of their staff and expect to be open in early February.

2. Business Retention, Expansion, Attraction & Creation (BREAC):

- [Cilantro Taqueria](#) has opened in the former Chipotle space in Coventry at 2783 Euclid Heights Boulevard. Cilantro Taqueria is a locally-owned fast casual Mexican concept.
- Staff continues to work with several property owners and potential new businesses on opportunities. Updates and announcements will be provided as leases/deals are finalized.
- Medical Marijuana update - while the first dispensaries are opening in Ohio this week, Buckeye Relief continues to pursue a location in Cleveland Heights. They are navigating the appeals process in order to secure a dispensary license from the State. They continue to extend an option to lease the former American Apparel space at 1782 Coventry Road. Buckeye Relief currently holds licenses for cultivation and processing at their Eastlake facility.

3. Marketing & Outreach

- Staff attended the following events/meetings:
 - Staff testified at the Board of Zoning Appeals hearing on the Use Variance related to the Medusa property;
 - The Noble Road Corridor Study Steering Committee meeting (Economic Development and Planning staff represented the City on this committee);
 - Noble Road Corridor Study Community Meeting.

Thank you,

Timothy M. Boland

Timothy M. Boland
Economic Development Director

Memorandum

To: Tanisha Briley, City Manager
From: Joseph P. McRae, Parks and Recreation Director
Subject: Parks and Recreation Department Update
Date: January 18, 2019

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

General Announcements

- The Senior Center and Fitness Center will be closed on Monday, January 21 for Martin Luther King Jr. Day.
- The Community Center will host the Annual Dr. Martin Luther King Jr. Celebration on Wednesday, January 23 at 7pm. The City partners with the School District on this project.
- Staff is working on Spring and Summer program offerings for the new Focus Magazine. Programs will include a new yoga class with Judge Dawson, summer camps, pool programs and adult and youth sports programs.
- Staff is in the planning stages of implementing 2019 capital improvement projects such as the Cain Park roof repairs at the Alma Theater and resurfacing the tennis courts at Forest Hill.
- Planning Committee meetings for the annual Happy 5k/10k Run will begin this month. The actual race will take place on Sunday, October 6 this year. The race has generated over \$20,000 in sponsorship donations for the Cleveland Heights Recreation Youth Scholarship Fund over the past 4 years.

Pool Programs

- The City and School District have agreed to make morning lap swimming hours available from 6am – 7:30am, Monday through Friday, and on Saturdays 7am – 9am, from November until the Spring Indoor Pool Season resumes in March. Passes can be purchased at the Community Center. This is a new pilot program to assess demand for the extended service.

Ice Programs

- It's Hockey Time will host a regional youth hockey tournament at the Community Center from Friday, January 18 through Monday, January 21.

Cain Park

- Staff is accepting audition applications for the 2019 Summer Musical *Ragtime*. Auditions will take place at the Community Center in February.
- Staff is accepting artists' applications for the annual Cain Park Arts Festival. For more information, visit www.cainpark.com. The Arts Festival will take place July 12 – 14.
- Staff is beginning to book talent for the upcoming summer season. More details will provided soon.



Cleveland Heights Fire Department

Weekly Activity Report

Total Emergency Calls Year To Date	316
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Total Emergency Calls for Period	122
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Report Date Period: 01/11/2019 - 01/18/2019

Fire Data

	<u>Current Period</u>	<u>Year to Date</u>	<u>Last Year to Date</u>	<u>Current Year % of Run Count</u>
Emergency Fire Run Count	17	52	91	19.05 %
Emergency Structure Fire Count		2	4	
Emergency Non Structure Fire Count	17	49	87	
Emergency Vehicle Fire Count		1		

Emergency Medical Data

Total Emergency Run Count	105	264	265	80.95 %
Emergency Medical Run Count	97	251	255	
Automobile Accident Run Count	8	13	10	
Advanced Life Support Run Count	25	62	68	
Basic Life Support Run Count	77	198	197	
Total EMS Transports	61	163	177	
Total EMS Non Transports	39	93	76	

Mutual Aid Run Count to Date

Mutual aid received	SEFD A - 3 SHFD A - 1 ECFD A - 0 UHFD A - 3
Mutual aid given	SEFD A - 5 SHFD A - 1 ECFD A - 2 UHFD A - 0
Automatic aid received	SEFD A - 0 SHFD A - 1 ECFD A - 0 UHFD A - 1
Automatic aid given	SEFD A - 1 SHFD A - 1 ECFD A - 0 UHFD A - 0

<u>Fire Prevention</u> <u>Bureau</u>	<u>Current</u> <u>Period</u>	<u>Year to</u> <u>Date</u>
Total Completed Fire Inspections	12	21
Company Fire Inspections		
Fire Prevention Fire Inspections		
Fire Alarm Test Inspections		
Kitchen Supression Test Inspections		
Sprinkler Test Inspections		
Other Inspections	12	21
Smoke Detectors Distributed		9

CITY OF
CLEVELAND
HEIGHTS 

DEPARTMENT OF POLICE

ANNETTE M. MECKLENBURG, CHIEF

40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118 – Telephone 216-291-4974

MEMORANDUM

To: Tanisha R. Briley, City Manager

From: Annette Mecklenburg, Chief of Police

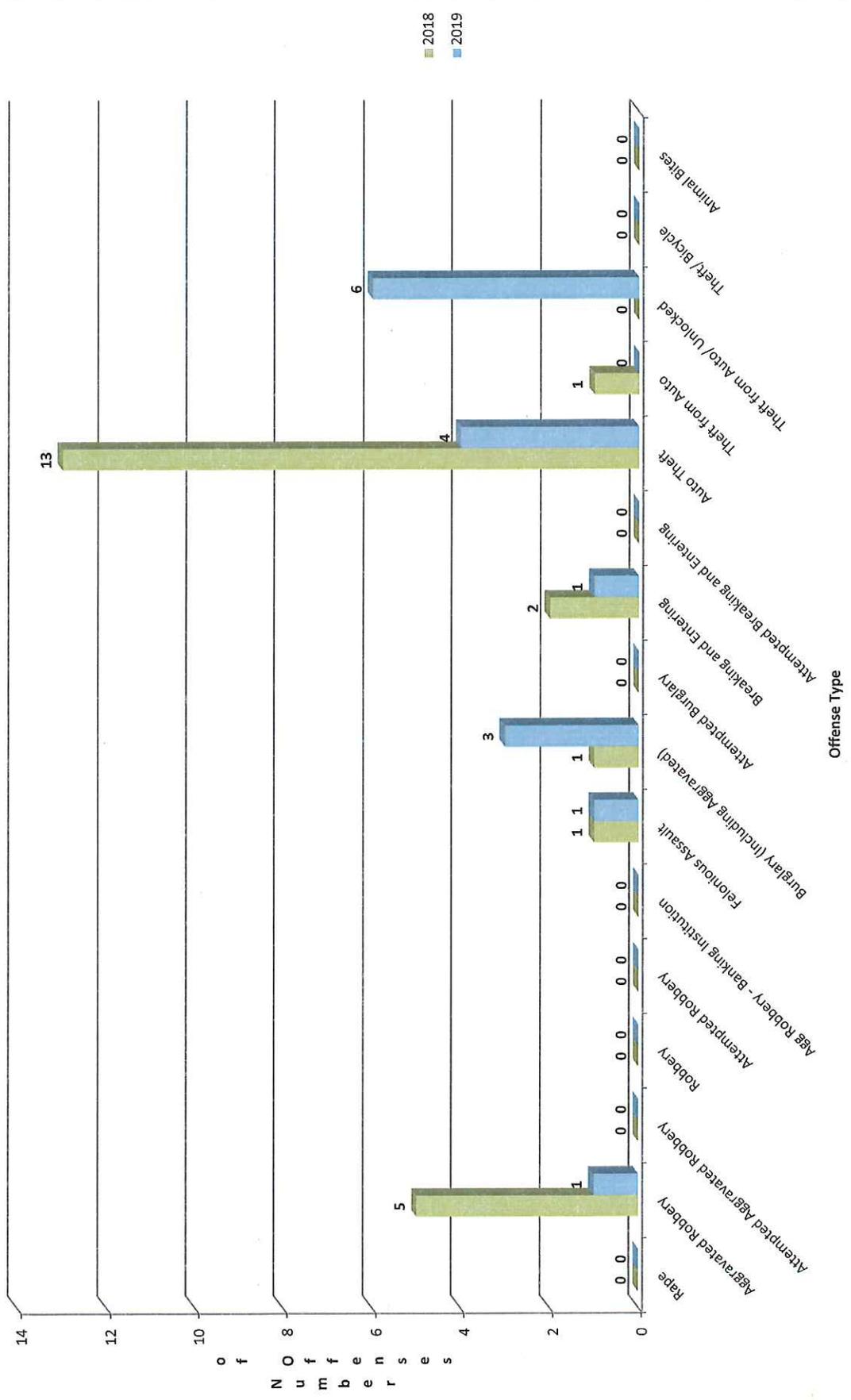
Date: January 18, 2019

Subject: Weekly Update

Just prior to the start of his trial for the murder of Miriam Johnson, Yaphet Bradley accepted a plea. Bradley pled guilty to Aggravated Murder with firearm specifications, Gross Abuse of a Corpse, and Tampering with Evidence. He is tentatively scheduled to be sentenced on February 13, 2019.

A second male charged in this case, Calvin Young, also accepted a plea agreement and pled guilty to Burglary, Gross Abuse of a Corpse, Obstructing Justice, and Tampering with Evidence. He is tentatively scheduled to be sentenced on February 21, 2019.

Crime Comparison:
 January 1 - January 17, 2018 Compared to January 1 - January 17, 2019



**CITY OF CLEVELAND HEIGHTS
ARCHITECTURAL BOARD OF REVIEW
MINUTES OF THE MEETING
DECEMBER 27, 2018**

MEMBERS PRESENT:

Melissa Fliegel, Chair
Greg Goss
Jonathan Kurtz, Alternate

STAFF PRESENT:

Richard Wong, Planning Director
Alix Nouredine, Asst. Law Dir.

CALL TO ORDER

Mr. Wong called the meeting to order at 7:00 PM at which time three members were present.

Presenters and those planning to comment were sworn-in by the Assistant Law Director.

**PUBLIC HEARING
DECEMBER 27, 2018**

The following was a request for preliminary review. No action by the Board was taken.

ABR 2018-514: Flaherty & Collins Properties, northeast corner of Cedar Road and Euclid Heights Boulevard, request a preliminary review of 10-, 5-, and 4-story interconnected apartment buildings some with commercial uses on the first floor and multi-level parking deck.

APPLICANT PRESENTATION:

- Flaherty & Collins Properties' Vice President, Preconstruction & Design Services, Brandon Bogan, One Indiana Square, Suite 3000, Indianapolis, Indiana, 46204, presented the historical context of the project site and a summary of the development process.
- Mr. Bogan gave a historical review of the project site showing a photo of the 9-story hospital building that had been there. He also discussed various developments proposed after the hospital was demolished.
- Mr. Bogan described the previous public meetings and noted the input incorporated into this proposal.
- Eppstein Uhen Architects' Principal and Senior Design Architect Chris Gallagher, 333 East Chicago Street, Milwaukee, Wisconsin, 53202, discussed the uniqueness of the site, including geometry, grade changes and community requirements.

- Mr. Gallagher noted that it was a goal to have a contemporary or modern design to the development.
- Mr. Gallagher discussed placement of parking, retail, housing, and residential community space. He discussed the proposed materials, massing, scale, and the fit into the neighborhood.
- Mr. Gallagher described the drawings. All of the buildings had masonry bases with increased metal paneling closer to the point along Cedar Road. On Euclid Heights, masonry will be the colors and tones of the existing apartment buildings.
- Ms. Fliegel asked why the parking structure needs to be open-air. Mr. Gallagher explained that it is cheaper to passively ventilate the structure and it allows parking on the roof. Ms. Fliegel said being open-air does not preclude screening of the parking deck. Mr. Gallagher agreed.
- Mr. Gallagher discussed the solar study and described the effect the development will have on sunlight to neighboring buildings.
- Mr. Gallagher brought masonry and paneling samples, explaining their locations.
- Mr. Nouredine asked the presenters if they would like their presentations entered into the record. They both responded in the affirmative.
- Ms. Fliegel asked the presenters for their timetable. Mr. Bogan stated that once they receive design approval, they will complete the construction documents, bid and award the project, and apply for permits. He estimates that this process will take nine to ten months. Their goal is to begin construction in late 2019.
- Ms. Fliegel remarked that the ABR will only be reviewing the preliminary design at this point and that the applicant may need to return to the ABR once construction documents are created that will likely impact the appearance.

PUBLIC COMMENT:

- Mr. Wong noted that public comment was submitted by letter and email and were included in the ABR's packets. Comments were received by John Roush, Micah Kirman, the Cedar Fairmount Special Improvement District Board of Trustees, FutureHeights, Paul Volpe, Steve and Joyce Rajki, Reverend Don King, Lute Quintrell, and Bruce Rose. Mr. Wong requested that this correspondence, as well as the applicant's application, be entered into the record.
- Ms. Fliegel asked that comments be limited to four minutes.
- Mr. Nouredine asked that those wishing to comment state their name, address and confirm that they took the oath stating that their comments are truthful.

- Joan Mallick, 2197 South Overlook Road, stated that her home is 100 years old. She and her husband wanted to convert a second floor porch to an enclosed porch at the rear of her home. They came to ABR three times. The requirements were that it fit the house and neighborhood and that it was aesthetically pleasing. She does not think that this project keeps with the spirit of the neighborhood. She asked why the building at the point needs to be as tall as it is. She said this project does not look much different than other projects happening in University Circle or at Van Aken. She feels the design is dull.
- Eric Silverman, 2884 Fairmount Boulevard, was on the School Board for 12 years and the Library Board for seven years. During that time they did several projects. He is not an architect or designer but is aware of the process. The process for this project has lacked public participation. He said that even though there is a list of 20 meetings, you cannot find the materials on the City's website. He stated that the three meetings in 2018 were merely updates with unstructured Q&A. He stated that there hasn't been a design charrette. He believes that the special committee appointed by the City has created a feedback loop. He believes that from a finance and site plan standpoint, they have done an excellent job. He doesn't have a problem with the parking garage. He doesn't understand why there's a funding gap. He has a problem with the building design. He feels that infill housing in this neighborhood has always used traditional materials and he doesn't understand why this project doesn't. He doesn't feel that the design has changed much from conception until now. He is concerned about the sun's reflection off the building onto drivers on Cedar Glen Parkway at rush hour. He likes that there are changing facades however he dubbed the style "Developer Modernism" with no variation. People wanted traditional design. He'd use "Streamline Modern" along Euclid Heights Boulevard, Art Deco for the tower, Italianate for two buildings (pointing), and Federalist or Romanesque for the townhouses. He said the City is so desperate to develop this site that they will support anything.
- Irene Snow, 2185 South Overlook Road, stated that she will see this building all the time when she pulls up to the stop light in her car. She stated that people who own businesses go home to their houses and won't see this building on a regular basis. She thinks that the tall tower is too imposing. It comes right up to the curb-- it seems odd. She understands the project is going to go through no matter what. It is a hodgepodge; none of it matches. She wondered why the style transitioned from Nighttown to the point. It doesn't make sense to her. She does not like the modern aspect on the end. It started as four or five stories. This is the first opportunity to comment on design. She asked two questions at a prior meeting and nobody got back to her. Her questions were how this was going to be financed and what will be

done if there are cost overruns. Tim Boland replied to her saying that the City and developer would work on it. She doesn't feel that this should be the City's problem.

- Nancy Bennett, 2450 Derbyshire Road, said that she's relaying a message from Lil and Bill Carter. It was addressed to Joyce and Steve Rajki. They said that the reason the ABR is meeting two days after Christmas is because many residents will be away and this will limit the amount of information being put out into the community. They understand how important this piece of land is to the developer and to the future of the well-being of Cleveland Heights. The nine-story building will be one of the highest in the Heights and at the point it will look more like 12 or 15 stories that will loom over a European style building that currently draws many to the neighborhood. This area is a gem for Cleveland Heights- a major reason we chose to move to the historic Alcazar three years ago as did I and a few others here. The landscaping lacks specific setbacks and particular landscaping details. Ms. Bennett does not care for the density and the materials. She is concerned that a big, shiny building will be difficult on many motorists, particularly those with vision problems.
- Dick Dawson, 2450 Derbyshire Road, believes that the taller this building is, and the greater the density. You are going to see much more gridlock. He witnesses gridlock on Surrey, Euclid Heights and Cedar. He thinks three or four stories is reasonable.
- Steve Kordalski, 2218 Middlefield Road, said he is an architect definitely in favor of development. We need to compete. This is likely the only chance this community has at a development of this size over the next 100 years. He stated that he doesn't believe that this project is any more compelling than any of the previous proposals that the presenters showed in their slideshow. He acknowledged that the reason the tower is so tall is to "make the numbers work." That is just a fact. That doesn't mean you can't do a tall tower that is elegant. He cited Downtown's Key Tower. He asked if this is better than projects in Little Italy, UCI or Crocker Park. The solution looks like it was designed by separate firms. There is no continuity. This proposal is pre-value engineering and will worsen. He stressed that this project is the community's one shot and asked if it is good enough for Cleveland Heights.
- Eileen Beal, 2375 Euclid Heights Boulevard, stated that she is a social historian and agrees with what most commenters have said. She stated that the whole purpose of the Top of the Hill project is to increase the City's tax base. She deems this project a "Hope Project" in that the City hopes it will increase its tax base. She believes that the demographic that this development is designed for are empty-nesters and retirees who don't generate income tax revenue for the City. She could not see them wanting to move to this development. She questioned the downtown area the

presenters were talking about; the respect of scale of the current architecture; the real integration into the neighborhood; and the transition point. She asked if anyone had thought about what nine to ten months to get costs under control means in a world that is undergoing tectonic level catastrophes that will tie up building materials for decades. The cost of this project is going to skyrocket because of what is happening in the rest of the world. She said she is a social historian who has focused on housing trends.

- Brendan Ring, 12387 Cedar Road, stated that he was asked to publicly read a letter by Paul Volpe at the meeting. Mr. Volpe reviewed the proposal and he is pleased with the evolution of the project's design. The massing, building transitions, composition, use of materials, and proposed detailing are sufficiently articulated for the community to assess the proposed vision and value of this investment. Mr. Volpe possesses the understanding that a significant amount of research and discussion still needs to take place. He urges the ABR to approve this project on a conceptual level. He is unable to attend the meeting and intends to be very engaged as the project moves forward. Mr. Volpe noted the receptiveness of the developer and is confident that the end result will be a project that the community can support. Mr. Ring commented that as the treasurer of the Special Improvement District and owner of Nighttown he is appreciative of the developer and the process. He noted that this district was originally designed as a dense urban environment. It was not meant to be townhouses along Cedar Road. He likes the density and vibrancy of the neighborhood. He says that as a landlord, younger professionals are locating downtown, on West 25th Street and University Circle and he feels this project is necessary to allow Cleveland Heights to compete.
- Mary Kelsey, 3107 Meadowbrook Boulevard, echoed Mr. Silverman's comments. She is concerned with the design of the tallest building at the westernmost part of the site. The metal and glass will be outdated. Architecture that tries to be bold and exciting usually ends up looking provincial. We need something better than that.
- Stephen Rajki, 2328 Stillman Road, an architect and engineer, stated he is concerned with the site planning of the project. The project would be more acceptable if the ten-story structure facing Cedar were moved to the northwest corner of the property. He feels the tall structure serves as a wall or barrier rather than a welcome to the City. He feels it is contradictory to the stated goal from October 15, 2018, "Item B – provide a visual and symbolic entrance to the City." He feels due to the steep slope of the point that it should be terraced and landscaped and structures moved east. He also urged the ABR to have their alternates participate in the discussion because so much will rely on the ABR's input.

- Bob Olayas, 2285 Bellfield Road, said that Cleveland Heights is a suburb and not downtown and not urban. He also expressed frustration with the requirements of the ABR and the Building permit process. He stated that the neighborhood likes it not being dense. It's hard getting across the street now. Smooth and modern means cheap and doesn't blend with the neighborhood. He said the shade drawing doesn't mean anything.
- Nancy Thrams, 2991 Coleridge Road, expressed her appreciation for the ABR and its efforts for keeping Cleveland Heights at the standard or level that we are at. Coming up the hill, the tall building represents a wall and not a welcoming space. She liked the suggestion of terraces. She said that, being an accountant, she understands the economics of the development but hopes that a more traditional design would prevent the building from looking outdated in short time.
- Mark Johnson, 2836 Corydon Road, works in University Circle and is a landlord who cited the glut of empty apartments that there are excess vacant apartments in the neighborhood and that population loss and the building boom in University Circle are the reason. He is concerned about adding to this problem with this project. He expressed support of the ABR's work with housing renovation projects in character with the neighborhood and doesn't feel that this style represents the style that ABR has worked to try to preserve. He was not against such a style but it was a divergence. He also stated that the building at the point feels like a wall.
- Mark McCleod, 1625 North Park Boulevard, called attention to the developer's statement that they were given direction for the design to be modern. He asked the ABR to make clear who gave that direction. He feels that the community feedback has been that the project should blend in with the current design of the neighborhood. He is of the opinion that modern design does not age well and that projects developed in the 1960's are now poorly thought of. He also feels that modern is not consistent with Cleveland Heights. He moved here four years ago, retired, and could have lived anywhere but chose Cleveland Heights. He loves the old community. He feels that the tall building at the point is not consistent with the community, the large homes, and the feel of this neighborhood. Pointing to the proposal, he said he could have gotten this in Washington, D.C. where he lived, or LA, where he lived. He chose Cleveland Heights—the community that we have—for its beautiful, old homes—the wood, the stone, the brick—not shiny, glass and steel. That's downtown New York, not Cleveland Heights. Coming up the hill, Top of the Hill was to say who we are. That says who we are not. He believes that the parking requirements are too low for the demographic of the prospective residents. He also was concerned about the financing and this project never being fully completed. He appreciated the wood and the

brick on the proposed buildings Two and Three that start to get to our direction but building One does not represent us.

- Richard Bozic, 2405 Edgehill Road, an architect and former ABR member, expressed concern for those living near the western part of the site and the scale of the structure. He said if a tall building had to be built, it will fit better on Euclid Heights Boulevard, where tall buildings exist. The aesthetics have been talked about at every meeting. He feels that the only connection or transition to the rest of the City is at the Nighttown building and that there are many other buildings to which this project needs a connection. He encouraged everyone to walk the site more than once, in the daytime and at night, to evaluate the proposed scale and aesthetics. He said if anyone lives in this area across from this development and it moves ahead, he suggested putting one's house up for sale tomorrow.
- Anya Rudd, 2178 Harcourt Drive, said we are not sparkly—we are earthy. Citing the tall building, she said we like being behind the times by a hundred years. Seattle has many buildings like this that are outdated and vacant. She is totally for walkability to restaurants and services. She would need to apologize to international visitors not because the project was not cool and amazing but because it doesn't fit. It doesn't fit here.
- Joe Peter, 2221 Harcourt Drive, likes walkability and was concerned about speeding on the cut-through streets. He cited a bank that wanted to build a ten-story building in Ann Arbor but was denied. The company built in another city but the building is now vacant. We are not thinking this through.
- John Roush, 3096 Scarborough Road, supported development but echoed Steve Kordalski's and Rich Bozic's comments. He is concerned about the scale. He presented a photograph from the Cedar Fairmount website. This shows two-and-three-story structures and walkability. He expressed concern about a large parking garage. He also shared his concern of accessibility for people with disabilities and elevators only in the back of the house areas.
- David Bentley, 2641 Euclid Heights Boulevard, is concerned with the desirability of apartments in the two buildings that he manages on Lennox Road. It will be hard to rent his apartments facing the proposed garage. Many of his tenants rely on the public parking lot and he has concerns about parking for these tenants.
- Joyce Rajki, 2328 Stillman Road, echoed the North Park man's comments. She cited the City's stated goals for the project, including effectively incorporating community feedback in the design of the project. She feels that the community's input was not properly solicited or incorporated into the project. She referenced the Library's display of project documents soliciting community feedback. She said that many people left feedback. She said that once the City became aware of this, the City forced the Library to remove the pad of paper. She asked that those comments be made public. She also

pointed out that the original development agreement required 20 townhouses and a 5-story building height. This was what was required. On December 7 it was all changed and is not stakeholder friendly. She asked when and how the minutes for this meeting will be made available and how will the public be informed of their availability. She also asked when the comments from the library will be made available.

- Ann Iannarelli, 12621 Cedar Road, is very disturbed by this proposal. Traffic will be horrendous. A house the family owns at Overlook and Lee has so much traffic, people can't visit during the day. This is very unattractive. She's won many awards from Cleveland Heights for homes she has owned. She communicated support for many of the previous commenters. She collected over 100 signatures on a petition that is opposed to this project and submitted them to the ABR. She said we have wonderful designers right in Cleveland Heights.
- Mark McCleod, 1625 North Park Boulevard, wanted 360-degree views such as views from Fairmount and Cedar looking down Cedar Hill, from the fire station on Cedar Hill looking downhill, and Lenox looking down towards the hill. The parking garage will stand way over those apartments.

BOARD REVIEW

- Ms. Fliegel thanked the attendees for the feedback.
- Mr. Kurtz asked about the number of apartments. Mr. Bogan responded 275 units were proposed.
- Mr. Kurtz asked Mr. Bogan to confirm that the number was increased to achieve an acceptable return on investment. Mr. Bogan confirmed this statement and added that the proposed number of units has been above and below this number.
- Mr. Kurtz asked if that number will continue to change. Mr. Bogan responded that they are locked into this number plus or minus five percent due to the pro forma. He said that they are refining the mix of apartment styles. Mr. Kurtz asked about the tall tower's quantity of apartments per floor.
- Mr. Kurtz said the width of the apartment buildings proposed on the north section of the site looked wider than a width he said was typical. He asked if the square footage of the units have been determined and if the size of the units will fluctuate. Mr. Bogan said that the size of the units will not change much going forward. He said there may be room to make small alterations to some parts of the buildings.
- Mr. Kurtz wanted to understand where flexibility exists and where flexibility did not exist. Mr. Bogan responded that Flaherty & Collins does projects like this all over the country and that he wanted the units to work as well as possible for the target demographic.

- Mr. Kurtz asked of the target demographic. Mr. Bogan responded that they are looking at roughly 60% millennials, 35% empty-nesters and 5% other.
- Mr. Kurtz asked how many studies with this quantity of units have been done regarding massing. Mr. Bogan responded that they have done 40 versions.
- Ms. Fliegel liked the green space on Euclid Heights Boulevard which was for those apartment residents. She had concerns about the size and location of the green space between Nighttown and the commercial space. It was very tucked away. It was hidden and next to an unattractive parking structure. If it was along Cedar, it would be more viable. Mr. Kurtz agreed with Ms. Fliegel and suggested the green space closer to Cedar Road with retail frontage on the green space. The back of the commercial space that would have faced the green space has no windows. There are no eyes on that pocket park. Putting a great green space in front would give something back to the community. Mr. Bogan said a drive had been proposed next to Nighttown. It was removed and they would not be opposed to examining moving that space. It may make the retail space less attractive.
- Mr. Goss asked if the developer would be willing to examine increasing the number of units and the height of the buildings on Euclid Heights Boulevard and decreasing the height of the building at the point.
- Ms. Fliegel asked if Mr. Bogan could describe what the impetus for achieving height at the site was. Mr. Bogan responded that the desire for height came from the City and its feedback to create a monumental entrance to Cleveland Heights. As far as moving density north and east, Mr. Bogan said that they would not be opposed to examining it. We need to balance the economics. The nine-story structure is the most expensive component to this building. We are spreading that cost across the four story structures. Once you exceed four stories, you exceed what is viable in wood construction. We would not want to spread the cost across all the buildings so that we would need to build everything of steel or non-combustible structure. That would create a cost that could not be carried in the pro-forma. Moving all the tall structure to the northeast is possible but may not be the right answer.
- Eileen Beal, 2375 Euclid Heights Boulevard, asked for clarification about the green space to front on Cedar Road. She was in favor of the change. Ms. Fliegel responded that she was correct in understanding that they were discussing the possibility of moving the green space.
- Mr. Goss said ABR was not looking at parking and traffic but asked Mr. Bogan to discuss the developer's parking and traffic studies because the findings resulted in this proposal. Mr. Bogan responded that they had a very extensive traffic and parking analysis. However, without the consultants, he was unable to expand on the topic much further.
- Ms. Fliegel asked Mr. Wong if he could elaborate on the City's desire for a modern design. Mr. Wong summarized a discussion early on that the City had

with Chris Gallagher, the architect of record on the project. Mr. Gallagher had presented the concept of starting with the Nighttown building and designing something that was very compatible in design and scale. As you approach the point where Euclid Heights converges with Cedar, the scale and style would become more modern. The Planning Department has been supportive of that direction. He commented to a resident that he did not pretend to have this resident's sensibilities of design. This forum was for the resident to be heard.

- Mr. Kurtz said there's a bit of a conflict in terms of what Modern is, what Contemporary is, and what we are looking at and he didn't think those things were synonymous. There was a discussion about not imitating the past. The national standard of historic preservation says that if you are adding to a historic building that is over 50 years old, you don't try to imitate or pretend that you are of that building. That's not to say there isn't a lot of variation and opinion about how one could address that. His opinion and what he heard was that there is something generic about the type of Contemporary expression that this building takes on and that this community requires something much more specific and singular. Call it idiosyncratic. Looking up the street, the buildings that Mr. Roush showed—the Rockefeller buildings, the one that Starbucks is in—there's a clarity that almost makes those buildings more Modern than the buildings that are proposed. Kind of a clarity of base; there's a massing on top. Those buildings happen to have a silhouette because they were done at a time when the profile of the roofs were in keeping with the residential neighborhood. It's not right to mimic those but there are lessons in those buildings-- in terms of clarity of base and clarity of massing-- that is not addressed here. Some of the elevations have kind of a brick base and that is violated in different ways by things that feel stuck-on. He said as an example that the Alcazar is timeless. It is not incredibly historical nor incredibly Contemporary but it is all brick; uniform, well-proportioned openings. It is its own thing. If he was to push a direction, he'd push for these buildings to be their own thing. When the elevations are done, he suggested the architects prepare elevations all the way up Cedar, and also look at the rhythm and pattern of those existing buildings. He asked if they could build on that. He saw in the elevations and sections the four and five story mass is matching the adjacent building but there is something more to that. The wings of the "Y" feel fatter than the other buildings as you go up the street. A planimetric proportioning system exists that somebody should be aware of and drawing into. It is generative; you will come up with a better solution and it will help all the rest of us see how you are tying all of this to the historic context. It is an exercise that would be a great thing to share if you've done it. If you haven't done it, he'd love to see this exercise.

- Ms. Fliegel noted the generic nature. She said a proposed project in Lakewood seemed very similar. She expressed concern about the metal panels, staggered with slightly different colors as a tired detail that doesn't speak to longevity of materials. Newer materials *could* be used. Phenolic panels are a pressed fiber product used on commercial buildings. She wanted to see more masonry on the building at the point. Modern doesn't necessarily have to mean reflective glass. You could have a very Modern building in the articulation of the windows. She liked the bent top piece now being integrated into the mass of the building. It is still a work in progress. She liked that the scale at the corner was brought down at the amenities deck by creating a volume there. She found the corner looking cold—concrete. Relief from the street was needed-- more landscape or something needs to bring it together more. She asked to see development of the corner at a larger scale to understand what was really happening there.
- Mr. Kurtz said it was commented upon to get different views. The perspective rendering was the "money shot." When you see this other "thin facaded" other side to the building, he questioned if that would present a satisfying condition when coming up Euclid Heights. He understood the metal panel was probably slightly more costly than the other ones and the reason the front façade was changing. Notwithstanding the mass-- which he would love to see different ways of reducing-- he wondered if the building labeled "Building 1" could be one thing instead of many things. Maybe it's part of the market study and what you do, but it is not appealing to him—the overly "ticky-tacky" application of materials. The first bay on the cream colored building has a phenolic panel—kind of an infill wood panel-- in one of the glazed openings. When that masonry returns to balconies that are carved out, you transition to an alternative material. That would be a simple opportunity for that building to have more substance than a typical development building. If that brick turned back and was along that perpendicular face that is back in the balcony, suddenly the building would have mass and proportion. He'd stop seeing it as different "cake frostings." The same applies to the other building. The balcony was an opportunity to give that architecture substance and mass. Return that material back to the glazing. This is universally true. Creating an architecture that has mass and substance over an application that is going to feel less timeless.
- Mr. Gallagher responded by saying that in developing the design they generally erred on the side of simplicity. He pointed out some changes that were made that simplified the tall building. There is a balance to make the building more unique and less boring. In regards to landscaping at the point, Mr. Gallagher pointed out that they do not control the right-of-way and expressed a desire to work with the community and the City to improve the corner. Lastly, he spoke regarding the depth of the units. 62' is a common

number for housing above parking. He said that they, however, have flexibility to deviate from a standard 62' width. The extra space allows for units that have walk-in closets and some with utility rooms with washers and dryers. Most of the neighborhood's apartment buildings only have a community laundry room. If the units were shallower, the units get wider and he would be back to finding the density and he heard no resounding support for increased height. He cited the level of approval already in terms of the land use and the guidelines in the zoning.

- Mr. Kurtz clarified that he is seeking a building that takes a position and acknowledged that not everyone will like that position. He emphasized that he would like a building expressing mass and expressing depth—a little more monolithic. He cited the elegant Art Deco building on this block and the Alcazar. He would not mimic those but try to make this more singular in terms of the vision.
- Ms. Fliegel recognized that this development will bring vibrancy to the district. It moves us in a positive direction. She understood the concern over the sight lines for some of the rear units of buildings on Lennox. She also stated that to her, for the two buildings on Cedar, if they are intended to move in a different degree of style, they read only as different colors. If it is intended to be a movement, she would like to see that because it only reads as a changed color now.
- Mr. Gallagher divulged that some internal conversations argued over whether the materials of these buildings should be the same. Ms. Fliegel said that may be more successful. Mr. Kurtz said the floor to floor height was probably the same in each building. The different buildings read inherently differently because the topography drops off. He cited the setback that was further differentiating the two buildings. If it was tall, the window openings could be expressed with a different proportion than the building that is supposed to be squatter or lateral. A good starting point would be to assume that everything was one material—not to say that this is what they should be. Then you could get to some of the proportioning things or things that Melissa was talking about reading the scale and proportion and seeing if they are truly different buildings, then maybe they are different materials than each other or maybe they are the same material. There is a proportioning system that relates.
- Mr. Gallagher said that the pocket park was meant to be semi-public. Nighttown had brought up that they currently have weddings and parties and thought that space might work as a semi-public space where they might expand.
- Mr. Kurtz said the spirit of what that space could be is belied by the fact that the parking garage is adjacent to it and the plans show an opaque wall on the south wall of the commercial space. He cited a pocket park in Cambridge

or a Paley Park in New York City as parks to think of when thinking of this park. He used to live behind Chase Bank pointing to the map. He spent eight years there and always questioned why he couldn't get out of Starbucks and go into a small green space with his coffee instead of just being on the street. This project as was said earlier there is one chance to do it. It is very packed. It is very dense like a stuffed sausage. We have to find a way and find these moments where the commercial space; the public spaces reinforce the neighborhood and really give something back to the community that's not just revenues but it is appreciable space. He didn't know if it could be worked out—if you start pushing that north, you start messing up apartment units above. He thought if Brendan had a wedding there, it could be a great place to expose the restaurant and that activity. Mr. Kurtz imagined driving past the open space and seeing that activity going on. There are not that many places where that happens right now. Mr. Gallagher said it was possible that a retail tenant may want glass on all sides, too, but it was a way's out before understanding that level of detail.

- Ms. Fliegel pointed out that this community appreciates seeing one another in an active and engaged park.
- Ms. Fliegel asked if the parking structure would need to change if the number of housing units fluctuates. Mr. Bogan said that the parking ratio will need to be maintained. Mr. Kurtz asked if the parking requirement went down, could the number of units go down. He asked mostly in relation to the tower, if the tower could be eight instead of ten floors. It would cut off 20 units but you could also get rid of "X" number of parking spaces because those are amortized over the units.
- Mr. Bogan said because they will manage this long-term, 275 units is where they want to be in terms of what is viable in the market. It also balances out the overall quantity of amenity space in the building and amortizes everything in terms of the operations across the entire development. 275 is a targeted number they believe is optimal for this site.
- Ms. Fliegel encouraged more internal views to make sure it is understood more completely. Mr. Bogan said at the next presentation they could definitely provide additional rendering views throughout. They can do a lot of views at the SketchUp level versus the more polished ones. Ms. Fliegel said polished renderings make it look like the project is too done. She requested a walk-through at eye level. Mr. Gallagher said that they can but they will not be at the same level of finish as a rendering. Mr. Kordalski asked for a foam model. Mr. Gallagher said he preferred doing this on a computer model because a foam model would be more difficult for everyone to understand. Mr. Gallagher said the walk-through would not be as refined as a rendering. Mr. Kurtz wanted to look at renderings of the tower from South Overlook and from Delaware across the street. It is an important tool to assess the form of

the tower to see if the curve works and the massing works. Mr. Bogan said that they can work with Mr. Wong to list the views that the ABR would like to see at the next meeting.

- Mr. Kurtz asked if they could follow up with the developer as long as they make their comments public. Mr. Nouredine stated that the developer will work with City officials to develop their next presentation.
- Mr. Kurtz reiterated his concern over the north elevation on Euclid Heights and the width of those ends. The idea of brick base coursing as a consistent approach could be a nice way to create a base for those buildings. That would feel commensurate with the bases of other buildings in the community. He was not sure he would overly erode that brick and bring this other panel in front of it. He would also not take the brick around and have the same façade above because you will get to the point where we ask if you could do something more exciting with that. Regarding the first floor units he remarked that some separation and privacy was afforded those first floor units because of the topography.
- Mr. Gallagher said that earlier designs had projected balconies and that would necessitate different façade treatments. Ms. Fliegel suggested a more traditional appearance to the balconies similar to buildings farther east on Euclid Heights. She wanted to avoid a balcony looking like it was added on. Mr. Gallagher in response to a question from Mr. Kurtz said they made a choice not to make the buildings all brick. Mr. Kurtz suggested that they see a white building that is part of the original structure of the Western Reserve Historical Society that is a three-story, beautifully articulated white-on-white treatment that works well. It's a white building right on the corner, not the limestone buildings. It's okay to not make it all brick. He thought it could be a subtle secondary articulation.
- Ms. Fliegel asked Mr. Gallagher to discuss the similarities and the differences between this design and the design of similar buildings in University Circle. She asked what will draw a millennial to move up the hill. Mr. Bogan replied that walkability and neighborhood services are two aspects that are attractive to potential residents. Additionally, this development will have better amenities than the projects in University Circle. Ultimately, the community will draw people to live here. He said they were obtaining long-term financing to make sure it works. He said they were putting their money on the line.
- Mr. Wong asked the members of the ABR to summarize their suggestions for the developer so that they have a clear direction on what they need to address before they come back before the Board.
- Ms. Fliegel stated that the height of the building at the corner needs to be studied. Some final due diligence should be provided. Material refinement regarding the metal panel's reflectivity. She had thought it would have been

a matte panel. Over time, the metal panel joints streak and look dirty. Mr. Gallagher said the idea was that the metal panel would blend with the glass to show the elegance of the curved form.

- Mr. Kurtz said the metal panel curves but glass will not be curved. There would be a little bit of a chamfered wedge shape revealing itself. How you do that elegantly can kill that pretty quick. There is probably a solution to this. It is a long way from what I hoped it would be. I don't want to say that and leave you in this limbo. I do think there are some things like ground-level amenity space; whether that's little parks or how the commercial space reinforces real assets to the community. Really studying the context and—I would encourage you to not make it look more traditional—looking at the scale, proportion and rhythm of the street; do those studies. The materiality, sub-articulation, scale and proportion of openings—how you can use the depth already being given to the building to give the building more mass and substance... Even if you look at Nighttown, it doesn't have a lot of relief but it feels like a really solid building. Those are things I would like to build on. The corner, curved building seems like a real challenge in terms of its scale.
- Ms. Fliegel suggested moving it a little bit or breaking it down as you move the corner.
- Mr. Gallagher said they have explored it; compressed the footprint so the footprint is smaller. It was taller and felt proportionately like a good move versus less stories-- then the bulk goes down the block.
- Mr. Goss asked for elevations from Bellfield. He said the vertical phenolic paneling does not seem to work well.
- Mr. Bogan and Mr. Gallagher pointed out that addressing some of these concerns could result in more problems.
- Ms. Fliegel suggested having those alternatives available to explain that other versions were studied but didn't work. Not everyone will love this building. Her overall feeling is that she has positive thoughts about where you started, where you are heading and what we will see next.
- Mr. McLeod asked that the building be rendered from every side street from 100', 500' and 1000'. He was afraid that the nine-story building would be viewed from everybody's backyard all the way up and down the street. We don't want to see that building out of our backyard. It is going to clear all the treetops. It is ten stories. It is one hundred feet. It is taller than North Park will be so it will be visible throughout the city from everybody's backyard. You need to express that so city residents understand. Your building is something that everybody's going to get stuck looking at.
- Mr. Wong noted that the zoning for this site was approved by the Planning Commission and Cleveland Heights City Council. The height limit for any building besides the building at the point is six stories. The process for

changing this would be pretty time consuming because it would be like a zoning amendment.

- Mr. Gallagher stated that they examined limiting the height from five to six stories across the site and the pro forma did not work.
- Mr. Kurtz said if the tower came down to eight stories, those units would need a new place on the property. We all heard that that tower was the most contentious. It is worth looking at reducing the scale of that.
- Mr. Bozic asked if the alternative locations were looked at for the tower. He asked why it could only be on the corner. It's a killer for the neighborhood. Those people are going to be so disappointed to have this huge slab of wall facing them. It's a killer.
- Mr. Kurtz verified that Mr. Bozic had suggested putting the tower on Euclid Heights.
- Another unidentified person said that Doctors' Hospital sat on the site closer to Nighttown. She suggested moving the tower east, putting a smaller building to the west with a park at the point.
- Mr. Bozic said those were options. He asked if options were looked at.
- Mr. Gallagher said other options were explored. He said one of the challenges was placement of the parking deck. Putting the tall building on Euclid Heights would not be as appropriate.
- Mr. Bozic disagreed saying it would be closer to the garage and existing taller buildings.
- Mr. Gallagher said every discussion of the corner included the word "iconic." Just like "Modern," "iconic" means something different to everybody. The impression was that it was about scale and height at the corner. As we showed taller buildings at the corner it was supported and well-received. Placement of the tall building at the corner was not in a vacuum. There was a lot of discussion and a lot of support.
- Mr. Bozic said he believed him but he asked if Mr. Gallagher felt the strength of what all these people were saying—that this building is a real eyesore that you call beautiful. He said that Mr. Gallagher had to sell him on it.
- Mr. Wong interjected that we didn't want this to become a debate.
- Ms. Fliegel said that everyone has been heard. The next date has not been scheduled. The applicants will let us know when they will be ready. It may not be at a regular ABR meeting because the mass of people need not sit through the other regular cases. This way they can focus on the one project. She then thanked everybody.

Adjournment

The meeting was adjourned at 10:16 PM.

Respectfully Submitted,



Melissa Fliegel, Chair



date



Richard Wong, Secretary



date

**CITY OF CLEVELAND HEIGHTS
ARCHITECTURAL BOARD OF REVIEW
MINUTES OF THE MEETING
JANUARY 3, 2019**

MEMBERS PRESENT:

Melissa Fliegel, Chair
Greg Goss

STAFF PRESENT:

Richard Wong, Planning Director

CALL TO ORDER (first three cases included Landmark Commission)

Mr. Wong called the meeting to order at 7:00 PM with Ms. Fliegel and Mr. Goss present. City Planner II/Historic Preservation Planner Kara Hamley O'Donnell called the roll of the Landmark Commission. Chair Mazie Adams, Thomas Veider, Mark Souther, Marjorie Kitchell, and Ken Goldberg were present.

**PUBLIC HEARING
JANUARY 3, 2019**

ABR 2019-515 (with the Landmark Commission): Brantley Inc., 2378 Euclid Heights Boulevard, requests to install T-Mobile antennas and related equipment.

- T Mobile's representative, John Sindyla, 7425 Royalton Road, North Royalton, 44133 displayed on the table an actual 5G antenna which was 22" tall, 11.5" wide and 6" deep. One antenna on each side will face up and down Euclid Heights Boulevard and one will be on the back of the building. In addition to these new smaller antennas above, three existing larger antennas will remain and three new 8' tall macro antennas are proposed to be located on existing mountings where approved antennas had been removed.
- T Mobile's RF Engineer, Prashant Ahlawat, said the 5G antennas require direct line of sight. These have wavelengths that can't pass through glass so they can't work through cars. They are just for people on the street.
- Mr. Sindyla said the Ohio State Historic Preservation Office approved the proposed design. He showed slides of photo simulations. The existing macro antennas' brackets will be reused. All unused pipe will be removed. Holes would be regouted. He was willing to remove the old fasteners if that was requested. All antennas and mounting equipment will be painted to match the building.
- Harper Engineering's Dave Harper explained that the total depth from face of the building to the outer face of the antenna was 1'-4". The antenna will be mounted below the sandstone coping.

- Mr. Sindyla in response to a question from Ms. Adams, said a roof mount had been proposed but the SHPO rejected antennas on top of the roof.
- Mr. Souther requested the 5G antennas be farther from the building's front corners. Mr. Veider suggested they be as far from the outer edge as possible.
- Mr. Ahlawat said the 5G antennas have 300 to 350 meters coverage in each direction.
- Ms. Adams asked about removal of abandoned fasteners. Ms. Hamley O'Donnell said metal fasteners can rust and introduce moisture that damages the masonry. The fasteners should be removed if removal will not damage the brick.

ACTION: Landmark Commission's Ms. Adams moved to approve the installation of three 5G antennas with the condition that the two antennas on the east and west sides of the building be as far from the front façade as possible. All 5G antennas shall project no farther than 16" from the building to the outermost part of the antenna. Three new macro antennas to replace removed antennas having a maximum projection of 25" from the building face to the outermost part of the antenna is also approved. Unneeded mounting hardware shall be removed. Mortar for patching shall be submitted to the City's Historic Preservation Planner for approval. All antennas and related mounting hardware shall be painted a color that shall be submitted to the City's Historic Preservation Planner for approval. All work shall be as shown on Harper Engineering's plans, received December 18, 2018. Seconded by Mr. Veider, the motion was unanimously approved.

Architectural Board of Review's Ms. Fliegel moved to approve the 5G and macro antennas with the same conditions as the Landmark Commission's motion. A Planning Department administratively issued Conditional Use Permit shall also be required. All work shall be as shown on Harper Engineering's plans, received December 18, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2018-425 (with the Landmark Commission): Saint Paul's Church, 2747 Fairmount Boulevard, requests to relocate 3 antennas to inside the bell tower.

- T-Squared Site Services' Ron Gainar, 2515 Red Fox Pass, Willoughby Hills, 44094 said three antennas of Sprint mounted on the surface of the stone will be removed. Clearwire had three antennas in the bell tower's arches that were abandoned when Sprint acquired Clearwire. Sprint proposes to install three new antennas each in a bell tower arch as shown on the plans. All cabinetry will be inside, too. The antennas will be black.

ACTION: Landmark Commission's Ms. Adams moved to approve the antennas with the condition that the bracket removal, replacement mortar mix and replacement mortar color be approved by the City's Historic Preservation Planner and that the antennas and hardware be painted black. All work shall be as shown on T-Squared Site Services' plans, received December 18, 2018. Seconded by Ms. Kitchell, the motion was unanimously approved.

Architectural Board of Review's Ms. Fliegel moved to approve the antennas with the same conditions as the Landmark Commission's motion. A Planning Department administratively issued Conditional Use Permit shall also be required. All work shall be as shown on T-Squared Site Services' plans, received December 18, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2018-426 (with the Landmark Commission): Church of the Savior, 2537 Lee Road, requests to install three (3) flush-mounted antennas to the Church's steeple.

- T-Squared Site Services' Ron Gainar, 2515 Red Fox Pass, Willoughby Hills, 44094 said the existing antennas will be reattached with new hardware that has the smallest possible projection from the face of the stone bell tower.

ACTION: Landmark Commission's Ms. Adams moved to approve the antennas with removal of all unneeded hardware. Mortar for patching and antenna paint color to match shall be submitted to the City's Historic Preservation Planner for approval. Antennas shall not exceed 16" from face of stone, as shown on drawings. All work shall be as shown on T-Squared Site Services' plans, received December 18, 2018. Seconded by Mr. Veider, the motion was unanimously approved.

Architectural Board of Review's Ms. Fliegel moved to approve the antennas with the same conditions as the Landmark Commission's motion. A Planning Department administratively issued Conditional Use Permit shall also be required. All work shall be as shown on T-Squared Site Services' plans, received December 18, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

The Landmark Commission adjourned at 7:57 PM.

Approval of December 18, 2018 and December 27, 2018 meeting minutes. Mr. Wong said only the December 18 minutes had been finished. Members had no questions or corrections, so the minutes were approved as submitted and signed by Ms. Fliegel.

ABR 2019-515: David Richardson, 2422 Newbury Drive, requests to replace three windows without matching existing windows' appearance.

- Pella-Gunton's Mike Ranallo, 26150 Richmond Road, Bedford Heights, 44146, described the proposed window replacements. The Forest Hills Homeowner's Association had approved the proposal.

ACTION: Mr. Goss moved to approve the windows as shown on Pella-Gunton's plans, received December 7, 2018. Seconded by Ms. Fliegel, the motion was unanimously approved.

ABR 2019-516: HRO Investments, LLC, 2578 Queenston Road, requests to build two-car, detached garage.

- EZ&T Construction's Eldar Zarbavel, 1331 Sunset Road, Mayfield Heights, 44124, said the roof and siding color would match the home.

ACTION: Ms. Fliegel moved to approve the garage as shown on LMS Design's plans, received December 11, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2019-517: Kathryn Ellis, 2773 North Park Boulevard, requests to replace windows without matching existing windows' appearance.

- Pella-Gunton's Jeffrey Holman, 26150 Richmond Road, Bedford Heights, 44146, said the two dormers' windows will change casements to double-hung. Grids on the double-hung windows will only be on the top sash. Right now, grids are on the lower sash, too.

ACTION: Ms. Fliegel moved to approve the windows as shown on Pella-Gunton's plans, received December 11, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2019-518: John and Marianne Sheridan, 2634 Dartmoor Road, request to build a 8'-deep addition to rear of two-car, detached garage.

- Fischer & Associates Architects' Brian Feeley, 293 Rollins Circle, Kent, 44240, said the existing garage will be raised so its foundation can be replaced. An additional 8' of depth is proposed to be added with materials to match the cedar shake sided garage.

ACTION: Ms. Fliegel moved to approve the garage addition as shown on Fischer & Associates' plans, received December 14, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2019-519: Nicholas and Kristin Brennecke, 1356 Yellowstone Road, requests to install 4'-high wood fence in front yard and corner side yard.

- Nicholas Brennecke said he and his wife wanted to fence the yard for their two young children. He proposed a stained wood board fence.

ACTION: Ms. Fliegel moved to approve the fence as shown on Nicholas Brennecke's plans, received December 17, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2019-520: Sansophia Blackwood, 2187 North Taylor Road, requests to replace windows without matching existing windows' appearance.

- Universal Windows Direct's Jeff Deatsch, 7813 First Place Street, Oakwood Village, 44146, described the window replacements. The front picture window would be flanked by double-hung windows without mullions.

ACTION: Ms. Fliegel moved to approve the windows as shown on the plans by Universal Windows Direct, received January 3, 2019. Seconded by Mr. Goss, the motion was unanimously approved.

Old Business

No old business was raised.

New Business

No new business was raised.

Adjournment

The meeting was adjourned at 8:34 PM.

Respectfully Submitted,



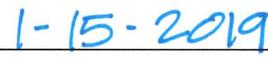
Melissa Fliegel, Vice Chair



date



Richard Wong, Secretary



date



CLEVELAND HEIGHTS

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

Tuesday, January 22, 2019
Regular Meeting
7:30 p.m.

Cleveland Heights City Hall
40 Severance Circle
Cleveland Heights, Ohio

- 1) **Roll Call of Council Members**
- 2) **Excuse absent members**
- 3) **Approval of the minutes of the regular Council meeting held Monday, January 7, 2019.**
- 4) **Personal communications from citizens**
- 5) **Master Plan Update for the 4th Quarter of 2018**
- 6) **Council Priorities Update for the 4th Quarter of 2018**
- 7) **Report of the City Manager**

Request permission to disseminate an RFP for a Municipal Broadband Feasibility Study

Matter of Record

Refer to: Safety and Municipal Services Committee of Council

- 8) **Report of the Director of Finance/Clerk of Council**

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

- 2785 Euclid Heights LLC, 2785 Euclid Heights Blvd. SE Lower Level, Cleveland Heights, Ohio 44106, to transfer permits D5 and D6 in safekeeping from WG Gresham Inc. dba La Cave Du Vin, 2785 Euclid Heights Blvd. SE Lower Level, Cleveland Heights, Ohio 44106

Matter of Record

Refer to: Safety and Municipal Services Committee, the City Manager, and the Director of Law

9) **Committee Reports**

a.) **ADMINISTRATIVE SERVICES COMMITTEE**

ORDINANCE NO. 2-2019 (AS). An Ordinance to approve current replacement pages to the Cleveland Heights Codified Ordinances

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 3-2019 (AS), *First Reading*. An Ordinance amending Section 1341.15, "Family," of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 4-2019 (AS), *First Reading*. An Ordinance amending Chapter 749, "Fair Practices," of the Codified Ordinances of Cleveland Heights to add "age" as a protected class within the City

Introduced by Council Member _____

Vote _____
For Against No. Reading

b.) **FINANCE COMMITTEE**

RESOLUTION NO. 5-2019 (F). A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Parent Café Program; providing compensation therefor

Introduced by Council Member _____

Vote _____
For Against No. Reading

RESOLUTION NO. 6-2019 (F). A Resolution authorizing the City Manager to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for

assistance with the organization's Pathways to Independence Program at Cleveland Heights High School; providing compensation therefor

Introduced by Council Member _____

Vote _____
For Against No. Reading

- c.) **HOUSING AND TRANSPORTATION COMMITTEE**
- d.) **PLANNING AND DEVELOPMENT COMMITTEE**
- e.) **RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE**
- f.) **SAFETY AND MUNICIPAL SERVICES COMMITTEE**

RESOLUTION NO. 7-2019 (SMS). A Resolution establishing a Refuse and Recycling Task Force and prescribing the composition, duration, and purpose and duties of such Task Force

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 8-2019 (SMS), First Reading. An Ordinance repealing Part Seventeen, *Health Code*, of the Codified Ordinances of Cleveland Heights and renumbering Section 1715.10 to Section 737.06, Chapter 1753 to Chapter 763, Chapter 1779 to Chapter 555; amending Subsection 1553.01(a)(3)

Introduced by Council Member _____

Vote _____
For Against No. Reading

10) Mayor's Report

11) Adjournment

(Council members and staff will stay following adjournment to discuss questions informally with citizens.)

NEXT MEETING OF COUNCIL: MONDAY, FEBRUARY 4, 2019

Proposed: 1/22/2019

ORDINANCE NO. 2-2019 (AS)

By Council Member

An Ordinance to approve current replacement pages to the Cleveland Heights Codified Ordinances; and declaring an emergency.

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, certain provisions of Part Three, Traffic Code, and Part Five, General Offenses Code should be amended to conform to changes to comparable State statutes; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council.

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

SECTION 1. The following ordinances of the City of Cleveland Heights, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2019 Replacement Pages to the Codified Ordinances, are hereby approved and adopted:

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
20-2018	3-19-18	145.01, 553.02, 701.07, 761.07, 1501.15, 1780.08, 1785.03
82-2018	7-16-18	943.01 to 943.33, 943.99
110-2018	10-3-18	1361.18, 1369.17
111-2018	10-3-18	1341.27, 1351.33
118-2018	10-15-18	729.01 to 729.10; repeal 537.16
119-2018	10-15-18	303.99, 335.10, 351.03, 351.14
123-2018	11-19-18	137.11

SECTION 2. The following sections and chapters of the Codified Ordinances shall be, and hereby are added, amended or repealed as respectively indicated in order to conform with changes in State Law. The complete text of the sections of the Codified Ordinances listed below are set forth in full in the current 2019 Replacement Pages to the Codified Ordinances. A summary of the amendments is set forth in Exhibit A which is attached to this Ordinance.

Traffic Code

301.53	Waste Collection Vehicle. (Added)
303.06	Freeway Use Restricted. (Amended)
303.991	Committing an Offense While Distracted Penalty. (Added)
313.01	Obedience to Traffic Control Devices. (Amended)
313.09	Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
331.01	Driving Upon Right Side of Roadway; Exceptions. (Amended)
331.02	Passing to Right When Proceeding in Opposite Directions. (Amended)
331.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
331.04	Overtaking and Passing Upon Right. (Amended)
331.05	Overtaking, Passing to Left of Center. (Amended)
331.06	Additional Restrictions on Driving upon Left Side of Roadway. (Amended)
331.07	Hazardous or No Passing Zones. (Amended)
331.08	Driving in Marked Lanes or Continuous Lines of Traffic. (Amended)
331.09	Following Too Closely. (Amended)
331.10	Turning at Intersections. (Amended)
331.12	"U" Turns Restricted. (Amended)
331.13	Starting and Backing Vehicles. (Amended)
331.14	Signals Before Changing Course, Turning or Stopping. (Amended)
331.15	Hand and Arm Signals. (Amended)
331.16	Right of Way at Intersections. (Amended)
331.17	Right of Way When Turning Left. (Amended)
331.18	Operation of Vehicle at Yield Signs. (Amended)
331.19	Operation of Vehicle at Stop Signs. (Amended)
331.20	Emergency or Public Safety Vehicles at Stop Signals or Signs. (Amended)
331.22	Driving Onto Roadway From Place Other Than Roadway: Duty to Yield. (Amended)
331.23	Driving Onto Roadway From Place Other Than Roadway: Stopping at Sidewalk. (Amended)
331.24	Right of Way of Funeral Procession. (Amended)
331.26	Driving Upon Street Posted as Closed for Repair. (Amended)
331.27	Following and Parking Near Emergency or Safety Vehicles. (Amended)
331.28	Driving Over Fire Hose. (Amended)
331.29	Driving Through Safety Zone. (Amended)
331.30	One-Way Streets and Rotary Traffic Islands. (Amended)
331.31	Driving Upon Divided Roadways. (Amended)
331.33	Obstructing Intersection, Crosswalk or Grade Crossing. (Amended)
331.37	Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
333.03	Maximum Speed Limits. (Amended)
333.031	Approaching a Public Safety Vehicle. (Amended)
333.04	Stopping Vehicle. (Amended)
333.05	Speed Limitations Over Bridges. (Amended)

Traffic Code (Cont.)

337.16	Number of Lights. (Amended)
371.01	Right of Way in Crosswalk. (Amended)
371.02	Right of Way of Blind Person. (Amended)
371.07	Right of Way on Sidewalk. (Amended)
373.03	Attaching Bicycle or Sled to Vehicle. (Amended)
373.04	Riding Bicycles and Motorcycles Abreast. (Amended)
373.07	Riding Bicycle on Right Side. (Amended)

General Offenses Code

513.01	Drug Abuse Control Definitions. (Amended)
513.05	Permitting Drug Abuse. (Amended)
545.10	Misuse of Credit Cards. (Amended)
549.04	Improperly Handling a Firearm in a Motor Vehicle. (Amended)

SECTION 3. The aforementioned amendments to the Codified Ordinances, as revised, recodified and consolidated into component codes, titles, chapters and sections within the 2019 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

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 distribute current replacement pages to the Codified Ordinances. 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.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

EXHIBIT A

301.53 Waste Collection Vehicle. (Adds definition of waste collection vehicle.)

303.06 Freeway Use Restricted. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

303.991 Committing an Offense While Distracted Penalty. (Adds new section providing for an enhanced penalty for committing offenses while distracted.)

313.01 Obedience to Traffic Control Devices. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

313.09 Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.01 Driving Upon Right Side of Roadway; Exceptions. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.02 Passing to Right When Proceeding in Opposite Directions. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.03 Overtaking, Passing to Left; Driver's Duties. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.04 Overtaking and Passing Upon Right. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.05 Overtaking, Passing to Left of Center. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.06 Additional Restrictions on Driving upon Left Side of Roadway. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.07 Hazardous or No Passing Zones. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

Traffic Code (Cont.)

331.08 Driving in Marked Lanes or Continuous Lines of Traffic. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.09 Following Too Closely. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.10 Turning at Intersections. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.12 “U” Turns Restricted. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.13 Starting and Backing Vehicles. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.14 Signals Before Changing Course, Turning or Stopping. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.15 Hand and Arm Signals. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.16 Right of Way At Intersections. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.17 Right of Way When Turning Left. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.18 Operation of Vehicle at Yield Signs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.19 Operation of Vehicle at Stop Signs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.20 Emergency or Public Safety Vehicles at Stop Signals or Signs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

Traffic Code (Cont.)

331.22 Driving Onto Roadway From Place Other Than Roadway: Duty to Yield. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.23 Driving Onto Roadway From Place Other Than Roadway: Stopping at Sidewalk. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.24 Right of Way of Funeral Procession. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.26 Driving Upon Street Posted as Closed for Repair. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.27 Following and Parking Near Emergency or Safety Vehicles. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.28 Driving Over Fire Hose. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.29 Driving Through Safety Zone. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.30 One-Way Streets and Rotary Traffic Islands. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.31 Driving Upon Divided Roadways. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.33 Obstructing Intersection, Crosswalk or Grade Crossing. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

333.03 Maximum Speed Limits. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

Traffic Code (Cont.)

333.031 Approaching a Public Safety Vehicle. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

333.04 Stopping Vehicle. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

333.05 Speed Limitations Over Bridges. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

337.16 Number of Lights. (Adds “stationary waste collection vehicles” to subsection (c)(1).)

371.01 Right of Way in Crosswalk. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

371.02 Right of Way of Blind Person. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

371.07 Right of Way on Sidewalk. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

373.03 Attaching Bicycle or Sled to Vehicle. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

373.04 Riding Bicycles and Motorcycles Abreast. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

373.07 Riding Bicycle on Right Side. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

General Offenses Code

513.01 Drug Abuse Control Definitions. (Adds references to fentanyl-related compounds to subsection (b)(1) and (6) and (n)(1).)

513.05 Permitting Drug Abuse. (Adds Ohio Revised Code references in subsection (c).)

545.10 Misuse of Credit Cards. (Adds subsection (a)(3).)

549.04 Improperly Handling Firearms in a Motor Vehicle. (Amends subsection (c)(3) to delete “electric-powered” and adds “on private or publicly owned lands” to subsection (c)(3)B.).

Proposed: 1/22/2019

ORDINANCE NO. 3-2019 (AS), *First Reading*

By Council Member

An Ordinance amending Section 1341.15, “Family,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights; and declaring an emergency.

WHEREAS, the definition of “family” in Section 1103.03 (40) of the *Zoning Code*, of the Codified Ordinances of Cleveland Heights was updated in January 2018 to comply with Fair Housing laws; and

WHEREAS, the definition of “family” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights needs to be similarly updated.

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

SECTION 1. Section 1341.15, “Family,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights shall be and hereby is amended to read as follows:

“Family” means a group of individuals who function as a single, cohesive household. The procedure to determine whether a group of individuals constitutes a family shall follow Section 1103.04 of the *Zoning Code*.

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

SECTION 3. 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 assure the *Housing Code* does not violate federal or state law. 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.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 1/22/2019

ORDINANCE NO. 4-2019 (AS), *First Reading*

By Council Member

An Ordinance amending Chapter 749, “Fair Practices,” of the Codified Ordinances of Cleveland Heights to add “age” as a protected class within the City; and declaring an emergency.

WHEREAS, in December 2013, this Council expanded the role and jurisdiction of the Fair Housing Board to investigate complaints concerning discrimination of certain protected classes occurring in places of public accommodation, in addition to in a housing context, and renamed the Fair Housing Board, “the Fair Practices Board;” and

WHEREAS, in November 2014, this Council further expanded the Fair Practices Board’s jurisdiction to additionally hear discrimination complaints in an employment and education context; and

WHEREAS, age may be a factor considered in a housing context and thus was not originally included as a protected class under the jurisdiction of the Fair Housing Board; and

WHEREAS, age should have been added as protected class when the Board expanded its powers beyond the housing context but was accidentally not included; and

WHEREAS, the Council seeks to remedy this oversight to include age as a protected class within the City of Cleveland Heights.

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

SECTION 1. Section 749.01, “Designation of Policy,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended to read as follows:

749.01 DESIGNATION OF POLICY.

It is hereby designated to be the continuing policy of the City of Cleveland Heights to do all things necessary and proper to secure for all citizens their right to equal Housing opportunities, equal employment opportunities, equal access to educational opportunities, and equal access to public accommodations regardless of their age, race, color, religion, sex, familial status, national origin, disability, sexual orientation, or gender identity or expression.

SECTION 2. Section 749.03, “Definitions,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended to enact a subsection to read as follows:

(aa) “Age” means 40 years of age and older, as recognized by the Age Discrimination in Employment Act of 1967.

SECTION 3. Subsection (n) of Section 749.03, “Definitions,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended to read as follows:

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

SECTION 4. Subsection (j) of Section 749.07, “Unlawful Discriminatory Housing Practices,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended enacted to read as follows:

(j) It shall not be an Unlawful Discriminatory Housing Practice to subject an individual to different treatment as a result of that individual’s Age.

SECTION 5. Section 749.12, “Unlawful Discriminatory Employment Practices,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended to read as follows:

749.12 UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICES.

It shall be an Unlawful Discriminatory Employment Practice and a violation of this Chapter for any Employers, Employees, employment agencies, or other Persons subject to this Chapter to do any of the following:

- (a) Discriminate against any individual with regard to hire, discipline, discharge, tenure, upgrading, terms or conditions of employment;
- (b) To establish, announce, or follow a policy of denying or limiting the employment or employment opportunities of any individual or group of individuals because of Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression;
- (c) Publish or cause to be published any notice or advertisement relating to employment or employment opportunities which contains any specification or limitation as to Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression;
- (d) Require of any applicant as a condition of employment or employment opportunities any information concerning the applicant's Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression; or
- (e) Aid, abet, encourage or incite the commission of any Unlawful Discriminatory Employment Practice prohibited by this Chapter.

ORDINANCE NO. 4-2019 (AS)

SECTION 6. Subsection (c) of Section 749.13, “Unlawful Discriminatory Education Practices,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended enacted to read as follows:

(c) It shall not be an Unlawful Discriminatory Education Practice to subject an individual to different treatment as a result of that individual’s Age.

SECTION 7. Section 749.15, “Unlawful Discriminatory Public Accommodation,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended to read as follows:

749.15 UNLAWFUL DISCRIMINATORY PUBLIC ACCOMMODATION PRACTICES.

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

(a) For any proprietor or his or her Employee, keeper, or manager of a Place of Public Accommodation to deny any individual except for reason applicable alike to all individuals regardless of Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression the full enjoyment of the accommodations, advantages, facilities, or privileges thereof.

(b) For any proprietor or his or her Employee, keeper, or manager of a Place of Public Accommodation to publish, circulate, issue, display, post or mail, either directly or indirectly, any printed or written communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any individual on account of Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression or that such an individual is unwelcome, objectionable, or not acceptable, desired or solicited.

(c) For any Person, whether or not included in subsections (a) and (b) hereof, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an Unlawful Discriminatory Public Accommodation Practice under this Section.

SECTION 8. All remaining portions Chapter 749 shall remain as currently enacted.

SECTION 9. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

ORDINANCE NO. 4-2019 (AS)

SECTION 10. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to implement said changes to the Fair Practices Board as soon as possible so that all residents of the City of Cleveland Heights have a venue to bring discrimination claims, regardless of age. 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.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 1/22/2019

RESOLUTION NO. 5-2019 (F)

By Council Member

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

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

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

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

WHEREAS, there are monies available for such purpose from Year 44 Community Development Block Grant Funds.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with Family Connections of Northeast Ohio, a non-profit corporation, for assistance with its Parent Café Program. The agreement shall provide for funding in the amount of up to Five Thousand Dollars (\$5,000) from Year 44 Community Development Block Grant funds. The services to be performed by Family Connections of Northeast Ohio are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a twelve month period commencing January 1, 2019, and terminating December 31, 2019, and shall be reviewed as to form by the Director of Law.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to allow the services of the Family Connections of Northeast Ohio to continue without interruption.

RESOLUTION NO. 5-2019 (F)

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.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

EXHIBIT A
STATEMENT OF WORK

FAMILY CONNECTIONS

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

The program will serve 30 families. CDBG funds will contribute towards personnel and supply expenses.

Proposed: 1/22/2019

RESOLUTION NO. 6-2019 (F)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization's Pathways to Independence Program at Cleveland Heights High School; providing compensation therefor; and declaring an emergency.

WHEREAS, the Open Doors Academy is a non-profit corporation with the mission to protect, inspire, nurture and challenge adolescents to reach their full potential; and

WHEREAS, it would be in the best interest of the City and its residents to provide partial funding for the agency's programming; and

WHEREAS, there are monies available for such purpose from Year 44 Community Development Block Grant Funds.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with the Open Doors Academy, a non-profit corporation, to provide for funding in the amount of up to Ten Thousand Dollars (\$10,000) from Year 44 Community Development Block Grant funds. The services to be performed by the Open Doors Academy are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a twelve month period commencing January 1, 2019, and terminating December 31, 2019, and shall be reviewed as to form by the Director of Law.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to allow the necessary services of the Open Doors Academy to continue uninterrupted. 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. 6-2019 (F)

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

RESOLUTION NO. 6-2019 (F)

EXHIBIT A
STATEMENT OF WORK

OPEN DOORS ACADEMY

Open Doors Academy exists to protect, inspire, nurture, and challenge adolescents to reach their full potential through the provision of meaningful out-of-school enrichment programming in safe and structured environment.

Open Doors Academy will serve 32 youths in their enrichment programming, with a minimum of 51% being from low-and moderate-income households. Programming will be offered at Cleveland Heights High School. Community Development Block Grant funds will assist with personnel costs.

Proposed: 1/22/2019

RESOLUTION NO. 7-2019 (SMS)

By Council Member

A Resolution establishing a Refuse and Recycling Task Force and prescribing the composition, duration, and purpose and duties of such Task Force; and declaring an emergency.

WHEREAS, Council has identified the need to create a special Refuse and Recycling Task Force to offer advice and recommendations to City Council concerning the City's refuse and recycling practices.

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

SECTION 1. There is hereby established the "Refuse and Recycling Task Force" ("Task Force"). Said Task Force shall be composed of a total of thirteen (13) members. Ten (10) of the thirteen (13) members ("Resident Members") shall be residents of the City and shall serve without compensation. The ten (10) Resident Members shall be appointed by ~~the Mayor~~City Council by motion to appoint the Resident Members after an application and review process, ~~and after consultation with the members of City Council,~~ with the intention that each of the current six (6) members of City Council shall advance the name of one (1) Resident Member and that four (4) additional Resident Members shall be proposed by City Council as a matter of consensus. The remaining three (3) members of the Task Force shall be designees of the City Manager ("City Manager Designees"), provided that the City Manager Designees shall not participate in any vote or decision-making. The members of the Task Force shall select a chair. In the event of the resignation or excessive absence of a Resident Member, the ~~Mayor~~City Council retains the authority and discretion to replace or not to replace the Resident Member. Meetings of the Task Force shall be open to the public.

SECTION 2. The purpose of the Task Force is to evaluate the City's trash and recycling programs to ensure that the City's practices provide the residents with top-notch services at reasonable costs while likewise ensuring the safety and health of City workers, including by way of example and not limitation, the possibility of automated trucks, City recycling programs, public vs. private service providers, the costs of any recommended changes, and funding and financing of such costs. ~~so as to consider and recommend improvements and cost effective measures.~~ The Task Force shall adjourn and complete its work no later than six months after the first meeting of the Task Force, unless the term is extended by City Council.

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.

RESOLUTION NO. 7-2019 (SMS)

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 obtain the advice and recommendation of the Task Force without delay. 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.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 1/22/2019

ORDINANCE NO. 8-2019 (SMS), *First Reading*

By Council Member

An Ordinance repealing Part Seventeen, *Health Code*, of the Codified Ordinances of Cleveland Heights and renumbering Section 1715.10 to Section 737.06, Chapter 1753 to Chapter 763, Chapter 1779 to Chapter 555; amending Subsection 1553.01(a)(3); and declaring an emergency.

WHEREAS, pursuant to Ohio Revised Code Section 3709.08, after dissolving the City's Health Department, this Council has authorized the retention of the Cuyahoga County Board of Health for city health services; and

WHEREAS, retention of Part Seventeen, *Health Code*, of the Codified Ordinances of Cleveland Heights after the dissolution of the City's Health Department has created confusion concerning the County's jurisdiction over health services; and

WHEREAS, such confusion would be remedied by: (1) repealing sections of the Health Code which are under the County' jurisdiction, (2) repealing sections of the Health Code which are regulated and/or enforced by the State, (3) repealing sections of the Health Code which are antiquated or duplicative of existing city Code sections, and (4) renumbering sections of the Health Code which remain relevant to place them in appropriate sections of the Codified Ordinances as set forth herein.

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

SECTION 1. Title One, "Administrative Provisions," of Part Seventeen, *Health Code*, of the Cleveland Heights Codified Ordinances (hereafter, "*Health Code*") shall be, and is hereby repealed in its entirety.

SECTION 2. Title Three, "Food Business Places and Sales," of the *Health Code* shall be, and is hereby, repealed in its entirety except that Section 1715.10, "Street and Sidewalk Business Stands," shall be renumbered 737.06, and incorporated into Chapter 737, *Peddlers and Solicitors*, of Part Seven, "Business Regulation Code" of the Codified Ordinances of Cleveland Heights.

SECTION 3. Chapter 1741, *Shops*, of Title Five, "Occupations," of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 4. Chapter 1743, *Public Laundries*, of Title Five, "Occupations," of the *Health Code* shall be, and is hereby, repealed in its entirety.

ORDINANCE NO. 8-2019 (SMS)

SECTION 5. Chapter 1745, *Barber Shops*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 6. Chapter 1747, *Beauty Parlors*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 7. Chapter 1749, *Pest Control Operators*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 8. Chapter 1751, *Animal Hospitals, Kennels, and Pet Shops*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 9. Chapter 1753, “Solid Waste Collectors,” of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, renumbered Chapter 763. All references to “the Director of Health” shall be replaced with “the City Manager.”

SECTION 10. Chapter 1755, *Nursing and Rest Homes*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 11. Chapter 1757, *Day-Care Centers*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 12. Chapter 1771, *Abatement of Nuisances*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 13. Chapter 1773, *Rodent Harborage*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 14. Subsection 1553.01(a)(3), *Definitions*, of Chapter 553, “Abatement of Nuisances,” of Part Five, *General Offenses Code*, of the Cleveland Heights Codified Ordinances shall be, and is hereby amended to read as follows:

(3) Any deterioration of structural materials or lack of repair or maintenance of a building, structure or real estate that is a hazard to the health, safety or welfare of its occupants or the public or that, if not abated, will become a blighting or deteriorating factor in the neighborhood that impairs or adversely affects the value of neighboring property. Such deterioration shall include, but not be limited to, deterioration of sidewalks or vegetation; an unsecured vacant structure; abandoned, unusable personal property or other debris; and conditions found and declared to be conducive to harboring mice and rats. Conditions conducive to harboring mice and rats shall include, but not be limited to, broken, cracked or defective ceilings, walls, floors or foundations in which are holes or cracks of a size sufficient to permit a rat or mouse to pass through; materials, including rubbish, piled, stored or kept on the premises, into, among or under

ORDINANCE NO. 8-2019 (SMS)

which rats or mice have burrowed or may burrow; buildings, foundations of buildings, appurtenances to buildings, floor, walks or driveways under which mice or rats have burrowed; portable buildings, boxes, crates and materials, including rubbish, piled, stored or kept so that they rest directly on the ground surface or less than eighteen (18) inches above such surface; garbage containers without watertight tops, sides and bottoms or without tight-fitting tops or around or under which mice or rats have burrowed or may burrow; and feeding of wild animals, birds or other wild life, other than in suitable containers for food, elevated at least thirty-six (36) inches above the ground level, or in any other manner which attracts or may attract rodents.

SECTION 15. Chapter 1775, *Miscellaneous General Provisions*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 15. Chapter 1777, *Disposition of the Dead*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 16. Chapter 1779, *Air Pollution*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, renumbered Chapter 555 of Part Five, *General Offenses*, of the Codified Ordinances of the Cleveland Heights.

SECTION 17. Chapter 1780, *Clean Indoor Air*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 18. Chapter 1781, *Abortion Service Facilities*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 19. Chapter 1783, *Swimming Pools*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 20. Chapter 1785, *Application of Pesticides*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 21. 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 22. 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 effectively eliminate confusion concerning the *Health Code*. 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.

ORDINANCE NO. 8-2019 (SMS)

CAROL ANN ROE, Mayor
President of Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:



CLEVELAND HEIGHTS

Monday, January 7, 2019 Minutes

COMMITTEE OF THE WHOLE

6:20 – 7:20 p.m.

Mayor Roe presiding

Roll Call: Present: Dunbar, Roe, Seren, Stein, Ungar, Yasinow
Excused: None

Staff present: Boland, Briley, Butler, Clinkscale, Juliano, Lambdin, McRae, Mecklenburg, Niermann O’Neil, Smith, Trupo, Wong

Topics discussed: Report of City Council Members, Legislation Overview, Staff Reports, Council Committee Appointments, and Refuse & Recycling Task Force

CITY COUNCIL

7:30 – 8:05 p.m.

Mayor Roe presiding

Roll Call: Present: Dunbar, Roe, Seren, Stein, Ungar, Yasinow
Excused: None

Staff present: Boland, Briley, Butler, Clinkscale, Juliano, Lambdin, McRae, Mecklenburg, Niermann O’Neil, Smith, Trupo, Wong

The minutes of the regular Council meeting held Monday, December 3, 2018 were approved with corrections submitted.

Personal communications from citizens

Robin Coslyn made a statement about the Immigration Task Force.

Joyce Rajki made a statement about Top of the Hill.

Jordan Davis, representing a committee from Sustainable Heights Network, stated an interested in participating in the updating of refuse and recycling.

Katherine McMillan made a statement about safety, prevention and security.

Report of the City Manager

Request permission to disseminate an RFP for ongoing preventative maintenance for the HVAC in the City's buildings.

Matter of Record

Refer to: Administrative Services Committee of Council

Report of the Director of Finance/Clerk of Council

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

- 1854 Coventry Salad, Inc. & Patio, 1854 Coventry Road, 1st Floor, Unit B, Cleveland Heights, OH 44118 for a D5 and D6 permit
- Sky Sword LLC dba Bodega & Patio, 1854 Coventry Rd. 1st Floor, Unit B, Cleveland Heights, OH 44118, to transfer D5 and D6 permits from 1854 Coventry Salad, Inc. & Patio, 1854 Coventry Road, 1st Floor, Unit B, Cleveland Heights, OH 44118
- Millennial LLC dba Burritos My Way, 2781 Euclid Heights Boulevard, Cleveland, OH 44106, to transfer D5 and D6 permits from CPSY Inc. dba Daishin Japanese Steak House, Great Northern Shopping Center, 26092 Brookpark Road, North Olmsted, OH 44070
- Tricat LLC dba Voodoo Brewery Cleveland, 2279-2281 Lee Road, Cleveland Heights, OH 44118 for a new D5 permit

Matter of Record

Refer to: Safety and Municipal Services Committee of Council, the City Manager, and the Director of Law

Committee Reports

Mayor Roe announced that the Safety and Municipal Services Committee will be Chaired by Vice Mayor Yasinow and the Planning and Development Committee will be Chaired by Councilman Ungar.

SAFETY AND MUNICIPAL SERVICES COMMITTEE

Council Member Ungar made a statement about his experience serving as Chair of that committee. He stated that the Refuse and Recycling Task Force was discussed in Committee of the Whole and outlined their responsibilities. Meetings will be public and information will be made available online as they meet. After legislation is passed to establish the Task Force, applications to serve will be made available online.

ADMINISTRATIVE SERVICES COMMITTEE

Council Member Stein motioned to grant permission to disseminate an RFP for ongoing preventative maintenance for the HVAC in the City's buildings which was seconded by Council Member Dunbar.

Roll Call: Ayes: Roe, Seren, Stein, Ungar, Yasinow, Dunbar
 Nays: None

ORDINANCE NO. 1-2019 (AS). An Ordinance amending Section 2 of Ordinance No. 15-2018, "Wage and Salary Ordinance," to incorporate the terms of the recent labor agreement with the Northern Ohio Patrolmen's Benevolent Association

Introduced by Council Member Stein, Seconded by Council Member Ungar

Roll Call: Ayes: Seren, Stein, Ungar, Yasinow, Dunbar, Roe
 Nays: None

Council Member Stein stated there is a Council vacancy and anyone interested in serving on City Council, can access the application online. The deadline is January 15. To date, 24 applications have been received.

FINANCE COMMITTEE

No report

HOUSING AND TRANSPORTATION COMMITTEE

Council Member Dunbar said a Housing and Transportation Committee meeting would be held soon. One topic will be the reduction of speed limits on certain streets.

PLANNING AND DEVELOPMENT COMMITTEE

Council Member extended an invitation to the Democracy Day Hearing on Thursday, January 17 at 7:00 p.m. in Council Chambers. This will be the 6th annual hearing.

RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE

No report

Mayor's Report

The Mayor stated that the Superintendent of the Cleveland Heights-University Heights School District will be leaving and she has enjoyed working collaboratively with her. The Mayor, Council Member Dunbar and the City Manager were able to participate in discussions with the search committee for a new Superintendent.

The Mayor made a statement about her involvement in The Ohio Mayors Alliance and outlined some of the issues they have discussed. During the next Council meeting, Council Member Dunbar will give a report from a meeting she attended on behalf of the Mayor.

NEXT MEETING OF COUNCIL: MONDAY, FEBRUARY 4, 2019

Respectfully submitted,

Carol Ann Roe, Mayor

Susanna Niermann O'Neil, Acting Clerk of Council
/jkw