



COUNCIL UPDATE

APRIL 4, 2019

MEETINGS & REMINDERS

Monday, April 8	-	6:15 p.m.	-	Committee of the Whole
Wednesday, April 10	-	7:00 p.m.	-	Planning Commission (agenda attached)
Thursday, April 11	-	6:00 p.m.	-	Meet Your Police
Saturday, April 13	-	10:00 a.m.	-	Spring Egg Hunt
Monday, April 15	-	6:15p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council
Tuesday, April 16	-	7:00 p.m.	-	Architectural Board of Review
	-	7:30 p.m.	-	Citizens Advisory Committee
Thursday, April 18	-	6:00 p.m.	-	Meet Your Police
Friday, April 19	-	9:30 a.m.	-	Commission on Aging

UPCOMING EVENTS

Wednesday, April 24	-	7:00 p.m.	-	Annual Earth Day Run at Forest Hill Park
Sunday, May 5	-			Women Out Walking Kickoff at the Community Center

LEGISLATION (for discussion purposes only, not Council action)

- Draft ordinances have been prepared to streamline voting procedures by allowing Council to approve motions by voice vote. There is one for Council procedure and one for the recusal procedure.

UPDATES

- Refuse & Recycling Task Force (RRTF)

The first meeting is scheduled for April 18th. The City members joining the group will be Public Works Director Collette Clinkscale, Refuse & Recycling Division Supervisor Tony Torres, and Capital Projects Manager Joe Kickel.



CLEVELAND HEIGHTS

Committee of the Whole

April 8, 2019

Agenda

1. Report of City Council Members 6:15 p.m. – 6:45 p.m.
Goal: Mayor and City Council members will provide updates on items of interest
2. Legislation Discussion 6:45 p.m. – 7:05 p.m.
Goal: Review possible legislation (discussion purposes only)
3. Executive Session 7:05 p.m. – 7:35 p.m.
 - *To discuss the appointment of a public official*
 - *To consider the terms of a lease of City-owned real property*

Proposed:

ORDINANCE NO. (AS), *First Reading*

By Council Member

An Ordinance amending Section 111.21, "Voting," of Chapter 111, *Council*, of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights to allow Council members to recuse themselves from voting due to a conflict of interest; and declaring an emergency.

WHEREAS, the current Section 111.21, "Voting," of Chapter 111, *Council*, of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights requires unanimous consent of other present Council members in order for a Council member to recuse himself or herself from voting on any question; and

WHEREAS, such unanimous consent should not be required where a Council member has a personal or financial interest in the matter under consideration or when the Council member reasonably believes that voting on a matter could constitute a violation of his or her ethical obligations under the law.

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

SECTION 1. Section 111.21, "Voting," of Chapter 111, *Council*, of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

Every member present shall vote on any question on the call for ~~the "ayes" and "nays"~~a voice or roll call vote, unless ~~excused by the unanimous consent of the other members present, and any member not being so excused who fails or refuses to vote on any question when the "ayes" and "nays" are being taken shall be counted as voting in the affirmative.~~the member recuses himself or herself. A member shall recuse himself or herself from voting whenever the member has a personal or financial interest in any matter under consideration or believes that voting on the matter could for any reason constitute a violation of any ethics law. Any member present, not recusing himself or herself, who fails or refuses to vote on any question when the voice or roll call vote is being taken shall be counted as voting in the affirmative.

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

ORDINANCE NO. (AS)

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed:

ORDINANCE NO. (AS), *First Reading*

By Council Member

An Ordinance amending Section 111.13, "Action of Council," of Chapter 111, *Council*, of Part One, Administrative Code, of the Codified Ordinances of Cleveland Heights to streamline voting procedures by allowing Council to approve motions by voice vote.

WHEREAS, the current Section 111.13, "Action of Council," of Chapter 111, *Council*, of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights requires that votes be taken by 'ayes' and 'nays'; and

WHEREAS, the proposed amendment to Section 111.13 would help streamline Council meetings; and

WHEREAS, this Council has determined that the proposed amendment to Section 111.13 is in the best interest of the City, its residents, and the general goal of civic efficiency.

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

SECTION 1. Section 111.13, "Action of Council," of Chapter 111, *Council*, of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

Council shall act by ordinance or resolution duly adopted at a regular, special or emergency meeting. Each ordinance, resolution and motion shall require the concurrence of at least four (4) members of Council for its passage or adoption, ~~and the vote upon its passage or adoption shall be taken by "ayes" and "nays" and entered on the journal.~~ The vote upon its passage or adoption shall be taken by voice vote and entered on the journal, except that a roll call vote may be held on any matter at the discretion of the presiding officer or upon the request of any member of Council or the Clerk of Council or otherwise provided in the Codified Ordinances or required by general law.

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

ORDINANCE NO. (AS)

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

City of Cleveland Heights

Ohio

City Council

Draft Resource Guide

February 2017

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PART I – GENERAL CITY INFORMATION

1. **City Charter** – The City Charter serves as the “constitution” of the City of Cleveland Heights and includes information about all local and municipal matters. It sets out the structure of the city government, the powers and duties of its departments, board and officers, and the basic principles for its operation. Articles in the Charter include: The Council, City Manager, Administrative Office and Departments, Municipal Court, Nominations and Elections, Initiative, Referendum and Recall, Finances, Franchises, Commissions, Saving Clauses and Charter Review. The City’s Charter was adopted in 1921. The City Charter can be found online at <http://conwaygreene.com/ClevelandHts.htm>.
2. **City Code** – The City Code contains the current laws enacted by City Council. The Code contains only ordinances that are permanent in nature. The City Code includes the Administrative Code, Traffic Code, General Offenses Code, Business Regulations Code, Streets Utilities and Public Services Code, Zoning Code, Building Code, Fire Prevention Code and Health Code. The City Code can be found online at <http://conwaygreene.com/ClevelandHts.htm>.
3. **Form of Government** – Cleveland Heights operates under a Council-Manager form of government. The Council-manager form of government combines the strong political leadership of elected officials with the strong managerial experience of an appointed manager or administrator. All power and authority to set policy rests with an elected governing body, which includes a mayor/president or chairperson and members of the Council. The governing body in turn hires a nonpartisan manager who has very broad authority to run the organization.¹

PART II – CITY COUNCIL’S ROLE

1. **Policy Makers** – In the Council-Manager form of government, it is important to distinguish between the role of elected officials and that of appointed staff. The City Council is the policy body and provides administrative direction through the City Manager they appoint. The Council sets policy to address short and long term issues facing the community. The City Manager directs the staff and is responsible for the successful implementation of the Council’s policy.
2. **Organization** – At its first regular Council meeting in January following each municipal election, Council shall organize and, by vote of at least four (4) members thereof, shall elect one (1) 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, to serve for a period of two (2) years thereafter. If a vacancy occurs or if Council determines by at least four (4) members that the President or Vice President is unable to fulfill the duties of his respective office, Council shall immediately proceed to elect one (1) of its members to serve in such office. (Cleveland Heights City Charter – § 3.3.11) (Cleveland Heights Codified Ordinances, § 3.111.07)
3. **President/Mayor** – The President /Mayor shall preside at all meetings of the Council and shall have a voice and vote in its proceedings but no veto. He/she shall preserve order and decorum, prevent personal reflection and confine members in debate to the question. He/she may, in

¹ ICMA Council-Manager Form of Government Frequently Asked Questions Publication

common with any other member, call any member to order who violates any of the rules, and when in the chair, shall decide all questions of order subject to an appeal to Council on demand of two (2) members. On such appeal, there shall be no debate but each member making the appeal may briefly state his reason for the same and the presiding officer shall have the same right to a similar brief statement. (Ord. 2400) (Cleveland Heights City Charter – § 3.3.11) (Cleveland Heights Codified Ordinances, § 3.111.08)

4. **Vice Mayor** - In the absence of the President, the Vice President shall discharge the duties and be clothed with all the powers of the President. In the absence of both the President and Vice President, the Councilmembers present may choose one (1) of their members as President pro tem., who during such absence, shall discharge the duties and be clothed with all the powers of the President. (Ord. 2400.) (City Charter – Article III-11) (Codified Ordinances, 3.111.09)
5. **Resignations** - The resignation of a member of Council shall not take effect until the resignation has been accepted by vote by a majority of the Council exclusive of the person tendering the resignation. (Ord. 2400) (Cleveland Heights Codified Ordinances, § 3.111.28)
6. **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. (Cleveland Heights City Charter – § 3.3.3)
7. **Vacancies** – Any vacancy in the Council, except as otherwise provided in the City 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. (Cleveland Heights City Charter – § 3.3.4)
8. **Council Committees** – Council may provide from time to time by resolution for such standing and special committees as the business of Council may require. The President, by virtue of his office, shall be a member and chairman of all committees whenever he/she attends their meetings and desires to so act. In the absence of provision to the contrary, the President shall appoint members of the committees and the member first named shall act as chairman of the committee when the President does not attend and act. A majority of the appointed members shall constitute a quorum. Vacancies in committee membership shall be filled by like appointment. (Ord. 24-1949)

The Council has established the following standing Council Committees: Administrative Services, Community Relations and Recreation, Finance, Planning and Development, Public Safety and Health and Municipal Services. (Cleveland Heights Codified Ordinances, § 3.111.11)

9. **Boards and Commissions** – The City of Cleveland Heights currently has fourteen Boards and Commissions that advise and assist the City Council in setting City policy. The Administrative Services Committee considers Board and Commission appointments and forwards recommendations for approval to the City Council.

PART III – CITY STAFF ROLES

1. **City Manager** – In accordance with the City Charter, the Council shall appoint a City Manager. The City Manager serves as both the chief administrative and chief executive officer of the City, and is responsible for the administration of the City organization and serves as the Director Public Safety, which includes both Police and Fire Departments. The City Manager is ultimately responsible for the supervision of staff members including the hiring, firing, directing and evaluating of all City staff and for the enforcement of all City laws and ordinances.

The Manager is required to attend City Council meetings and participate in discussion, but does not have the right to vote. The manager is also responsible for preparing and submitting the annual budget to the Council for consideration. The Manager implements all policies (ordinances/resolutions) adopted by the Council.

The City Manager is appointed by the Council and serves at the will of the Council, a majority of all the members of the Council is required for his/her appointment, suspension or removal. After appointment, the City Manager must reside in the City of Cleveland Heights. (Cleveland Heights City Charter – § Article 4) (Cleveland Heights Codified Ordinances, § 3.121.01-02-06)

2. **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.

The Vice-Manager shall perform all duties and serve all functions performed by the City Manager during the temporary absence or disability of the City Manager. Unless expressly prohibited by another section of the Codified Ordinances, the Vice-Manager shall be entitled to vote on any board or commission where the City Manager has a vote, during the temporary absence or disability of the City Manager. (Cleveland Heights City Charter – § 4.4) (Cleveland Heights Codified Ordinances, § 3.121.03)

3. **City Departments** – The City currently has the following departments: Community Services, Economic Development, Public Works, Public Safety (Fire and Police), Planning and Development, Parks and Recreation, Law and Finance. In addition, the City has a number of divisions and programs that support the operations of the City.

The organizational chart below depicts the City's current structure.

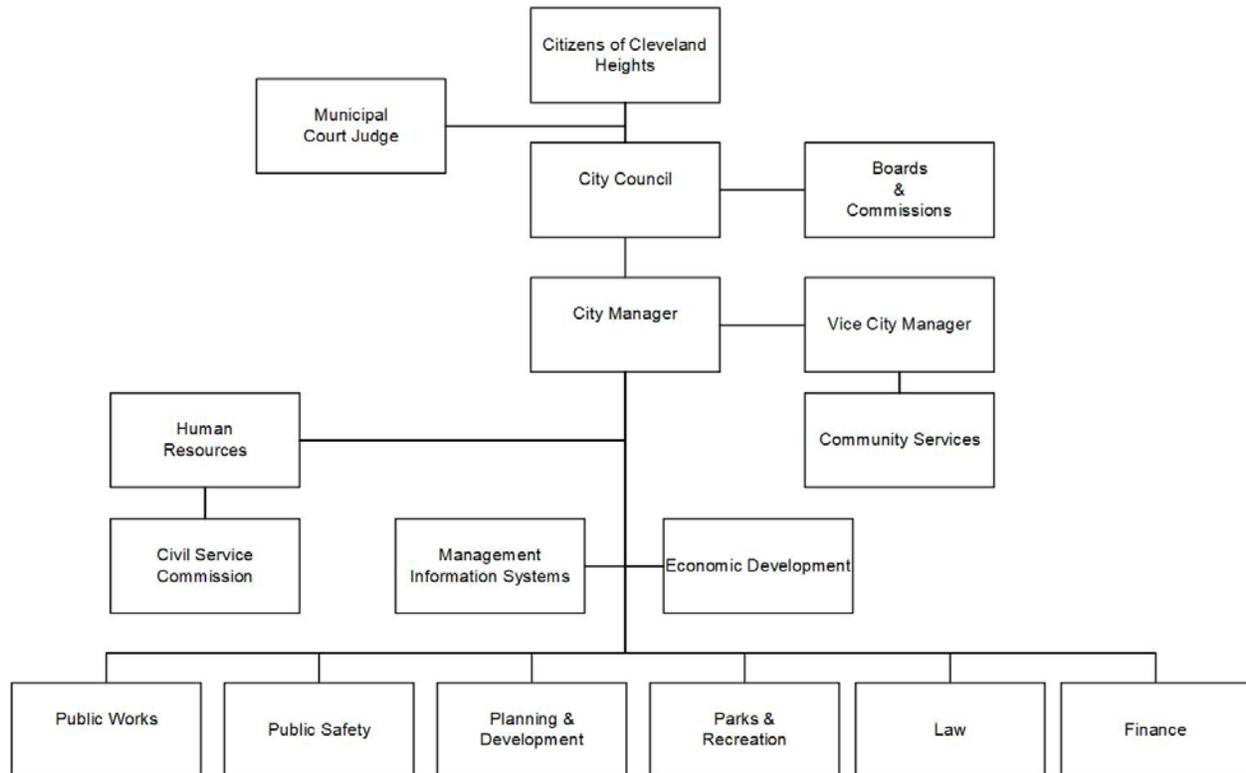


Figure 1: City of Cleveland Heights Organizational Structure, February 2017

PART IV – CITY COUNCIL MEETINGS

1. **Regular City Council Meetings** – Regular meetings of Council shall be held in City Hall (Council Chambers) on the first and third Mondays of each month, at 7:30 p.m., except when any such Monday is on a legal holiday, Council shall meet in regular session on the following day without taking further action. Council, by motion duly adopted, may authorize a change in the regular meeting schedule set forth above. Council, by motion duly adopted, may authorize a meeting of Council at some other public building located within the City of Cleveland Heights. (Ord. 37-2016.) (Cleveland Heights Codified Ordinances, §111.01)

2. **Committee of the Whole** – In addition to regular City Council Meetings, the Council holds Committee of the Whole Meetings every Monday at 6:30 p.m. in City Hall (Executive Conference Room). However, when a Monday falls on a legal holiday, Council then holds Committee of the Whole Meetings on the following day. Committee of the Whole meetings are considered work sessions, where Councilmembers discuss upcoming issues, review preliminary agenda issues and can participate in study sessions. The public may attend these meetings however no formal vote by Council is taken.

3. **Public Meetings** – All meetings of Council, Council committees, commissions, boards, citizen advisory committees of Council, and other public bodies of the City shall be open to the public unless an executive session is authorized under the applicable provisions of this chapter.

Unless otherwise provided in the Codified Ordinances, all meetings of Council, boards and commissions, and other public bodies of the City shall be held at the Cleveland Heights City Hall, or at other public buildings or properties within the City. Meetings held in executive session may be held at locations other than the City or school properties so long as proper notice of such meeting is given in the manner provided by Codified Ordinances, Section 107.02. (Cleveland Heights Codified Ordinances, § 111.107.01)

4. **Special Meetings** – A special meeting of Council may be called by the President of Council or by any two (2) members thereof, or by the City Manager, upon at least twenty-four (24) hours personal telephone notice or by written notice served personally upon each member or left at his usual place of residence. Such notice shall state the subjects to be considered at the special meeting and no other subject shall be considered at that meeting, unless all members are in attendance and give unanimous consent to the consideration of other matters at such special meeting.

Special meetings may also be called by a majority vote by a resolution passed at any regular meeting, and an absentee at such regular meeting shall be notified thereof as hereinbefore provided. (Cleveland Heights Codified Ordinances, § 111.107.02)

5. **Executive Session** – The Council, Council committees, commissions, boards, citizen advisory committees of Council, and other public bodies of the City may meet in executive session for all or a portion of any meeting for the consideration of any of the matters outlined immediately below:
 - 1) To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of any public employee or public official, the investigation of charges or complaints against a public employee, official, licensee or contractee of the City or one who seeks to be an employee, licensee or contractee of the City.
 - 2) To consider the terms of purchase or lease of real or personal property for public purposes, or the terms of sale or lease of City owned real or personal property.
 - 3) To discuss with an attorney for the public body, claims or disputes involving the public body that are the subject of pending court action, or in the judgment of such attorney, appear likely to be the subject of a future court action or claim.
 - 4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees or their representatives concerning such employees compensation or other terms and conditions of their employment.
 - 5) Meetings required to be kept confidential by applicable Federal, State or local law or regulations.
 - 6) Discussions of security arrangements in existence, or plans for future security arrangements, dealing with the public safety, where such discussions might reveal information that could be used for the purpose of committing crimes or avoiding detection or prosecution for violations of the law.
 - 7) To consider the proposed terms of a contract between the City and a contractee or proposed contractee of the City, where the discussions of the terms or proposed terms of such contract in the judgment of an attorney for the City, might give an unfair competition advantage to such contractee, or be a detriment to the position of the City in securing contract terms.

- 8) Where Council or a board or commission of the public body, is sitting to decide an issue or matter in a quasi-judicial proceeding, but only after all of the evidence to come before such body has been heard.
- 9) Not more than four (4) times during each calendar year, Council or a board or commission of the City may meet in retreat to discuss general plans for the future, or general issues before the City.

No vote of any kind may be taken of the members of a public body during an executive session of such body. (Ord. 105-1986) (Cleveland Heights Codified Ordinances, §107.01)

6. **Emergency Meetings** – In the event of an emergency requiring immediate official action, an emergency meeting of the Council may be called by the President of the Council or by any two (2) members thereof, or by the City Manager, upon at least four (4) hours personal telephone notice or by written notice served personally upon each member or left at his usual place of residence. Such notice shall state the subjects to be considered at the emergency meetings, and no other subject shall be considered at that meeting. (Cleveland Heights Codified Ordinances, § 111.107.03)
7. **Quorum** – Four (4) members shall constitute a quorum of Council to do business and a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. (Ord. 2400) (Cleveland Heights Codified Ordinances, § 111.107.04)
8. **Adjournment** – By resolution concurred in by a majority of all members of Council present, any meeting may be adjourned to a later date prior to the date of the next regular Council meeting. The adjourned meeting shall be considered a special meeting, and public notice thereof shall be given pursuant to City of Cleveland Heights Codified Ordinance, Section 107.02(b). Any absentee member of Council shall be notified personally, by telephone or by written notice, served personally or at his regular place of residence, at least twenty-four (24) hours prior to the date and hour of the adjourned meeting. (Cleveland Heights Codified Ordinances, § 111.107.05)
9. **Meetings and Records are Public** – Except as otherwise provided in the Codified Ordinances, all meetings of Council shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. (Cleveland Heights Codified Ordinances, § 111.107.06)

PART V – CITY COUNCIL AGENDAS

1. **Agenda Setting** – The agenda for City Council meetings is developed in collaboration with the City Manager and Mayor. The City Manager reviews the organizational legislative/business needs each week with the Mayor; in addition, policy interests of Council members are discussed and calendared as appropriate for Committee of the Whole meetings.
2. **Agenda Distribution** – The City Council agenda is developed in advance of the meeting and is distributed to each Councilmember electronically as a part of the Council Packet on Fridays; a paper copy is hand delivered on Saturdays. The City Council agenda packet and minutes can be found online at <http://www.clevelandheights.com/index.aspx?page=1487>.
3. **Business of Council** – The business of all regular meetings of Council shall include the following:

1. Roll call
2. Reading and disposal of journal
3. Reports and communications from the City Manager and department heads
4. Communications from residents
5. Reports of committees
6. Consideration of ordinances, resolutions and motions
7. Miscellaneous business

(Cleveland Heights Codified Ordinances, § 3.111.12)

4. **Minutes** – The minutes of all regular, special and emergency meetings of Council, shall be promptly recorded in writing and open to the public for inspection. Minutes of Council committee meetings may be recorded in writing. Minutes of executive sessions of public bodies need only reflect the general subject matter of discussion in such executive sessions. The Clerk of Council shall keep a minute book for meetings of Council and any other board or commission which regularly meets and records minutes. The minute books shall contain the minutes of all meetings of each public body submitted to the Clerk of Council. The public may inspect the minute books at all reasonable times. (Ord. 105-1986) (Cleveland Heights Codified Ordinances, § 1.107.04)

PART VI – CONDUCT OF CITY COUNCIL MEETINGS

1. **Parliamentary Procedures** – In the absence of any rule upon the manner of business, Council shall be governed by the current edition of Robert's Rules of Order. The Council can choose to repeal, amend, alter or adopt new rules by a vote concurred in by five (5) members of Council on the report of a Committee to which the subject has been referred at a previous meeting. These rules or any of them may be temporarily suspended at any meeting of Council by a concurrent vote of five (5) members. (Cleveland Heights Codified Ordinances, § 3.111.24-26)
2. **The Public** – Members of the public attending Council meetings should observe the same rules of order and decorum applicable to the Councilmembers and City staff. Before addressing the City Council, each individual citizen must be recognized by the Chair, come to the microphone at the front of the Chamber, and state his or her name for the record.
3. **Action of Council** – The Council shall act by ordinance or resolution duly adopted at a regular, special or emergency meeting. Each ordinance, resolution and motion shall require the concurrence of at least four (4) members of Council for its passage or adoption, and the vote upon its passage or adoption shall be taken by "ayes" and "nays" and entered on the journal. (Cleveland Heights Codified Ordinances, § 3.111.13)
4. **How to Make a Motion** – A motion is a proposal that the Council take a certain action or express certain views. The Mayor will entertain motions at the appropriate time in the discussion by asking if there are any motions.

A motion is made by a Councilmember obtaining the floor and saying, "I move that..." and then stating the action proposed. Once a motion has been made, the Mayor will ask if there is a second. The motion dies unless there is a second.

Once the motion receives a second discussion can take place. Upon completion of discussion the Council must act on the motion.

Every Councilmember present must vote. Any abstention is recorded as an affirmative vote.

Only one motion can be considered at a time.

5. **Voting** – Every member present shall vote on any question on the call for the "ayes" and "nays", unless excused by the unanimous consent of the other members present, and any member not being so excused who fails or refuses to vote on any question when the "ayes" and "nays" are being taken shall be counted as voting in the affirmative. (Ord. 2400) (Cleveland Heights Codified Ordinances, § 3.111.21)
6. **Ordinances and Resolutions** – The City of Cleveland Heights City Code does not distinguish between ordinances and resolutions. Both can be used interchangeably. The City's practice is to adopt an ordinance for more permanent types of actions and use resolutions for all other Council actions. An ordinance or resolution is required to be read at two regular meetings unless five members of the Council agree to "dispense with" or forgo the second reading. Ordinances concerning emergency measures (i.e. measures necessary for the immediate preservation of the public, peace, health or safety of the City) require only a single reading. Only emergency ordinances go into immediate effect. All other legislation is effective 30 days after passage and is subject to referendum (with few exceptions). Emergency ordinances are not subject to referendum. (Cleveland Heights Codified Ordinances, § 3.111.14-20)
7. **Preparation of Ordinances and Resolutions** – The Director of Law, upon the request of any member, shall draft the form of any proposed legislation desired by such member, and any legislation not prepared by the Director of Law shall be referred to him/her for approval as to form and have his approval endorsed thereon before adoption. Each resolution or ordinance when introduced shall have the name of the member introducing the same endorsed thereon and have a number assigned to it by the Clerk of Council and shall thereafter be referred to by number.

Each resolution or ordinance upon introduction shall be referred to the appropriate committee(s) by the presiding officer and, except in an emergency, no resolution or ordinance shall be acted upon by Council until it has been so referred and reported upon by such committee(s).

No resolution or ordinance shall be changed or altered by a committee, but any committee may recommend in writing either amendments or a substitute resolution or ordinance and any member of Council may, at any time, introduce in writing an amendment to or substitute for a pending piece of legislation which shall be subject to the same approval as to form by the Director of Law as legislation originally introduced.

Legislation when introduced and any amendment or substitute therefor shall be submitted in at least three (3) copies, one (1) of which shall be filed with the presiding officer, one (1) with the Clerk of Council and one (1) with the Director of Law and it shall be the duty of the Clerk of Council to furnish sufficient copies for the consideration of Council and its Committees. Upon adoption, all legislation of the character referred to in Cleveland Heights Codified Ordinances, Section 111.20 or relating to the administration of any administrative department shall forthwith be reproduced in printed form or by other process of duplication. One (1) copy thereof shall be furnished to each

member of Council, to the Director of Law, to the Director of Finance and to the City Manager, and it shall be the duty of the City Manager to furnish copies to the proper subordinates in any of his departments. The Clerk of Council shall also have in his office such quantity of additional copies as seems to him necessary for the information of the public. (Ord. 40-1950) (Cleveland Heights Codified Ordinances, § 3.111.16-19)

(This section of the Administrative Code allows any member of the Council to initiate legislation, however we would recommend that the City consider requiring a motion, second and majority under Other Business before directing the Law Director to prepare legislation so as not to use resources on legislation the body is not interested in considering.)

8. **Reading of Ordinances and Suspension of Rules** – No ordinance of a general or permanent nature, or granting a franchise, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property shall be passed until it has been read at two (2) regular meetings, or the requirements for such reading have been dispensed with by a vote of at least five (5) members of Council. This provision, however, shall not apply to an emergency measure. Where there is a series of ordinances and resolutions required to provide for any public improvement including the raising of money therefor, the above rule shall apply only to the first ordinance or resolution in the series, and all subsequent ordinances and resolutions required in such series, may be passed on their first reading by the concurrence of four (4) members of Council. (Ord. 2400) (Cleveland Heights Codified Ordinances, § 3.111.20)
9. **Authentication of Ordinances and Resolutions** – Any ordinance or resolution passed by Council shall be signed by the President or other presiding officer and by the Clerk. (Ord. 2400.) (Cleveland Heights Codified Ordinances, § 3.111.22)
10. **Publication of Ordinances and Resolutions** – Pursuant to Section 8 of Article III of the City Charter, the method and manner of giving public notice of passage of ordinances and resolutions of a general and permanent nature shall be as follows: the title and either an abstract thereof prepared by the Director of Law or the full text thereof, as may be directed by Council in a section of such ordinance or resolution, or by separate resolution shall be published. Provided, further, that if such ordinance or resolution is a printed publication, it need not be published otherwise. Such publication shall be by notice or advertisement printed once in one (1) newspaper of general circulation in the City. (Ord. 104-1949) (Cleveland Heights Codified Ordinances, § 3.111.23)

PART VII – GENERAL COUNCIL INFORMATION

1. **Expectations of the City Council²**–
 - 1) Meetings are to begin on time
 - 2) Notify colleagues of where you stand on issues
 - 3) Interaction between Council colleagues is important – commitment to share your time and communicate is important
 - 4) Come to the meeting having read the materials and prepared
 - 5) Attend community events

² City Council Expectations were developed at a Council Planning Retreat in February 2017

- 6) Provide leadership for prospective committees, vet issues to enhance efficiency
- 7) Take seriously the responsibility of representing the City
- 8) Give one another your full attention at meetings – whoever has floor - (no interrupting, minimize electronic distractions, no side conversations)
- 9) Stay focused on creating policy change that will enhance our community
- 10) Presume competence and good intent on the part Council colleagues
- 11) Treat Council colleagues with professionalism and respect
- 12) Respect and uphold and the City Charter
- 13) Hold one another accountable for meeting agreed upon expectations

2. **Expectations of the Mayor³**

- 1) Preside at City Council meetings and ensure debate and discussion is on target
- 2) Solicit and welcome input from the Council in establishing the Council meeting agenda
- 3) Trust the committee chairs to do their work and assign work to committees to vet before going to the full Council
- 4) Be the face of the City in the Community
- 5) Fulfill the office of Mayor as defined in the City Charter
- 6) Be collaborative with colleagues in establishing and communicating direction
- 7) Respect and honor the role of the City Manager and the staff
- 8) Condense and distill the conversations of the Council into action items and direction for the City Manager
- 9) Check-in with Council on issues before a meeting (intermediary role)
- 10) Funnel communication from the City Manager to the Council

3. **Communicating with Staff** – As indicated in the City Charter, the City Council shall communicate solely with the general matters of the City through the City Manager (except for matters of inquiry, i.e. general questions). As the City Manager is the sole employee of the City Council.

Good Governance relies on a strong working relationship between the elected officials, who set the policy, and City staff who are responsible for providing timely information, analyzing data, making recommendations and implementing policy. It is important for staff and elected officials to work well together and have a mutual respect for the contributions of another. While not getting involved in the administrative functions of the City, the Council should demonstrate an appreciation for staff and treat staff as professionals.

Questions of City staff should be directed only to the City Manager. And in the situations where Department Heads or other senior staff were emailed a request by a Councilmember, the City Manager should be copied. Council Members should not set up meetings with department staff directly, but work through Department Heads, who will attend any meetings with Council Members. When in doubt about what staff contact is appropriate, Council Members should ask the City Manager for direction. (Cleveland Heights City Charter – § 3.3.6)

4. **Email and other Communications outside a Public Meeting** – Communications can occur among Councilmembers in a variety of ways - face-to-face, in writing, over the telephone and

³ Mayor's Expectations were developed at a Council Planning Retreat in February 2017

through the use of e-mail. It is important to remember and comply with Ohio's Open Meeting Laws which legislates the method by which public meetings are conducted. It is always best to use caution and remember to refrain from the use of e-mail between a quorum of the members of the Council when public matters are being discussed, as such e-mail discussion can be considered a "meeting" held in violation of the Open Meeting Law. When in doubt consult the City's Director of Law.

5. **Service Requests & Citizen Complaints** – Service Requests are City Councilmember questions (or citizen issues that are brought to the attention of a Councilmember) regarding policy or operational issues. These questions can be posed either through the Access Cleveland Heights web site or through the City Manager. For data tracking purposes, all Councilmember requests of this type are entered into the Access Cleveland Heights data base.

Access Cleveland Heights is the Official CRM App for the City, it allows users to submit service requests directly to the City, where the request will be correctly routed to the appropriate department. Users can track their requests, from entry to completion, 24 hours a day, seven days a week. For the fastest, most direct response to citizen questions about City services, the Council is encouraged to refer residents to Access Cleveland Heights webpage or the Access Cleveland Heights App. This eliminates the need for Councilmembers to be in the middle of routine questions and helps build use of this key customer service tool.

6. **Authorized Expense Expenditures** – The City Manager may approve the expenditure of funds for meals, lodging and miscellaneous expense of Councilmen when they work through the meal hour in town at meetings on City business or when out of town on City business. (Cleveland Heights Codified Ordinances, § 3.111.30)
7. **Mail and Councilmember Mail Responses** – Most of the Council's correspondence is mailed to City Hall. If a Councilmember receives a letter at their home or place of business that may be of interest to the full Council, they are asked to bring it to the City Manager's Office. Staff will copy and distribute it to the other members of the Council.

The City Manager's Office opens and dates all Council mail unless notified by a Councilmember to leave it sealed. The mail may be addressed to "Mayor" or "City Council." Administrative Support staff examines each piece of mail and, if pertinent to a Council agenda item, shares the mail with all Councilmembers and the appropriate staff. Mail items treated as correspondence are shared with Councilmembers via Council Packets. If a Councilmember desires a response, he or she should contact the City Manager to discuss the item. Mail items are copied and placed in Council Packets. Responses from the City Manager will also be forwarded to Councilmembers in Council Packets.

(Recommended Best Practice)

8. **Use of City Email** – Each Councilmember is provided a City email address and a web address to access the City's corporate electronic email system. Councilmembers may request to have City email access added to their personal mobile device and/or tablet.
9. **Ohio Open Records Act** – The City of Cleveland Heights has adopted a Public Records Policy, which fully complies with and abides by both the spirit and the letter of Ohio's Public Records Act, Ohio Revised Code § 149.43.

All records kept by the City are public unless they are exempt from disclosure under Ohio law. All public records are organized and maintained in such a way that they can be made available for inspection and copying. A record is defined to include the following: A document in any format - paper, electronic (including, but not limited to, business e-mail) - that is created, received by, or comes under the jurisdiction of the City that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Public records are available for inspection during regular City Hall business hours, Monday through Friday, except for published holidays. Public records will be made available for inspection promptly. Copies of public records will be made available within a reasonable period of time. "Prompt" and "reasonable" do not mean "immediately," but rather take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review and redaction of the records requested.

Electronic records, such as emails, are treated in the same fashion as records in other formats, such as paper or audio recordings. All employees, public officials, and representatives of the City are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.



CLEVELAND
HEIGHTS

CITY OF CLEVELAND HEIGHTS
PLANNING COMMISSION AGENDA

There will be a regular meeting of the Planning Commission of the City of Cleveland Heights at **7:00 p.m. on Wednesday, April 10, 2019**, in Council Chambers, located on the second floor of City Hall, 40 Severance Circle.

A G E N D A

1. Call to Order
2. Approval of Minutes for the October 17, 2018, special meeting.
3. Approval of Minutes for the March 13, 2019, regular meeting.
4. **Project No. 19-08: J. Childers, 2490 Lee Road Blvd #113**, C-1 Office, requests conditional use permit for convenience retail/service establishment in office building per Code chapters 1111, 1115, 1131, 1151 & 1153.
5. **Project No. 19-09: L.M. Parker, dba Christ Community Church, 2065 Lee Rd.**, S-2 Mixed Use, requests conditional use permit to operate house of worship/meeting room per Code ch. 1111, 1115, 1131, 1145, 1151, 1153 & 1161.
6. **Project No. 19-07: Beaumont School, 3301 North Park Blvd.**, AA Single-Fam., requests change to conditional use permit to demolish Painter Mansion at west end of site, 3240 Fairmount Blvd., per Code chapters 1111, 1115, 1121, 1151 & 1153.
7. Old Business
8. New Business
9. Adjournment