



**COUNCIL UPDATE**

**MAY 17, 2019**

**MEETINGS & REMINDERS**

Friday - Sunday, May 17-19	-			We Are Noble
Saturday, May 18	-	1:00 – 4:00 p.m.		Open House at the Police Academy (part of We Are Noble, flier attached)
Monday, May 20	-	6:15 p.m.	-	Committee of the Whole City Council
	-	7:30 p.m.	-	
Tuesday, May 21	-	9:00 a.m.	-	Architectural Board of Review
	-	7:30 p.m.	-	Citizens Advisory Committee
Wednesday, May 22	-	6:00 – 7:30 p.m.		Safety Town Registration at the Community Center
	-	7:00 p.m.	-	Transportation Advisory Committee
Thursday, May 23	-	6:00 p.m.	-	Meet Your Police
Monday, May 27	-	10:30 a.m.		Memorial Day Ceremony at Cumberland Park Veterans Memorial
<i>City Hall and the Community Center are closed in observation of Memorial Day</i>				
Tuesday, May 28	-	6:15 p.m.	-	Committee of the Whole
Thursday, May 30	-	6:00 p.m.	-	Meet Your Police
	-	6:00 p.m.	-	Refuse & Recycling Task Force

## UPCOMING EVENTS

- **We Are Noble:** May 17 and 18 is We Are Noble. Saturday from 10-2:00 p.m., there will be games and sports at the Denison Field. FutureHeights will provide a bounce house. There will be kite flying, soccer, baseball and pickleball. There will be multiple garage sales and open houses on Sunday.
- **Wounded Warrior:** On Saturday, May 18, there is a Wounded Warrior event on Canterbury Road. There will be a parade beginning at 11:30 that will go down Princeton and then up Canterbury to the house. Speeches and media will be part of the ceremony as we welcome this family to Cleveland Heights. (Canterbury is having a block party from 9 to 2 that day as part of the celebration.)
- **Bench Dedication for Park Synagogue:** On Sunday, May 19 at 4:00 p.m. at the area in front of the Cain Park box office, Park Synagogue will be gifting 2 benches to Cain Park in honor of their 150<sup>th</sup> anniversary. Cantor Misha Pisman, a Cleveland Heights resident, will conduct the dedication and the Mayor and Council will accept the benches.
- **Memorial Day:** Monday, May 27 is the annual Memorial Day Celebration at 10:00am at the Veteran's Memorial. Forest Hill Scout Troop 403. Student winners of the essay contest and the Heights High Band and the All Generation Band will be present. Also, the City will give a Proclamation to Al Oberst in appreciation of his dedication to the Liberty Oaks and memorials on North Park.
- **Residents Day at Cain Park:** Please bring a photo ID and 2 proofs of current residency (e.g. mail, utility bill, current CH Recreation ID). You will register with Cain Park staff on June 1 outside the Main Ticket Office and get a number that represents your place in the ticket-buying queue. If you don't wish to take a number for the ticket-buying queue, you will have the option of filling out a ticket order form (with method of payment attached and current phone number where you can be reached) and leaving it with a Cain Park staff member. These ticket forms will be processed at the end of the day in the order they were received. The Ticket Office will open to the general public on Tuesday, June 4 (12 noon-5pm). The special block of seats we've set aside for residents is only available on June 1.
- **Cumberland Pool:** The Cumberland Pool is opening on June 1.

- **Splash Pad:** The Cain Park Splash Pad opens on June 10.
- **Dog Walker Watch Kickoff Meeting:** The kickoff meeting is being hosted by the Police on June 6 at 6:00 p.m.

## **LEGISLATION**

- **SB23, Second Reading.** A Resolution in support of the right to bodily autonomy and the right to an abortion; and instructing the Law Department to act in support of those rights.
- **Nuisance Abatement.** A Resolution declaring the property at 3804 Kirkwood Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance.

## **UPDATES**

- **Heights-Hillcrest Communications Center (HHCC)**
  - The HHCC Board of Directors met this week for our regular bi-monthly meeting. Operations continue smoothly with the dispatch center and we welcomed a new partner, the Jewish Federation, who will share space at the HHCC to monitor their security operations. Annual officer elections were also held and after serving as Chair of the Board since its inception in 2016, I turned the reigns over to Mayor Brennan in University Heights and accepted the Treasurer's position.
- **Coventry Road Article**
  - An article appeared on line and in the most recent Sun News regarding the current condition of Coventry Road and highlighted the City's efforts over the years to secure funding to resurface. Notably, the City has secured over \$14.5 million in the last 3 years alone for road projects. We are keeping our fingers crossed that our recent application to NOACA for Coventry is successful.
- **Passport Parking**
  - A brief snapshot of the success of the expansion of the Passport Parking mobile app to our major surface lots can be seen in the first quarter numbers. In comparing the first quarter of 2018 when the app was limited to the garages only, the first quarter of 2019, there is a 188% increase in revenue from \$6,041 to \$17,425. More data is needed to determine whether

there is an overall increase in parking revenue or just an increase in app revenue. Overall, we are encouraged by these results and credit the success to expansion to more lots, additional marketing, and the partnership with our local businesses that help spread the word. The app will be expanded to additional lots this year.

- **State of Ohio Operating Budget Update**
  - The House passed its version of the Operating Budget (Sub HB 166) last Wednesday. The modest increases to the Local Government Fund (LGF) were retained in the amended version. The bill has moved on to the Senate and must be passed by June 30.
  
- **Refuse & Recycling Task Force**
  - The task force met for a third time on May 16. Diane Bickett, the Executive Director of the Cuyahoga County Solid Waste District, gave the presentation, “State of Refuse & Recycling Operations in Cuyahoga County.” The next meeting is scheduled for May 30.
  
- **Communication Updates**
  - Finalizing CH promotional brochure for distribution to area universities, businesses, HR offices; putting finishing touches on CH promo video.
  
  - Prepared updates on Coventry Road repair, the CHPD Dog Walker Watch program and assisted with the NPR interview regarding Complete Streets.
  
  - Prepared and posted the Scope of Work for marketing the City and the CRA.
  
- **Capital Projects**
  - **Mayfield Signalization**  
Work continues on the installation of the traffic signals on the newly installed mast arms.

- Safe Routes to Schools – Noble/Quilliams Traffic Signal – ODOT PID 101112  
Underground Conduit has been installed, and the foundations for the new poles and cabinet have been completed. There have not been any setbacks.

Picture below:



- Safe Routes to Schools – Multiple Locations – ODOT PID 103700  
We are currently awaiting responses to our RFQ for a design consultant.
- Edgehill and Overlook Intersection Re-Design – ODOT PID 106749  
Curbs, curb ramps, and driveway aprons have all been poured. The contractor is working on the linear grading of the rain gardens and new lawn areas. Paving of the intersection will probably start possibly sometime next week.
- 2018 Street Resurfacing Program  
Burton Scot has indicated that they would like to start work on Cedar-Glen as early as next Monday (weather permitting) adjusting manholes and catch basins with the intention of grinding and paving Cedar-Glen, and the section of Cedar between Lennox and Surrey (that was damaged as a result of a water main break) at night.
- 2019 Street Resurfacing & ADA Curb Ramp Replacement Program  
All of the catch basin and manhole adjusting work is completed. The contractor should be returning next week (weather permitting) to pave the surface course.

Curb ramp work is wrapping up on the streets that are being paved this year, as well as along West St. James between Fairmount and Grandview. Ramp

work will begin later this week along Fairfax between Fairmount and Wellington.

Below are a couple of ramp picks on South Overlook:



- 2019 Surface Treating Program  
The Contractor has not submitted his work schedule yet. Specialized Construction will also be making some temporary repairs to Coventry Road between Euclid Heights Boulevard and Derbyshire Road.
- 2019-2020-2021 Pavement Striping Program  
The awarded contractor has been sent the contract documents.
- Dominion Energy  
Hillstone Road PIR-2590  
Restoration work is completed. Storm water inlet protection will remain in place until the grass seed fully established.  
  
Euclid Heights Boulevard PIR-3036-C  
Work is completed. Storm water inlet protection will remain in place until the grass seed fully established.
- Planning
  - The Board of Zoning Appeals approved three cases including 16'-high basketball court light poles (8' is the permitted maximum height) in a

backyard at the southernmost home on Oakwood Drive. A basketball court is permitted but the tall lights were not.

- WCPN's Sound of Ideas reporter Amy Edding interviewed Planning Director Richard Wong about our 2018 Complete and Green Streets policy which was ranked #1 for last year's policies by the National Complete Streets Coalition. A video of the interview and site visit (Cedar Lee and Edgehill-Overlook) will be part of a Saturday show on WVIZ in about a week.
- Planning Director Richard Wong presented a webinar that the National Complete Streets Coalition held to highlight a new report about 2018s top ten Complete Streets policies.
- **Economic Development**
  - Staff attended the Heights Hillcrest Business Expo on May 9.
  - Staff attended FutureHeights P&D Committee meeting on May 10.
  - Staff attended Noble Corridor Steering Committee meeting on May 14.
  - Staff attended Cedar-Fairmount Merchant Meeting on May 16.
  - Staff attended Cedar-Lee SID Board Meeting on May 17.
  - New Businesses Watch / Business Retention Expansion Attraction Creation (BREAC) Activities: Coventry will be welcoming a business later this month. Macaron Paris Café/Hough Bakery Chocolates (<https://www.shophoughbakery.com/>) will be located at 1767 Coventry Road (formerly Piccadilly Yogurt). The bakery and chocolate shop plans to open Memorial Day Weekend.
  - The Cedar-Lee-Meadowbrook RFQ/RFP closed May 17. Initial review will begin next week.
  - CRA Marketing – ED staff will hold additional workshop events for citizens and developers & real estate brokers on June 12.

- Top of the Hill – staff continues preparation for the implementation of the Temporary Parking Plan during construction of the project, and actions needed surrounding the future partial vacation of Edwards Road, creation of access easements for project ingress and egress, and future consolidation of the lots that comprise the project.
- College Club project continues to gain momentum – site preparation work continues and should proceed to construction shortly – CRA incentives have been reviewed and requirements are in place for the project to proceed.
- **Parks and Recreation**
  - Jump Start Sports Cleveland Heights Summer Fun Camp, geared for children in grades K-6, will begin the first full week of June at the Community Center.
  - HY Team Broadway at the Park Summer Camp starts June 10. This is a partnership between Heights Youth Theatre and Cain Park.
  - Summer Youth Basketball camp starts on June 3.
  - The Parks and Recreation Department is hosting many programs throughout the summer and there is something for everyone at every age. There is a list available in the Focus Magazine which can be viewed <https://chparks.com/DocumentCenter/View/430/2019-Spring-Summer-Focus>.
- **Fire**
  - Hydrant testing is ongoing. Signs are posted on hydrants in areas being tested. If your water is discolored, run the water until it is clear.
  - There was a house fire on Delmore Road last Sunday night. There were no injuries to residents or fire crews. There was heavy damage to second floor of home and the cause is under investigation.
- **Police**
  - The Youth Police Academy is June 17- 22, 10:00 a.m. – 12:30 p.m.
  - The fundraiser for the Jason D. West Scholarship Fund raised \$4,165 this year.

- A call to the community to help identify suspects in the recent burglary at Buffalo Wild Wings was released to the media and posted on Facebook. All tips can remain anonymous.

- **Sanitary Sewer Evaluation Survey**

	<b>Requirements</b>	<b>Due</b>
Phase 1 SSES	CCTV - 393,658 LF	1-Nov-19
Phase 1 SSES	1,980 Manhole Inspections	1-Nov-19
CMOM	132,000 LF/yr Pipe Cleaned	31-Dec-19
Model	Calibrated Model	31-Mar-19

**Completed Through May 14, 2019**

	<b>Completed Thru Mat May 14, 2019 (LF)</b>	<b>Overall Remaining (LF)</b>	<b>Overall Remaining (%)</b>
<b>CCTV</b>	246,289	165,369	40%
<b>MHs*</b>	1,638	342	17%
<b>Cleaning Total</b>	271,522	-	-
<b>Cleaning (2018) only</b>	159,108	-	-
<b>Cleaning (2019) only</b>	112,414	19,586	15%

\* **NOTE:** *There have been 319 manholes inspected in Phase 2 already (not included in these numbers, mostly done for modeling purposes).*

**Work Completed by Entity**

	<b>City</b>	<b>Contractor</b>	<b>County</b>
<b>CCTV</b>	10% (40,357 LF)	27% (110,902 LF)	19% (79,730 LF)
<b>Cleaning (2019) only</b>	29% (38,277 LF)	40% (52,358 LF)	16% (20,591 LF)
<b>Cleaning Total</b>	30%	40%	30%

	(80,890 LF)	(110,902 LF)	(79,730 LF)
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**Model Update**

Tasks	% Complete
1. Flow and rainfall Analysis	100%
2. Model Expansion in GIS	100%
3. Model Expansion in Infoworks ICM	100%
4. Delamere - Model Setup	100%
5. Delamere - DWF and WWF calibration	100%
6. Delamere - Capacity evaluation	100%
7. Delamere - Alternative development	100%
8. DWF and WWF Calibration for all flow meters	95%

*\*DWF = dry weather flow, WWF = wet weather flow*



# CLEVELAND HEIGHTS

## Committee of the Whole

**May 20, 2019**

### Agenda

1. Report of City Council Members 6:15 p.m. – 6:30 p.m.  
*Goal: Mayor and City Council members will provide updates on items of interest*
2. Legislation Overview 6:30 p.m. – 6:50 p.m.  
*Goal: Discuss proposed legislation*
3. Report of the City Manager 6:50 p.m. – 7:00 p.m.  
*Goal: City Manager and staff will update Council on major programs and activities*
4. Executive Session 7:00 p.m. – 7:15 p.m.  
*To discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim*

Join us on Thursday for the Meet Your Police

# Cleveland Heights Police

# DOG WALKER WATCH



## June 6, 2019 6:00pm

### Calling all canines (and their proud owners)!

Cleveland Heights Police Department invites all residents and their canine companions to join our newest community outreach initiative: *Dog Walker Watch!*

Dog Walker Watch is a neighborhood watch project that asks our residents and their dogs to be members of the city's team to prevent and fight crime.

Dog Walker Watch recognizes that dog walkers are the highest percentage of residents who are out on foot in our neighborhoods on a daily basis.

When you're walking your dog, you have the ability to serve as another set of eyes and ears for law enforcement.

Learn more about how to effectively observe while walking your dog in the community. Join us at the Meet Your Police meeting at the **Cleveland Heights Police Academy, 2595 Noble Road**, on Thursday, June 6, 2019 at 6pm, or email Sgt. Mary Grace Tokmenko at [mtokmenko@clvhts.com](mailto:mtokmenko@clvhts.com) with questions.



**CLEVELAND HEIGHTS CITY HALL & POLICE STATION**

40 Severance Circle • Corner of Mayfield Road & South Taylor

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



As part of the We Are Noble Weekend Event - May 17-19

# Cleveland Heights Police ACADEMY OPEN HOUSE



## May 18, 2019 1-4pm

### Police Academy - 2595 Noble Rd (Corner of Monticello Blvd)

- Come tour the Academy
- Meet Personnel from SWAT team & Bomb Squad
- Members from Citizens Police Academy Alumni on hand to provide information about Citizens Academy and the support they provide the Police Department
- Free bike licenses for residents who would like to register their bike
  - Personal safety information
  - Information on upcoming Youth Academy
  - Meet and talk with police officers



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# 2019 YOUTH POLICE ACADEMY

## JUNE 17<sup>TH</sup> TO JUNE 22<sup>ND</sup>

### 10:00AM-12:30PM

What to expect:

The academy will include instruction and role-playing designed to allow young people to see the challenges police face, and for officers to learn more about the youth in our community, sharing their views of the police and the community.

*Topics Include:*

- K-9 Demonstration
- Laws of Arrest, Search, and Seizure
- Teens' Perceptions of Their Rights
- Evidence Processing
- Bike Patrol
- SWAT/Bomb Squad



- The academy is open to all Cleveland Heights residents ages 12-16.
- There is no cost for the academy, and lunch will be served daily!
- Any special needs or accommodations should be addressed to Sgt. Corrigan.

**SPACE IS LIMITED - PLEASE REGISTER TODAY!!**

Email the completed form to Sgt. Corrigan [scorrigan@clvhts.com](mailto:scorrigan@clvhts.com) or drop the form off or mail it to:  
Cleveland Heights Police Department Attn: Sgt. Corrigan  
40 Severance Circle Cleveland Heights, Ohio 44118

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PARENT'S NAME \_\_\_\_\_

YOUTH'S NAME \_\_\_\_\_

YOUTH'S DATE OF BIRTH \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

YOUTH'S TSHIRT SIZE \_\_\_\_\_

FOOD ALLERGIES/SPECIAL NEEDS \_\_\_\_\_



CITY OF CLEVELAND HEIGHTS  
ACTIONS OF THE BOARD OF ZONING APPEALS  
ON WEDNESDAY, MAY 15, 2019

**CALENDAR NO. 3479**

Kevin Westover, 2264-2266 Grandview Ave., 'B' Two-Family, requests variance to Code Section 1121.12(k)(1) to permit parking pad in corner side yard along Cecil Place (not permitted).

**Action: Granted 5-0 with the following conditions:**

1. The variance granted is to allow an 18' by 18' parking pad with a 3' by 18' section in the corner side yard as shown on the revised site plan dated April 18, 2019;
2. This variance does not grant use of the Cecil Place right-of-way for parking, vehicles shall park in the 18'by 18' parking pad;
3. Removal of gravel located beyond the newly paved parking pad and establishment of landscaping there;
4. Receipt of a Building Permit; and
5. Complete construction within 18 months of the effective date of this variance.

**CALENDAR NO. 3482**

Maureen McGuigan & Richard Goodwin, 2208 Stillman Rd., 'A' Single-Family, requests variance to Code Section 1121.12(g) to permit garage with 2<sup>nd</sup> floor office to be taller than 15' maximum height permitted.

**Action: Granted 5-0 with the following conditions:**

1. The variance granted is to allow the mean height of the south side of the garage to be 16'4.5" and for the north side of the garage to include two dormers whose average dormer height is 17'10.75" as shown on the drawing submitted with the BZA application dated April 8, 2019.
2. Approval of the Architectural Board of Review;
3. Receipt of Building Permit;
4. Receipt of an Administrative Conditional Use Permit for use of an accessory structure for a home occupation;
5. Complete construction within 18 months of the effective date of this variance; and
6. A requirement to return to the Board of Zoning Appeals for another variance should the property owner consider modifications that would increase the garage's height.

**CALENDAR NO. 3483**

Pincus Friedman, 1688 Oakwood Dr., 'AA' Single-Family, requests variance to Code Section 1165.07(c)(2) to permit light poles in rear yd. taller than 8' maximum height permitted.

**Action: Granted 5-0 with the following conditions:**

1. The variance granted is to allow 4 light poles and fixtures as shown on the revised site plan dated May 15, 2019 to be a maximum height of 16 feet;
2. The 16' tall lights at the basketball court are only to be lit when the court is in use;
3. Applicant and subsequent property owners are required to assure that light does not glare into, or upon, surrounding properties and shall continue to meet code conforming light values at the property lines. This shall include the use of 3000 degree Kelvin light.
4. A landscape plan approved by the Planning Director. This landscape plan should be discussed with neighbors before submission to the Planning Director;
5. There shall be strict compliance with the noise ordinance of the city;
6. This property owner and future owners must maintain the approved landscape plan in order to continue use of the lights;
7. Receipt of a Building Permit; and
8. Complete construction within 18 months of the effective date of this variance.



# CLEVELAND HEIGHTS

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

**Monday, May 20, 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, May 6, 2019.**
- 4) **Personal communications from citizens**
- 5) **Cleveland Heights Municipal Court – 2018 Annual Report Presentation**
- 6) **Report of the City Manager**
- 7) **Report of the Director of Finance/Clerk of Council**
- 8) **Committee Reports**

**a.) ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 30-2019 (AS), Second Reading.** A Resolution in support of the right to bodily autonomy and the right to an abortion; including the Law Department to act in support of those rights

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

Vote	_____	_____	_____
	For	Against	No. Reading

**b.) FINANCE COMMITTEE**

**c.) HOUSING AND TRANSPORTATION COMMITTEE**

**RESOLUTION NO. 37-2019 (SMS).** A Resolution declaring the property at 3804 Kirkwood Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance

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

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

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

9) **Mayor's Report**

10) **Adjournment**

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

**NEXT MEETING OF COUNCIL: MONDAY, JUNE 3, 2019**

# CLEVELAND HEIGHTS MUNICIPAL COURT

## 2018 ANNUAL REPORT



J.J. COSTELLO, JUDGE

40 Severance Circle  
Cleveland Heights, Ohio 44118  
T: (216) 291-4901    F: (216) 291-2459  
[www.ClevelandHeightsCourt.com](http://www.ClevelandHeightsCourt.com)



## Cleveland Heights Municipal Court

Judge J.J. Costello  
40 Severance Circle  
Cleveland Heights, Ohio 44118

March 27, 2019

Cuyahoga County Executive, Armond Budish  
Cuyahoga County Council  
Council of the City of Cleveland Heights

### Re: **Cleveland Heights Municipal Court - 2018 Annual Report**

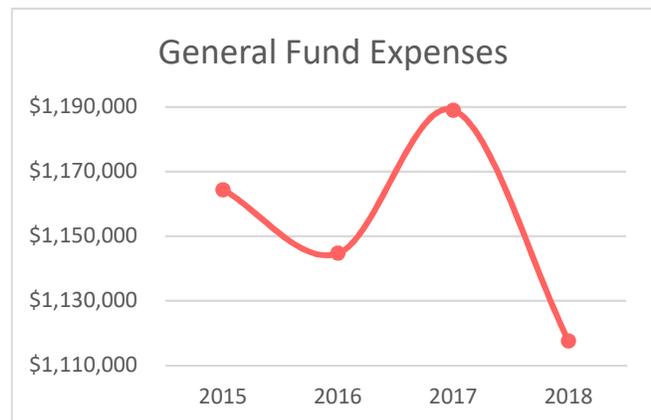
Dear County Executive, Cuyahoga County Council Members, and Cleveland Heights Council Members:

I am please to provide you with the Annual Report of the Cleveland Heights Municipal Court. It provides a complete report of the Court's operation for 2018 as required by Section 1901.14(A)(4) of the Ohio Revised Code. In addition, the Report highlights Court improvements, describes the work performed by the Court, including the Clerk of Court, the Bailiff Department, and the Probation Department, and includes a statement of receipts and expenditures of the civil and criminal branches, and the number of cases heard, decided, and settled.

In this, the Court's 2018 Annual Report, I would like to bring to your attention the following matters:

### EXPENSES

The 2018 budget for the general operating fund of the Court, from which it pays for employee salaries and benefits, postage for all required notices and entries that must be sent to litigants, translator expenses for non-English speaking litigants, and much more, was \$1,233,178.00. From that budget, the Court had actual expenses of only \$1,119,230.22. The actual expenses from the general fund were \$69,821.80 less than the actual expenses for 2017.



Additional expenses the Court incurred this year were the costs for a significant improvement to the Court's website and case management system. The proposed cost for those improvements was \$65,173.00, but it has come in under budget by approximately \$16,915.00. The updated website, [www.clevelandheightscourt.com](http://www.clevelandheightscourt.com), was made more user-friendly and was given more functionality. One significant upgrade to the website was the ability to search by house number and street name to determine if the City of Cleveland Heights has filed a criminal case with the court for that property.

Even more significant changes were made to the Court's internal case management system. For example, prior to the upgrade, a paper docketing system was used that then needed to be manually imputed into the Court's electronic docket. With the upgrade, there was the installation of e-courtroom forms that allows the Judge/Magistrates to complete Word type entries, and the data from those electronic entries is directly captured for the electronic docket. This greatly reduces the amount of paper used by the Court and is more efficient because a clerk no longer needs to re-key the captured data. Another improvement is that the upgrade allows the Court to e-mail documents, including notices, directly to litigants. This upgrade means that a clerk no longer needs to take the time to print out a hearing notice and incur the cost of an envelope and stamp, but can instead simply email the notice to the party. The upgrade also included a court check-in application to allow for more accurate and efficient checking-in of parties. Finally, the upgrade allows the Court to accept paperless filing, allowing all litigants the ability to file documents online, which the Court hopes to unveil in the early part of the second quarter of 2019. The expenses incurred with the upgrade will greatly improve the efficiency of the Court and untimely reduce costs in the long run.

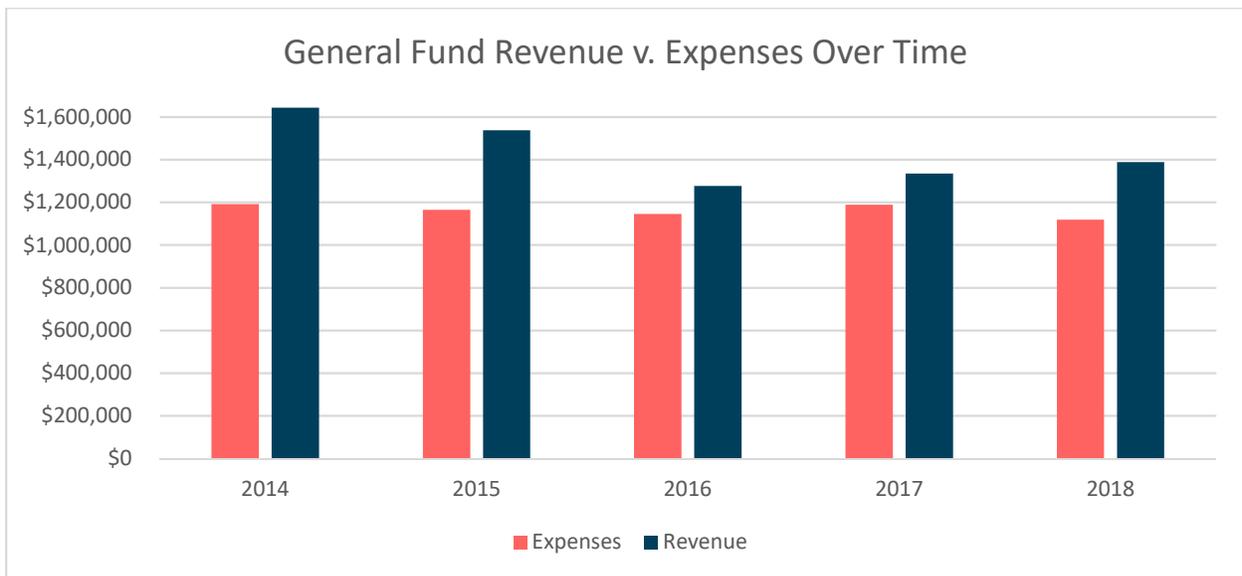
To offset those additional costs, the Court has also begun to implement costs saving measures. 2018 saw the retirement of Full-time Magistrate Georgeann Schmidt. Magistrate Schmidt had served the Court for many years, through four different judges, and her service has been missed. However, with her retirement, rather than hire on a new, full-time magistrate, the Court hired three part-time magistrates resulting in an overall reduction in costs to both Cuyahoga County and the City of Cleveland Heights. The newly hired magistrates bring with them a wide variety of legal experience and diversity. **Gary Benjamin** is a longtime Cleveland Heights resident and former advocacy director for Legal Aid, **Kimberly Bolton** is a former prosecutor for the City of Cleveland Heights, and **Rod Mastandrea** is a graduate of Cleveland Heights High School and practicing criminal defense attorney. To facilitate the part-time magistrates, I have added to the forcible entry and detainer docket and the housing code violation docket to the cases that I hear. This change was necessary not only to facilitate the part-time magistrates, but I also felt that it was important that I have direct contact with each such case, especially the housing code violation cases to ensure, among other things, that they are not allowed to linger unnecessarily.

In addition to the Magistrates, the Court was assisted by the occasional return of retired, now Visiting Judge **A. Dean Buchanan**, as well as Acting Judges **Alan Kraus** and **Russell Baron**. Their support was greatly appreciated.

Other costs savings in 2018 included a reduction in the number of vehicles maintained by the Court, formerly two, now down to one. The Court requires a vehicle to allow the bailiffs to serve notices and perform move-outs throughout the City. While the reduction in vehicles required adjustments to the bailiff schedules, it was clear that maintaining two vehicles was not necessary. Similarly, the Court has greatly reduced the amount of money that it spends on books. In the past, new, updated books were ordered and shipped automatically. I determined that much of the information found in those books was available either for free online, or as part of the electronic research service for which the Court was already paying.

**REVENUE**

In 2018, the Court collected fines and costs totaling \$2,015,747.04, and remitted a total of \$1,524,047.04 to the City of Cleveland Heights, \$139,015.25 to Cuyahoga County, and \$352,684.75 to the State of Ohio. However, the Court should never be viewed as a revenue center. The Court’s mission is to administer justice. However, as seen in the graphic below, even excluding all other revenue, and including only the revenue remitted to the general fund of the City of Cleveland Heights, the Court has consistently raised funds well in excess of its general fund expenses, and 2018 was no different.



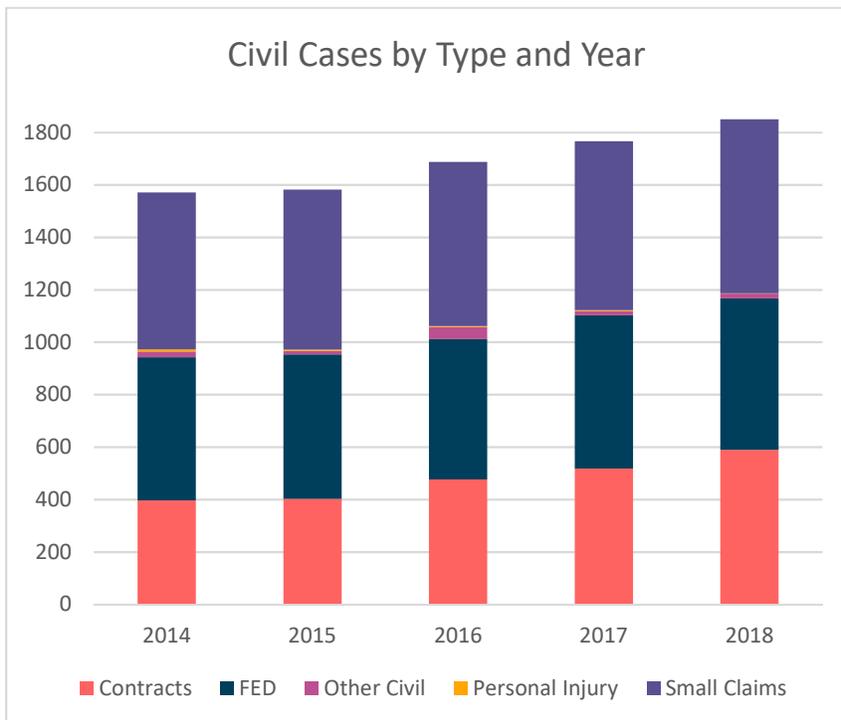
The Court has transformed its collection procedures for those who are unable to pay all fines and costs on the day of court to a more equitable system. In the past, defendants were told that all fines and costs were due on the date of court. If they could not do so, they were given a drop-dead date, oftentimes well into the future, to pay off those fines and costs. Now, the payment options are more transparent, and the payment plans themselves are more closely monitored by the Court. Oftentimes, the defendant is given multiple dates to return to court, to which the defendant need not appear if he or she has been paying as agreed. To make the ability to pay those fines and costs as easy as possible, the payments can be made either in person, by mail, or online from the Court’s website.

State law mandates that the Clerk’s Office collect and disburse all monies. The Clerk’s Office is lead by the Clerk of Court **Saundra Berry**. In addition to the Clerk of Court, there are two supervising clerks, **Karen Szekely**, who oversees the criminal and traffic cases, and **Antoinette Jones**, who oversees the civil cases. In 2018, there were eight additional deputy clerks, **Thomasina Houlian, Carole Motyka, Lorraine Mumaw, Kristy Napier, Maria Parker, Samira Parker, Kimberly Rudolph, and Lora Watts**. The responsibilities of the deputy clerks include maintaining files and records, updating court dockets, and receipting and disbursing payments, just to name a few.

CASE FILINGS

The Court heard a total of 15,833 cases in 2018. Of those, 1,849 were civil filings, 11,523 were traffic cases, and 2,461 criminal cases. That is a ten percent increase over cases heard in 2017. In addition, after adjusting the incoming cases to a per judge caseload, this Court has the second highest number of cases as compared to the other twelve municipal courts in Cuyahoga County, and has 4,909 more cases than the average number of cases amongst those municipal courts and 6,139 more cases than the average number of cases amongst municipal courts in Ohio.

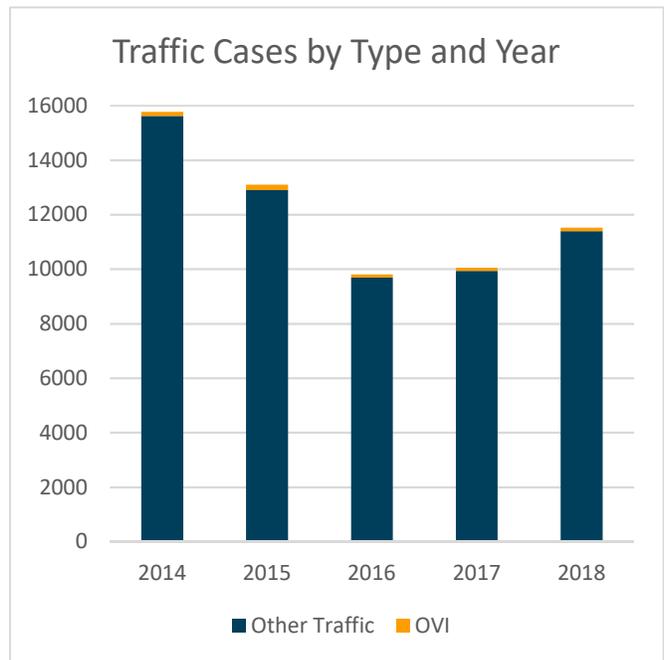
Civil case filings are made up of contract cases, forcible entry and detainer (eviction) cases, personal injury cases, small claims cases, and others. In 2018, the total number of civil cases increased by 82 for a total of 1,849 civil filings. As seen from the chart on the left, this modest



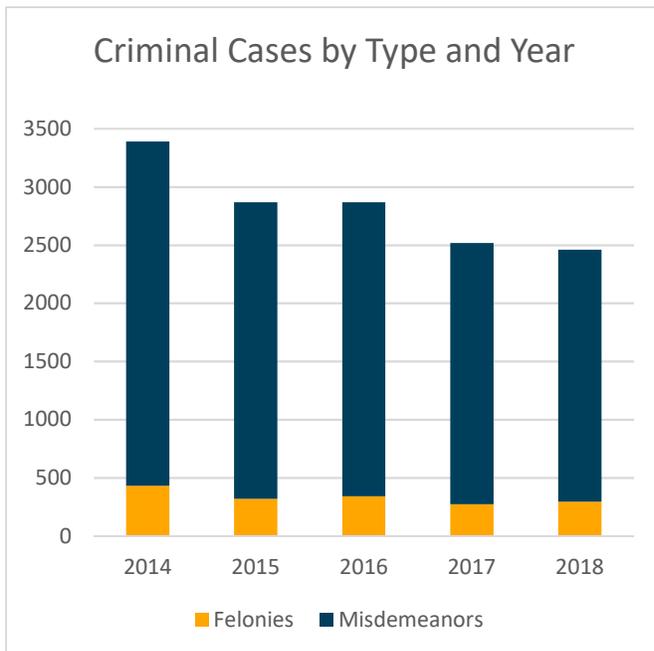
increase has been consistent over the last few years. This last year, the Court has made an effort to encourage settlement of civil cases, especially small claims and eviction cases. For example, landlords and tenants now have the option of entering into binding agreements, either with a pay-to-stay or with an agreed move-out date, with status hearings scheduled for a later date. The new status hearing docket provides landlords with the assurance that if breached, the agreement will be enforced by the

Court, and for the tenants, it allows them to enter into such agreement, and, if they comply, it does not result in an eviction judgment against them. This new status docket has reduced the total number of eviction judgments against tenants. I preside over the eviction cases, and either Part-time Magistrate **Gary Benjamin** or I hear most of the remaining civil cases.

Traffic cases, broken down by operating vehicle under the influence of alcohol or drugs (OVI) and all other traffic cases, saw an increase of 1,467 cases for a total of 11,523 cases last year. Many of these traffic cases include charges for driving under suspension (DUS). While an individual does not have the right to drive without a valid license, this Court recognizes that not being able to drive results in general inconveniences, loss of employment, the inability to gain employment, and family hardships. Driving without a valid license also places a burden on law enforcement, municipal courts, and the general public who drive with valid licenses and proper insurance. For these reasons, the Court has a DUS Reinstatement Docket every Wednesday afternoon. These dockets, presided over primarily by Part-time Magistrates **Kimberly Bolton** and **Rod Mastandrea**, seek to assist the defendants in identifying the requirements to become valid and giving them an opportunity to do so. This docket has seen great success in helping traffic offenders leave the cycle of suspensions and become valid, insurance carrying, drivers.



The Court heard a total of 2,461 criminal cases last year. On criminal matters, the subject-matter jurisdiction of the Court includes primarily misdemeanor cases. Of the total number of criminal cases heard by the Court, 2,166 were misdemeanors, which includes everything from a litter on public property offense with a maximum fine of \$150 to first time domestic violence charges that carry a maximum sentence of 180 days in jail and a \$1,000 fine.



The remainder of the cases are felony cases, of which the Court only has jurisdiction to hold initial appearances, where the defendant is informed of his or her rights and the nature of the charges and the possible penalties and bond is set, and preliminary hearings, where the Court determines if there is probable cause to

bind the accused over to the Court of Common Pleas or order the accused discharged.

## COURTROOM PROCEDURES

The right to counsel as guaranteed by Sixth Amendment of the United States Constitution applies at any stage of the prosecution, formal or informal, when an attorney's absence might detract from the accused's right to a fair trial. For that reason, this Court provides indigent defendants with appointed counsel not only on the misdemeanor cases where jail can be imposed, but at the initial appearances and preliminary hearings in felony matters as well. This allows an attorney to be present not only to counsel the defendant as to his or her case, but also to advocate on behalf of the defendant on matters such as setting bail.

The City of Cleveland Heights operates its own jail, which is housed in the same municipal building as the Court. In the past, accused individuals who were in the jail were brought up in person before the Court. The problem with that process was that it required one or more police officers to escort the individual up into the courtroom and remained in the courtroom with the defendant. In addition, because the court was not set up for the process, the individual had to be escorted through the back offices of the court itself. This was a drain on police resources and created the potential of a dangerous situation. For these reasons, last year the Court began hearing these cases remotely, using the technology already present in the courtroom and in the jail. This both saves time and makes the courthouse safer. In addition to the remote hearings from the Cleveland Heights jail, in 2018, the Court conducted over 76 remote video conferences involving inmates in jails and prisons throughout Ohio, with a savings in time and travel miles of over 60,988 miles.

Responsible for the safety and security of all persons entering the courthouse and for maintaining order and the required decorum during all courtroom proceedings are the Court's bailiffs. Last year the Bailiff's Division was led by Chief Bailiff **Juanita Bryant**. In addition to the Chief Bailiff, the Court has four deputy bailiffs, and one part-time court security bailiff. Our deputy bailiffs are **Lawrence Jasper** with 22 years of service as a deputy bailiff, **Cassandra Jones** with 14 years of service as a deputy bailiff, **Virginia Journee** with 14 years of service as a deputy, and **Eugene Thompson**, with three years of service. The deputy bailiff's duties include providing courthouse security, maintaining order and decorum in the courtroom, preserving and properly disposing of evidence, making outside service, and running LEADS (criminal background) reports on defendants for traffic and criminal cases. 2018 saw the retirement of longtime Court Security Bailiff **Richard Baker**. In his place, **Terrence Harris**, a retired member of the Detective Bureau of the Cleveland Heights Police Department with over 27 years of law enforcement experience, was hired. His primary functions are operating the walk-through metal detector, providing lobby security, checking in persons scheduled for court hearings, assisting when necessary with ability-to-pay agreements, and overseeing the security measures in place at the court. In addition to the walk-through metal detector, included in those security measures are a security wand to use at the point of entry into the court area when necessary and a closed-circuit camera surveillance system with a total of 14 cameras in the courtrooms, court lobby area, clerk's office area, entrances, and interior office hallways, and probation office areas. The surveillance system and server were recently upgraded to allow for video playback and recording of security segments recorded in a 24-hour cycle.

2018 also saw an update to the Court's Local Rules. The Supreme Court of Ohio promulgates rules such as the Rules of Superintendence, Rules of Criminal Procedure, Rules of Civil Procedure, as well as others meant to eliminate unnecessary expenses and delay and to secure the fair, impartial, speedy, and sure administration of justice. Those rules, in turn, require local rules of practice that, while they cannot be inconsistent with the rules promulgated by the Supreme Court, promote "the use of any device or procedure to facilitate the expeditious disposition of cases."

Some of our local rule changes dealt with developments in technology, from the somewhat trivial to the much more substantive. For example, the rule concerning decorum in the courtroom now prohibits not just cell phones and beepers, but the use of all electronic devices. On the more substantive end, in anticipation of the software upgrade to allow for electronic filing, the Rules set forth the procedure on how litigants will be able to utilize that option. Some of the changes facilitate cases moving through the court more efficiently, like allowing thirty days leave to plead in civil cases and allowing a written not guilty plea in many traffic and criminal cases. There were also changes aimed at making the judicial process fairer and more transparent, like the new rule that requires the landlord in an eviction case to attach to the initial filing a valid, current Certificate of Occupancy for the premises that is the subject of the eviction action. A copy of the Rules is available at the Court's website.

#### PROBATION DEPARTMENT

The Court's Probation Department is led by Chief Probation Officer, **William "Skip" Gibson**, and in 2018, the staff included Probation Officers **Ernest Jones** and **Emily Stanley**, and Administrative Assistant **Clovice Ramsey**. In addition to monitoring offenders on community control, the Probation Department assists the Court with numerous other functions. For example, the probation officers conduct investigations and prepare pre-sentence reports for both criminal and traffic cases as referred by the Court. Those reports provide detailed background information needed for a more informed court sentencing disposition. The Probation Department also assists with reviewing jailed defendants to assist with the setting of money bonds and suggesting and providing viable alternatives. The probation staff also assists in court warrant investigations, permitting, when possible, the offender to schedule a date and time to turn themselves in, rather than requiring a police arrest process. Finally, the Probation Department provides the restitution collection services, monitoring the payments offenders are making to repay their victims.

To assist in these functions, the Probation Department utilizes several services. Two new service providers in 2018 aimed at counseling and substance abuse are the Student Training Outreach Programs (S.T.O.P.) located in South Euclid, Ohio, and Fuentes Counseling Services, located directly across from the Cleveland Heights High School. The Probation Department also provides the electronic monitoring connection for defendants, both pre- and post-conviction, and it receives constant reports allowing it to notify both victims and the police if there is an issue of non-compliance.

For the first time in many years, the Probation Department can conduct drug testing. The Court utilizes LabCorp for this service, which is in the nearby Severance Medical Building. This drug testing service provides an option for the Court to refer a defendant for immediate drug/alcohol testing. Finally, for the first time ever, the Court has created a partnership with the Cleveland Municipal Court that allows it to refer defendants to its specialized dockets, including the Mental Health Docket, the Drug Court Docket, and the Veterans Court. The defendants referred to these dockets from Cleveland Heights are still ultimately monitored by this Court, but this partnership allows the Cleveland Heights Municipal Court to provide defendants with the benefits of these specialized dockets, without the cost and time of creating a duplicative specialized court itself.

The Probation Department also provides and monitors all community service orders from the Court. Community service is ordered by the Court either as part of the punishment or permitted in lieu of the payment of fines and costs to indigent defendants. When a defendant is ordered or permitted to complete community service, the Probation Department attempts to refer them for service within Cleveland Heights. The major provider of community service referrals is the Cleveland Heights Public Works Department. In addition, the Probation Department makes community service referrals with several local providers, such as churches, food banks, education centers, libraries, and various non-profit agencies within Cleveland Heights and surrounding areas.

#### CONTINUING EDUCATION

Because society is constantly changing and evolving, so too must the law; it is essential that court personnel stay up-to-date on the law. To that end, I attended the Association of Municipal/County Judges of Ohio conferences held in Columbus. The conferences provide continuing legal education and foster an interchange of ideas and experiences among the judges. Similarly, Part-time Magistrates **Gary Benjamin**, **Kimberly Bolton**, and **Rod Mastandrea** each attended portions of the Ohio Association of Magistrates Conference. Members of the Clerk's Office, including **Saundra Berry**, **Antoinette Jones**, and **Karen Szekely**, attended portions of the Ohio Municipal Clerks Association conference. Clerk of Court **Saundra Berry**, a certified public accountant, also completed 40 hours of continuing education to maintain her licensure.

In addition, Bailiff **Cassandra Jones** attended the National Forum for Black Public Administrators annual conference, which was held in Cleveland. The conference focused on developing critical and relevant skills for today's public administrator. **Kimberly Bolton** and I attended the Racial Equity Institute's Groundwater Workshop sponsored by the Greater Cleveland Partnership and Cleveland Neighborhood Progress.

All members of the Court completed workplace harassment training, which included discussions on the various types of harassment found in the workplace, how they can affect an employee's work situation, and what employees can do to help prevent workplace harassment. We also all attended diversity training, aimed at reduce prejudice and discrimination and identifying our own biases.

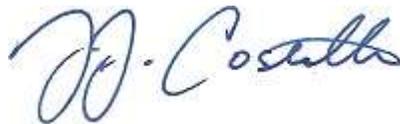
## ACKNOWLEDGMENTS

It is an honor to serve Cleveland Heights as its Judge. While it is at times trying, it is greatly rewarding. Whatever the case before me, I seek to uphold the ideals of our judicial system and enhance our community. I could not do any of this work without the support of my capable and dedicated staff. We are public servants, and come to work for more than simply a paycheck. Instead, we strive to meet and exceed our obligations to the citizens of Cleveland Heights and the public at large.

In addition to the support of my staff, I am surrounded by many others dedicated to their profession, including Cleveland Heights City Manager **Tanisha Briley** and her staff, Police Chief **Annette Mecklenburg** and her staff, Cleveland Heights Law Director **Jim Juliano** and his staff, victim's advocate **Deborah Benn**, and numerous attorneys, including those defense attorneys on our criminal and traffic indigent appointment list. Without them, the work of the Court could not be done.

Finally, I am supported by an incredible community of active, vocal, and passionate citizens. The citizens of Cleveland Heights are, simply put, incredible. Although this Report is meant for the Cleveland Heights City Council, Cuyahoga County Council Members, and the County Executive, I hope that the citizens of Cleveland Heights find it equally or more useful in understanding the features, functions, and benefits of the Cleveland Heights Municipal Court.

Respectfully submitted,

A handwritten signature in blue ink that reads "J.J. Costello". The signature is written in a cursive, flowing style.

J.J. Costello, Judge

**CRIMINAL/TRAFFIC BRANCH 2018**

**RECEIPTS:**

<b>City of Cleveland Heights</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Local Costs	511,699.30	531,588.60	548,311.00
Computer Fund	47,699.50	47,943.50	51,811.00
Indigent Fund	13,983.93	17,147.85	13,440.12
Special Projects Fund	79,515.90	79,907.00	86,412.10
Fines	645,626.70	656,720.90	703,448.60
Sub-Totals	1,298,525.33	1,333,307.85	1,403,422.82
<b>Cuyahoga County</b>			
CRIS	32,422.50	31,145.00	35,114.00
Crime	1,245.00	1,787.00	1,147.00
Sub-Totals	33,667.50	32,932.00	36,261.00
<b>State of Ohio</b>			
Indigent Defense Support Fund	226,885.00	224,807.00	244,082.00
General Revenue	1,197.00	1,075.50	852.00
Victims Crime	65,296.50	64,164.00	70,357.00
Sub-Totals	293,378.50	290,046.50	315,291.00
<b>Other Receipts</b>			
OVI Fines	12,250.00	10,821.00	10,078.00
Miscellaneous	7,921.90	10,275.80	9,573.90
Sub-Totals	20,171.90	21,096.80	19,651.90
<b>TOTALS</b>	<u>1,645,743.23</u>	<u>1,677,383.15</u>	<u>1,774,626.72</u>

**CRIMINAL/TRAFFIC BRANCH 2018**

**DISBURSEMENTS:**

<b>City of Cleveland Heights</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Fines	542,138.69	565,079.15	595,896.33
Costs	511,049.80	531,563.61	548,225.95
Housing	3,360.00	6,120.00	3,490.00
Computer Fund	47,702.50	47,937.50	51,805.00
Special Projects Fund	79,515.90	79,907.00	86,402.10
Indigent Fund	15,421.93	18,546.35	14,679.62
Drug Fines	150.00	100.00	20.00
Other Cost	2,522.90	1,412.80	3,126.90
Visa Convenience Fee	0.00	0.00	0.00
Sub-Total	<u>1,201,861.72</u>	<u>1,250,666.41</u>	<u>1,303,645.90</u>
<b>Cuyahoga County</b>			
Regular Fines	30,959.00	31,058.00	34,957.25
Uniform Traffic Fines	65,572.50	55,578.00	68,389.00
REEDS	32,422.50	31,140.00	35,109.00
Crime Stop	1,245.00	1,787.00	1,146.00
1/2 Liquor Fines	175.00	300.00	225.00
Public Defender	830.00	536.50	1,515.00
Reimburse/Witness/Jury	917.00	785.00	512.00
Sub-Total	<u>132,121.00</u>	<u>121,184.50</u>	<u>141,853.25</u>
<b>State of Ohio</b>			
RRF/Victims Fund	62,296.50	64,155.00	68,227.00
Indigent Defense Support Fund	209,862.00	224,807.00	244,082.00
GRF/General Fund	0.00	0.00	0.00
Seat Belt	6,075.00	4,230.00	3,915.00
Expungements	1,230.00	1,230.00	840.00
1/2 Liquor Fines	175.00	300.00	225.00
BMV Fees	45.00	105.00	45.00
Pharmacy Board (Drug)	434.00	125.00	110.00
Sub-Total	<u>280,117.50</u>	<u>294,952.00</u>	<u>317,444.00</u>
<b>Other Disbursements</b>			
DUI Housing Fund*	3,961.00	3,570.00	3,263.00
DUI Arrest Agency*	1,728.00	1,884.00	1,444.00
Sub-Total	<u>5,689.00</u>	<u>5,454.00</u>	<u>4,707.00</u>
<b>TOTALS</b>	<u><u>1,619,789.22</u></u>	<u><u>1,672,256.91</u></u>	<u><u>1,767,650.15</u></u>

\*Money from these two funds goes directly into accounts for the Cleveland Height Police Department for future D.U.I education and enforcement.

**CIVIL/SMALL CLAIMS BRANCH 2018**

**RECEIPTS:**

<b>City of Cleveland Heights</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Local Costs	200,683.45	233,145.00	221,875.00
Computer Fund	13,110.00	13,926.00	13,543.00
Special Projects Fund	21,850.00	23,200.00	22,570.00
Sub-Total	<u>235,643.45</u>	<u>270,271.00</u>	<u>257,988.00</u>
State of Ohio Legal Aid	32,391.00	34,322.00	36,668.00
Judgements & Refunds	375,885.47	486,388.32	359,702.50
Bailiff Fee	0.00	0.00	0.00
Miscellaneous Receipts	2,676.00	2,755.00	2,085.75
Sub-Total	<u>410,952.47</u>	<u>523,465.32</u>	<u>398,456.25</u>
<b>TOTALS</b>	<u><u>646,595.92</u></u>	<u><u>793,736.32</u></u>	<u><u>656,444.25</u></u>

**DISBURSEMENTS:**

<b>City of Cleveland Heights</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Costs	200,703.45	233,160.00	221,890.00
Computer Funds	13,110.00	13,926.00	13,543.00
Bailiff Fees	0.00	0.00	0.00
Marriage Fees	2,676.70	2,755.40	2,085.75
Special Projects Fund	21,850.00	23,200.00	22,570.00
Sub-Totals	<u>238,340.15</u>	<u>273,041.40</u>	<u>260,088.75</u>
State of Ohio Legal Aid	32,391.00	34,322.00	36,668.00
Judgements & Refunds	375,885.47	485,034.03	359,702.75
Sub-Totals	<u>408,276.47</u>	<u>519,356.03</u>	<u>396,370.75</u>
<b>TOTALS</b>	<u><u>646,616.62</u></u>	<u><u>792,397.43</u></u>	<u><u>656,459.50</u></u>

**PAYMENT RECONCILIATION**

**CRIMINAL/TRAFFIC**

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Fines Collected	46,893.50	55,694.50	83,117.50	59,218.00	58,593.00	50,072.50	39,743.00	44,594.00	42,341.33	46,913.00	35,077.00	33,639.00	595,896.33
Jury/Witness	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Court Costs Collected	39,371.30	47,959.70	74,288.00	55,243.00	53,636.50	49,906.50	38,251.75	42,124.50	38,603.50	44,041.50	36,020.00	28,779.70	548,225.95
Clerk Computer (1901.261)	3,868.00	4,675.00	7,040.00	5,414.00	5,069.00	4,717.00	3,530.00	3,713.00	3,491.00	4,069.00	3,336.00	2,883.00	51,805.00
Other Court Cost	60.00	897.30	30.30	16.00	54.00	155.00	1,142.00	0.00	327.50	236.00	30.00	178.80	3,126.90
Special Projects (1901.26B1)	6,416.00	7,819.50	11,855.00	9,008.00	8,482.00	7,878.50	5,823.00	6,195.00	5,841.00	6,795.00	5,494.10	4,795.00	86,402.10
City Housing	30.00	75.00	610.00	285.00	180.00	360.00	410.00	305.00	395.00	165.00	375.00	300.00	3,490.00
Bailiff	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DUI Arresting Agency	76.00	135.00	123.00	90.00	203.00	166.00	75.00	98.00	110.00	120.00	223.00	25.00	1,444.00
DUI Indigent	1,087.89	1,163.50	2,092.31	1,528.03	1,450.80	1,197.36	753.00	1,445.05	863.50	1,396.66	920.99	780.53	14,679.62
DUI Housing	150.00	350.00	492.00	150.00	341.00	164.00	166.00	184.00	355.00	360.00	471.00	80.00	3,263.00
Drug CLH	0.00	0.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
Unclaimed Checks	0.00	0.00	2,672.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,672.11
Convenience Fee	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL TO CITY</b>	<b>97,952.69</b>	<b>118,769.50</b>	<b>182,320.22</b>	<b>130,972.03</b>	<b>128,009.30</b>	<b>114,616.86</b>	<b>89,893.75</b>	<b>98,658.55</b>	<b>92,327.83</b>	<b>104,096.16</b>	<b>81,947.09</b>	<b>71,461.03</b>	<b>1,311,025.01</b>

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Regular 1901.31	1,924.50	1,692.50	4,334.50	2,230.50	1,447.00	4,862.00	3,033.50	3,120.50	3,013.00	2,445.25	4,440.00	2,414.00	34,957.25
Uniform Tr	4,416.50	6,663.00	7,213.00	7,391.50	7,326.00	3,694.00	3,958.00	7,029.50	4,886.50	6,918.50	4,240.00	4,652.50	68,389.00
Witness/Jury	0.00	70.00	40.00	270.00	50.00	0.00	20.00	0.00	30.00	10.00	22.00	0.00	512.00
Liquor (4301.57)	0.00	0.00	0.00	0.00	50.00	0.00	0.00	50.00	38.00	87.00	0.00	0.00	225.00
Public Defender	0.00	25.00	95.00	145.00	235.00	144.00	91.00	170.00	135.00	225.00	125.00	125.00	1,515.00
CRIS Fund	2,680.50	3,420.00	4,729.50	3,840.00	3,445.00	3,050.00	2,225.00	2,370.00	2,295.00	2,785.00	2,220.00	2,049.00	35,109.00
Crime Stop	47.00	49.00	142.00	115.00	91.00	105.00	113.00	90.00	129.00	95.00	90.00	80.00	1,146.00
<b>TOTAL TO COUNTY</b>	<b>9,068.50</b>	<b>11,919.50</b>	<b>16,554.00</b>	<b>13,992.00</b>	<b>12,644.00</b>	<b>11,855.00</b>	<b>9,440.50</b>	<b>12,830.00</b>	<b>10,526.50</b>	<b>12,565.75</b>	<b>11,137.00</b>	<b>9,320.50</b>	<b>141,853.25</b>

	January	February	March	April	May	June	July	August	September	October	November	December	Total
RRF/Victims	5,045.00	6,447.00	9,427.00	5,454.00	6,816.00	6,413.00	4,729.00	4,882.00	4,575.00	5,708.00	4,703.00	4,078.00	68,277.00
GRF/General	15,919.00	19,433.50	30,889.50	18,574.00	21,858.50	19,974.00	14,762.50	16,683.50	15,030.00	18,318.00	14,746.00	12,583.50	218,772.00
State line 2b	1,890.00	2,359.50	3,409.00	1,827.00	2,499.00	2,229.50	1,582.00	1,769.50	1,618.50	2,033.50	1,613.50	1,438.50	24,269.50
Expungement (State line 5)	90.00	60.00	30.00	90.00	90.00	0.00	30.00	60.00	120.00	150.00	90.00	30.00	840.00
Seat Belt	335.00	650.00	650.00	365.00	485.00	345.00	165.00	135.00	185.00	380.00	130.00	90.00	3,915.00
Liquor Board (State line 4)	0.00	0.00	0.00	0.00	50.00	0.00	0.00	50.00	38.00	87.00	0.00	0.00	225.00
BMV OL Forfeiture	0.00	15.00	0.00	15.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30.00
BMV Warrant Block	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15.00	0.00	0.00	15.00
Board Pharmacy	0.00	0.00	110.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	110.00
Adjustment	0.00	(30.00)	0.00	99.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	69.25
<b>TOTAL OTHER</b>	<b>23,279.00</b>	<b>28,935.00</b>	<b>44,515.50</b>	<b>26,424.25</b>	<b>31,798.50</b>	<b>28,961.50</b>	<b>21,268.50</b>	<b>23,580.00</b>	<b>21,566.50</b>	<b>26,691.50</b>	<b>21,282.50</b>	<b>18,220.00</b>	<b>316,522.75</b>

<b>CRIMINAL TOTAL</b>	<b>130,300.19</b>	<b>159,624.00</b>	<b>243,389.72</b>	<b>171,388.28</b>	<b>172,451.80</b>	<b>155,433.36</b>	<b>120,602.75</b>	<b>135,068.55</b>	<b>124,420.83</b>	<b>143,353.41</b>	<b>114,366.59</b>	<b>99,001.53</b>	<b>1,769,401.01</b>
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**CIVIL/SMALL CLAIMS**

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Court Costs Collected	15,036.00	12,691.00	19,745.00	23,810.00	16,694.00	17,369.00	20,367.00	21,675.00	10,852.00	19,017.00	22,537.00	22,097.00	221,890.00
Bailiff Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Marriage Fees	155.75	100.00	150.00	150.00	250.00	50.00	300.00	200.00	230.00	150.00	200.00	150.00	2,085.75
Special Projects (1901.26B1)	1,500.00	1,390.00	1,925.00	2,475.00	1,670.00	1,790.00	2,030.00	2,290.00	1,100.00	2,020.00	2,190.00	2,190.00	22,570.00
Clerk Computer (1901.261)	900.00	834.00	1,158.00	1,482.00	1,002.00	1,074.00	1,219.00	1,374.00	660.00	1,212.00	1,314.00	1,314.00	13,543.00
Unclaimed Funds	0.00	0.00	533.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	533.57
<b>TOTAL TO CITY</b>	<b>17,591.75</b>	<b>15,015.00</b>	<b>23,511.57</b>	<b>27,917.00</b>	<b>19,616.00</b>	<b>20,283.00</b>	<b>23,916.00</b>	<b>25,539.00</b>	<b>12,842.00</b>	<b>22,399.00</b>	<b>26,241.00</b>	<b>25,751.00</b>	<b>260,622.32</b>

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Trusteeship Court Costs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rental Escrow Court Costs	12.50	0.00	77.72	23.37	17.52	20.12	6.92	20.75	0.00	56.40	16.50	0.00	251.80
1% Legal Aid	26.19	20.94	27.26	37.89	24.99	26.38	32.94	41.37	24.32	33.82	36.03	34.55	366.68
Legal Aid	2,592.81	2,073.06	2,698.74	3,751.11	2,474.01	2,611.62	3,261.06	4,095.63	2,407.68	3,348.18	3,566.97	3,420.45	36,301.32
Reconciling Adjustment	0.00	(15.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(15.00)
<b>TOTAL TO OTHER</b>	<b>2,631.50</b>	<b>2,079.00</b>	<b>2,803.72</b>	<b>3,812.37</b>	<b>2,516.52</b>	<b>2,658.12</b>	<b>3,300.92</b>	<b>4,157.75</b>	<b>2,432.00</b>	<b>3,438.40</b>	<b>3,619.50</b>	<b>3,455.00</b>	<b>36,904.80</b>

<b>CIVIL TOTAL</b>	<b>20,223.25</b>	<b>17,094.00</b>	<b>26,315.29</b>	<b>31,729.37</b>	<b>22,132.52</b>	<b>22,941.12</b>	<b>27,216.92</b>	<b>29,696.75</b>	<b>15,274.00</b>	<b>25,837.40</b>	<b>29,860.50</b>	<b>29,206.00</b>	<b>297,527.12</b>
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<b>GRAND TOTAL</b>	<b>150,523.44</b>	<b>176,718.00</b>	<b>269,705.01</b>	<b>203,117.65</b>	<b>194,584.32</b>	<b>178,374.48</b>	<b>147,819.67</b>	<b>164,765.30</b>	<b>139,694.83</b>	<b>169,190.81</b>	<b>144,227.09</b>	<b>128,207.53</b>	<b>2,066,928.13</b>
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CASE FILINGS 2018

	Felonies	Misdemeanors	OVI	Traffic	Injury	Contracts	F.E.D.	Other Civil	Small Claims	Total
January	16	179	5	904	0	41	41	2	50	1,238
February	29	96	11	881	0	14	43	1	58	1,133
March	16	88	14	896	0	56	35	1	53	1,159
April	17	100	15	1,072	0	74	51	2	50	1,381
May	12	276	7	873	0	25	47	1	57	1,298
June	30	129	6	654	0	31	53	0	48	951
July	18	88	7	693	0	56	51	3	56	972
August	11	76	7	526	0	56	54	1	110	841
September	16	106	3	638	0	51	38	2	8	862
October	21	173	10	917	0	49	55	1	66	1,292
November	19	77	7	501	0	58	49	2	80	793
December	22	101	6	968	0	71	53	1	21	1,243
Total New	227	1,489	98	9,523	0	582	570	17	657	13,163

	Felonies	Misdemeanors	OVI	Traffic	Injury	Contracts	F.E.D.	Other Civil	Small Claims	Total
Administrative	5	41	1	112	0	0	0	0	1	
Individual	0	10	3	36	0	0	0	0	0	
January	5	51	4	148	0	0	0	0	1	209
Administrative	9	38	0	160	0	0	0	0	0	
Individual	0	7	0	76	0	0	0	0	0	
February	9	45	0	236	0	0	0	0	0	290
Administrative	10	57	1	183	0	2	0	1	0	
Individual	0	6	2	72	0	0	0	0	0	
March	10	63	3	255	0	2	0	1	0	334
Administrative	8	45	2	113	0	0	0	0	0	
Individual	0	11	2	74	0	0	0	0	0	
April	8	56	4	187	0	0	0	0	0	255
Administrative	5	36	1	92	0	0	1	0	0	
Individual	0	10	1	47	0	0	0	0	0	
May	5	46	2	139	0	0	1	0	0	193
Administrative	2	25	1	99	0	1	1	0	0	
Individual	0	13	2	46	0	2	0	0	0	
June	2	38	3	145	0	3	1	0	0	192
Administrative	7	35	1	73	0	0	2	0	5	
Individual	0	28	2	45	0	0	0	0	0	
July	7	63	3	118	0	0	2	0	5	198
Administrative	4	59	0	83	0	0	1	0	0	
Individual	0	32	0	54	0	0	0	0	0	
August	4	91	0	137	0	0	1	0	0	233
Administrative	4	35	1	63	0	0	1	0	0	
Individual	0	14	4	45	0	0	0	0	0	
September	4	49	5	108	0	0	1	0	0	167
Administrative	6	49	2	86	0	0	1	0	1	
Individual	0	28	2	61	0	0	0	0	0	
October	6	77	4	147	0	0	1	0	1	236
Administrative	2	31	0	71	0	2	1	0	0	
Individual	0	14	0	70	0	0	0	0	0	
November	2	45	0	141	0	2	1	0	0	191
Administrative	6	36	2	65	0	0	0	0	0	
Individual	0	17	0	46	0	0	0	0	0	
December	6	53	2	111	0	0	0	0	0	172
Total Reactivated	68	677	30	1,872	0	7	8	1	7	2,670

Grand Total	295	2,166	128	11,395	0	589	578	18	664	15,833
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## Probation Numbers

### Number of Reports per Year

	2015	2016	2017	2018
Presentence Investigation Reports	915	608	587	456
Probation Violation Reports	139	175	156	70
Expungement Reports	79	60	156	24
Reviews	99	105	153	134

### Supervision Caseload at Year-End

	2015	2016	2017	2018
Active (Supervised)	387	422	338	271
Inactive (Non-Supervised)	483	553	449	376

### Supervision by Case Type

	2015	2016	2017	2018
Driving Under Suspension	143	475	450	189
Petty Theft	143	280	307	216
Domestic Violence	78	53	81	122
Assault	34	335	223	165
OVI	211	211	348	211
Menacing/Harassment	6	44	43	38
Trespassing	8	23	24	29
Other	43	109	92	53

### Restitution to Victims

	2015	2016	2017	2018
Total Dollar Amount Paid Out	\$898.00	\$6,803.00	\$3,912.00	\$6,963.00

### Community Service

	2015	2016	2017	2018
Cleveland Heights Public Works Hours	1,041.5	984.0	689.0	967.5
Other (non-profit) Hours	3,286.5	1,183.5	2,263.0	3,495.5
Total Community Service Hours Worked	4,328.0	2,167.5	2,952.0	4,463.0

### Electronic Monitoring

	Alcohol	GPS	EMHA	Total
Days	369	469	164	1002
Number of Defendant	7	9	4	20
Average per Defendant	52.7	52.1	41.0	50.1

**CITY OF CLEVELAND HEIGHTS  
LAW DEPARTMENT  
MEMORANDUM**

TO: Members of Council:

Carol Roe, Mayor  
Melissa Yasinow, Vice Mayor  
Craig Cobb  
Mary A. Dunbar  
Kahlil Seren  
Jason S. Stein  
Michael N. Ungar

FROM: L. James Juliano, Jr., Law Director

CC: Tanisha R. Briley, City Manager

RE: Process for Amendment of Resolution No. 30-2019, Scheduled for Second Reading on May 20, 2019

DATE: May 16, 2019

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This memo is intended to explain the process for the amendment of Resolution No. 30-2019, introduced as first reading on May 6, 2019.

Attached to this memo are the following documents for your consideration:

1. Resolution No. 30-2019 as introduced for first reading on May 6, 2019;
2. Revision A, with the Section 2 as initially drafted by Mr. Seren, edited and approved as to form by the Director of Law, and with Section 5 modified to delete the emergency clause; and
3. Revision B, with Section 2 as suggested by the Law Department being substituted for Section 2 in the original draft by Mr. Seren, edited and approved as to form by the Director of Law, and with Section 5 modified to delete the emergency clause.

***Suggested Procedure***

Move to amend Resolution 30-2019, as introduced for first reading on May 6, 2019 (first attachment) by substituting Revision A (second attachment), Revision B (third attachment), or another written revision that may be submitted through the process of amendment under Cod. Ord. Section 111.18, which requires the Director of Law's

approval as to form. The motion requires a second. Discussion.

Vote on motion to amend by substitution. Four (4) votes in favor are required for adoption.

The chair may permit additional motions to amend with same process as above.

When there are no more motions to amend, vote on adoption of the amended Resolution 30-2019.

References: Codified Ordinance Sections 111.16 and 111.18; Robert's Rules of Order as incorporated by Codified Ordinance Section 111.24.

Note that the rules set forth in Chapter 111 may be temporarily suspended at any meeting of Council by a vote of five (5) members, pursuant to Section 111.26.

LJJ/aks

RESOLUTION NO. 30-2019  
AS INTRODUCED FOR FIRST READING ON MAY 6, 2019

Proposed: 5/6/2019

RESOLUTION NO. 30-2019 (AS), *First Reading*

By Council Member

A Resolution in support of the right to bodily autonomy and the right to an abortion; ~~and~~ instructing the Law Department to act in support of those rights; and declaring an emergency.

WHEREAS, the Ohio Legislature passed, and the Ohio Governor signed, Senate Bill 23, effectively banning abortion in Ohio; and

WHEREAS, Senate Bill 23 would prevent patients from seeking an abortion once a fetal heartbeat can be detected, which may be as soon as five weeks after conception, and threatens doctors with prison time and fines for performing abortions in their capacity as medical professionals; and

WHEREAS, as one of the most extreme abortion bans in the country, Senate Bill 23 negatively impacts efforts by the City of Cleveland Heights and other regional entities to attract businesses, young professionals, and entrepreneurs who help drive local economic activity and growth; and

WHEREAS, Senate Bill 23 will have profound negative impacts on the health of Cleveland Heights residents who are able to become pregnant by effectively eliminating access to all legal abortion services; and

WHEREAS, rather than implementing regressive and extreme policies like Senate Bill 23, policy makers should instead focus on supportive services to reduce unintended pregnancies and promote the success of all families by investing in comprehensive sex education, access to contraceptives, and quality affordable childcare; and

WHEREAS, ~~the Cleveland Heights City~~this Council recognizes that Senate Bill 23 likely violates the rights of Ohio residents and will likely be challenged in court.

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

SECTION 1. This Council unequivocally condemns any attempt by a state, federal, or local government to restrict, prohibit, or otherwise impede access to abortion care. ~~We This Council~~ recognizes that access to abortion care is vital to the health of our communities and remain committed to ensuring the residents of our city have access to affordable, compassionate abortion care they can trust, regardless of age, race, gender identity or expression, or income. ~~We also This Council~~ remains committed to eliminating abortion stigma, so that everyone in our eCity who has had an abortion, might have an abortion, or provides abortion care will feel supported, welcome, and safe.

SECTION 2. The City Law Department is hereby instructed to prepare and file an amicus curiae brief with State or Federal Courts alongside any challenge to the constitutionality of Ohio Senate Bill 23.

RESOLUTION NO. 30-2019 (AS), *First Reading*

[Law Dept. suggested alternative Section 2] SECTION 2. The City Law Department or outside legal counsel designated for this purpose is hereby authorized to support this Resolution with legally supportable argument through participation in State or Federal Court proceedings including but not limited to the preparation of or joinder with an amicus curiae brief.

SECTION 3. The Clerk of Council is hereby instructed to deliver copies of this Resolution, upon passage, to the Speaker of the Ohio House of Representatives and the President of the Ohio Senate.

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 Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely voice objection to Senate Bill 23. 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

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:

RESOLUTION NO. 30-2019, REVISION A  
WITH ORIGINAL SECTION 2 AND MODIFIED SECTION 5

Revision A for 5/20/19

Proposed: 5/6/2019

RESOLUTION NO. 30-2019 (RCER), *Second Reading*

By Council Member Seren

A Resolution in support of the right to bodily autonomy and the right to an abortion; instructing the Law Department to act in support of those rights; and declaring an emergency.

WHEREAS, the Ohio Legislature passed, and the Ohio Governor signed, Senate Bill 23, effectively banning abortion in Ohio; and

WHEREAS, Senate Bill 23 would prevent patients from seeking an abortion once a fetal heartbeat can be detected, which may be as soon as five weeks after conception, and threatens doctors with prison time and fines for performing abortions in their capacity as medical professionals; and

WHEREAS, as one of the most extreme abortion bans in the country, Senate Bill 23 negatively impacts efforts by the City of Cleveland Heights and other regional entities to attract businesses, young professionals, and entrepreneurs who help drive local economic activity and growth; and

WHEREAS, Senate Bill 23 will have profound negative impacts on the health of Cleveland Heights residents who are able to become pregnant by effectively eliminating access to all legal abortion services; and

WHEREAS, rather than implementing regressive and extreme policies like Senate Bill 23, policy makers should instead focus on supportive services to reduce unintended pregnancies and promote the success of all families by investing in comprehensive sex education, access to contraceptives, and quality affordable childcare; and

WHEREAS, this Council recognizes that Senate Bill 23 violates the rights of Ohio residents and will likely be challenged in court.

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

SECTION 1. This Council unequivocally condemns any attempt by a state, federal, or local government to restrict, prohibit, or otherwise impede access to abortion care. ~~We~~ This Council recognizes that access to abortion care is vital to the health of our communities and remain committed to ensuring the residents of our city have access to affordable, compassionate abortion care they can trust, regardless of age, race, gender identity or expression, or income. ~~We also~~ This Council remains committed to eliminating abortion stigma, so that everyone in our City who has had an abortion, might have an abortion, or provides abortion care will feel supported, welcome, and safe.

SECTION 2. The City Law Department is hereby instructed to prepare and file an amicus curiae brief with State or Federal Courts alongside any challenge to the constitutionality of Ohio Senate Bill 23.

RESOLUTION NO. 30-2019 (AS) Revision A

SECTION 3. The Clerk of Council is hereby instructed to deliver copies of this Resolution, upon passage, to the Speaker of the Ohio House of Representatives and the President of the Ohio Senate.

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 Resolution ~~is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely voice objection to Senate Bill 23. 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.~~

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CAROL ANN ROE, Mayor  
President of the Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:

RESOLUTION NO. 30-2019, REVISION B  
WITH AMENDED SECTION 2 AND MODIFIED SECTION 5

Revision B for 5/20/19

Proposed: 5/6/2019

RESOLUTION NO. 30-2019 (RCER), *Second Reading*

By Council Member Seren

A Resolution in support of the right to bodily autonomy and the right to an abortion; instructing the Law Department to act in support of those rights; and declaring an emergency.

WHEREAS, the Ohio Legislature passed, and the Ohio Governor signed, Senate Bill 23, effectively banning abortion in Ohio; and

WHEREAS, Senate Bill 23 would prevent patients from seeking an abortion once a fetal heartbeat can be detected, which may be as soon as five weeks after conception, and threatens doctors with prison time and fines for performing abortions in their capacity as medical professionals; and

WHEREAS, as one of the most extreme abortion bans in the country, Senate Bill 23 negatively impacts efforts by the City of Cleveland Heights and other regional entities to attract businesses, young professionals, and entrepreneurs who help drive local economic activity and growth; and

WHEREAS, Senate Bill 23 will have profound negative impacts on the health of Cleveland Heights residents who are able to become pregnant by effectively eliminating access to all legal abortion services; and

WHEREAS, rather than implementing regressive and extreme policies like Senate Bill 23, policy makers should instead focus on supportive services to reduce unintended pregnancies and promote the success of all families by investing in comprehensive sex education, access to contraceptives, and quality affordable childcare; and

WHEREAS, the Cleveland Heights this Council recognizes that Senate Bill 23 likely violates the rights of Ohio residents and will likely be challenged in court.

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

SECTION 1. This Council unequivocally condemns any attempt by a state, federal, or local government to restrict, prohibit, or otherwise impede access to abortion care. ~~We~~ This Council recognizes that access to abortion care is vital to the health of our communities and remain committed to ensuring the residents of our city have access to affordable, compassionate abortion care they can trust, regardless of age, race, gender identity or expression, or income. ~~We also~~ This Council remains committed to eliminating abortion stigma, so that everyone in our City who has had an abortion, might have an abortion, or provides abortion care will feel supported, welcome, and safe.

~~SECTION 2. The City Law Department is hereby instructed to prepare and file an amicus curiae brief with State or Federal Courts alongside any challenge to the constitutionality of Ohio Senate Bill 23.~~

RESOLUTION NO. 30-2019 (AS) Revision B

~~———— [Law Dept. suggested alternative Section 2]~~ SECTION 2. The City Manager and the Law Department or outside legal counsel designated for this purpose are hereby authorized to support this Resolution with legally supportable argument through participation in State or Federal Court proceedings including but not limited to the preparation of or joinder with an amicus curiae brief.

SECTION 3. The Clerk of Council is hereby instructed to deliver copies of this Resolution, upon passage, to the Speaker of the Ohio House of Representatives and the President of the Ohio Senate.

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 Resolution ~~is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely voice objection to Senate Bill 23. 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

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:

Proposed: 5/17/2019

RESOLUTION NO. 37-2019 (HTC)

By Council Member

A Resolution declaring the property at 3804 Kirkwood Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.

WHEREAS, the City Manager has reported to this Council that the residential property known as 3804 Kirkwood Road, owned by John P. Williams (deceased) and Betty B. Williams (deceased), is currently vacant, is in a state of severe disrepair, and hazardous; and

WHEREAS, the City Manager has further reported that the owners of the subject property have been cited by the Housing Inspection Department for numerous housing code violations on the property since at least 2009 and no progress has been made toward correction of the violations; and

WHEREAS, the City Manager has further reported that the property has deteriorated over the years to the point that it is a hazard to the health, safety, and welfare of potential occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property.

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

SECTION 1. This Council hereby finds and determines that the premises known as 3804 Kirkwood Road, owned by John P. Williams (deceased) and Betty B. Williams (deceased), is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and hereby declares said property to be a public nuisance pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights.

SECTION 2. The City Manager is authorized and directed to cause the nuisance to be abated in accordance with Chapter 553 of the Codified Ordinances of the City of Cleveland Heights or in any manner determined to be appropriate and in accordance with law, up to and including razing the property.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being that the condition of the

RESOLUTION NO. 37-2019 (HTC)

property is so hazardous that it must be abated at the earliest time permitted by law. 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.

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CAROL ANN ROE, Mayor  
President of the Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:



# CLEVELAND HEIGHTS

## **Monday, May 6, 2019 Minutes**

### **COMMITTEE OF THE WHOLE**

6:15 – 7:25 p.m.

Mayor Roe presiding

Roll Call: Present: Cobb, Dunbar, Roe, Seren, Stein, Yasinow  
Phone: Ungar

Staff present: Briley, Butler, Clinkscale, Freeman, Juliano, Lambdin, McRae, Niermann O'Neil, Smith, Trupo, Wong

Topics discussed: Report of City Council Members, Overview of the Council Nomination Process, Legislation Overview, Report of the City Manager, Discuss Potential Changes to Chapter 725

### **CITY COUNCIL**

7:30 – 9:20 p.m.

Mayor Roe presiding

Roll Call: Present: Cobb, Dunbar, Roe, Seren, Stein, Yasinow  
Excused: Ungar

Staff present: Briley, Butler, Clinkscale, Freeman, Juliano, Lambdin, McRae, Niermann O'Neil, Smith, Trupo, Wong

The minutes from the Council meeting held Monday, April 15, 2019 were approved with submitted changes.

Mayor Roe stated Resolution 30-2019 had been moved to the Recreation, Community and External Relations Committee chaired by Council Member Seren. It will be voted on directly after personal communications from citizens, then the agenda will follow as planned.

### **Personal communications from citizens**

Rosa Jurvasavich made a statement of support for Resolution 30-2019.

Michael Gaynier made a statement about prioritizing the Council's work plan. Those in support of Resolution 30-2019 should be addressing their concerns to state legislators.

Deborah Van Kleef made a statement of support for Resolution 30-2019.

Molly Lewis made a statement of support for Resolution 30-2019.

Sue Dean Dyke made a statement of support for Resolution 30-2019.

Andrew Gross requested improvement of economic development, an ordinance for noisy machinery, and repavement of the roads between Coventry/Euclid Heights and Fairhill.

Justine Carter made a statement opposing Resolution 30-2019.

Joe Miller made a statement opposing Resolution 30-2019.

Melody Hart made a statement of support for Resolution 30-2019.

A resident made a statement about the importance of trees and requested support for our Forestry Department.

## **RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE**

Council Member Seren stated he introduced this legislation which seeks to do three things: 1.) Make our beliefs known to state legislation; 2.) Support our residents' rights; and 3.) Do something substantive as a City in response to the bill. He made a statement regarding the background and importance of this legislation.

**RESOLUTION NO. 30-2019 (AS), First Reading.** A Resolution in support of the right to bodily autonomy and the right to an abortion; and instructing the Law Department to act in support of those rights

Council Member Dunbar stated she didn't feel it was appropriate for City Council to be taking a stance on this issue. She doesn't feel qualified to speak for the community as a whole as there isn't a unified voice in this partisan issue. There are many issues that City Council should focus on instead. Residents that oppose the bill should be addressing state legislators.

Vice Mayor Yasinow thanked residents for their comments. She stated that she is pro-choice and opposes the bill. The right of individual liberty and privacy on this issue is paramount. Her concerns for Cleveland Heights issuing its own unique amicus brief include the Law Department's capacity and the expense of including outside counsel. It may be beneficial to have one brief with multiple municipalities signing onto it.

Council Member Seren stated that the time spent on discussing this – writing, discussing in Committee of the Whole, discussing it tonight – is worth it, but he didn't anticipate spending as much time on it as they have. He would entertain an amendment that would provide a caveat that if the litigant seeks assistance in a particular way, that we would conform to that litigant's wishes.

Mayor Roe thanked the residents for expressing their opinions. She read an Email that stated the letter sent to the Governor did not reflect a non-partisan Committee at Large. Mayor Roe is pro-choice. As a response to, “How can she support this as a nurse?” she states that one of the most important provisions for the Code of Ethics for Nurses is the ability for patients to choose for themselves. She supports saying that without other parts of the resolution. She read a statement from the Presbyterian Church.

**Introduced by Council Member Seren**

**Legislation Introduced**

**Master Plan Update**

Tanisha Briley reported that the dashboard is live and the report for the first quarter of 2019 may be viewed at <https://www.clevelandheights.com/DocumentCenter/View/4963/Report-Cleveland-Heights-Q1-2019>.

**Report of the City Manager**

Sealed bids were received on April 5th, for the Meadowbrook Boulevard Reconstruction Project and Fabrizi Trucking & Paving, Inc. of Middleburg Heights, Ohio’s bid of \$924,279.00 has been found to be the lowest and best responsive and responsible bid.

**Matter of Record**

Request permission to go to bid for project #19-05 Selwyn Road Resurfacing & Water Line Replacement.

**Matter of Record**

**Refer to:** Safety and Municipal Services Committee

Motion by Vice Mayor Yasinow, Seconded by Council Member Stein

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

**Motion Passed**

Tanisha Briley provided some highlights from her report to Council which may be viewed in full at [https://www.clevelandheights.com/DocumentCenter/View/4950/cc\\_packet\\_05062019?bidId=](https://www.clevelandheights.com/DocumentCenter/View/4950/cc_packet_05062019?bidId=).

We Are Noble will be May 17 and 18. Wounded Warrior has rehabbed a house on Canterbury and is donating it to a veteran during a ceremony held on May 18, 11:30 a.m.

There is a bench dedication for Park Synagogue on Sunday, May 19 at 4:00 p.m. in the area in front of the Cain Park box office. A Memorial Day celebration will be held May 27 at 10:00 at the Cleveland Heights Veterans Memorial. Troop 403, the student winners of the essay contest, the Heights High Band and the All Generation Band will be present.

### **Report of the Director of Finance/Clerk of Council**

Notify Council that a notice has been received from the Ohio Department of Liquor Control advising that an application has been made by Proximity Golf Lounge LLC dba Proximity Golf Lounge, 3099 Mayfield Road, Cleveland Heights, OH 44118 for a new D5 permit

**Matter of Record**

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

### **Committee Reports**

#### **ADMINISTRATIVE SERVICES COMMITTEE**

Council Member Stein moved for the appointment of Barbara Danforth to serve on the Citizens Advisory Committee until the end of the year. The motion was seconded by Council Member Seren. Council Member Cobb made a statement of support for the appointment.

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

**Motion Passed**

#### **FINANCE COMMITTEE**

Nothing to report.

#### **HOUSING AND TRANSPORTATION COMMITTEE**

**RESOLUTION NO. 31-2019 (HT).** A Resolution proclaiming (i) May 2019, Bike Month; (ii) May 8, 2019, Bike to School Day; (iii) May 13-19, 2019, Bike to Work Week; and (iv) May 17, 2019, Bike to Work Day in the City of Cleveland Heights

Introduced by Council Member Dunbar, Seconded by Vice Mayor Yasinow

Council Member Dunbar made a statement about the importance of the legislation and the support Bike Month has received. Cleveland Heights is currently recognized as a Bronze Level Bicycle Community by the League of American Bicyclists.

Council Member Stein made a statement about his previous request to limit proclamations as it may reduce their specialness. This resolution and the resolution for National Preservation Month are mirroring what is already nationally recognized. In deference to Council Member Dunbar’s participation in Bike Month, he is voting yes for this, but no on the following.

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

**Legislation Passed**

Council Member Dunbar stated she ran a marathon in London last week concluding her goal to run in the five largest marathons in the world.

**PLANNING AND DEVELOPMENT COMMITTEE**

**RESOLUTION NO. 32-2019 (PD).** A Resolution declaring May 2019, National Preservation Month

Introduced by Council Member Stein, Seconded by Council Member Dunbar

Council Member Seren stated he would be voting in favor of the legislation.

Council Member Dunbar made a statement about the housing stock being a major strength and part of the City’s identity.

Vice Mayor Yasinow echoed Council Member’s remarks. The City does invest a lot of work in historical preservation. She made a statement about the tax credits the City has received as a result.

Council Member Seren made a statement about the importance of housing stock.

Roll Call:     Ayes:           Dunbar, Roe, Seren, Yasinow, Cobb  
                  Nays:           Stein

**Legislation Passed**

**RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE**

**SAFETY AND MUNICIPAL SERVICES COMMITTEE**

**ORDINANCE NO. 29-2019 (SMS), *Second Reading*.** An Ordinance amending Chapter 943, “Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures,” of Part Nine, *Streets, Utilities and Public Services Code* of the Codified Ordinances of Cleveland Heights

Introduced by Vice Mayor Yasinow, Seconded by Council Member Stein

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

**Legislation Passed**

**ORDINANCE NO. 33-2019 (SMS).** An Ordinance enacting Codified Ordinance Chapter 1334, Erosion and Sediment Control

Introduced by Vice Mayor Yasinow, Seconded by Council Member Dunbar

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

**Legislation Passed**

**ORDINANCE NO. 34-2019 (SMS).** An Ordinance setting forth comprehensive stormwater management regulations, repealing current Chapter 1335 of the Codified Ordinances, and adopting a replacement Chapter 1335, Stormwater Management

Introduced by Vice Mayor Yasinow, Seconded by Council Member Dunbar

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

**Legislation Passed**

**ORDINANCE NO. 35-2019 (SMS).** An Ordinance enacting Chapter 1336 of the Codified Ordinances relating to Illicit Discharge and Illegal Connection Control

Introduced by Vice Mayor Yasinow, Seconded by Council Member Dunbar

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

**Legislation Passed**

**RESOLUTION NO. 36-2019 (SMS).** A Resolution authorizing the City Manager to enter into an agreement with GPD Group for administration and inspection services for the Meadowbrook Boulevard Reconstruction Project; providing compensation therefor

Introduced by Vice Mayor Yasinow, Seconded by Council Member Dunbar

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

**Legislation Passed**

## Mayor's Report

Mayor Roe made a statement about the women involved in the Women Out Walking program. There are many programs and activities listed on the <https://www.chparks.com/>.

The State Operating Budget bill is being monitored closely.

Council will meet with the School Board and University Heights City Council on June 24.

Charter Review recommendations will continue to be reviewed in the Committee of the Whole meeting next week.

Mayor Roe will be attending a meeting this week with other Mayors and City Managers from Northeast Ohio for a day at the Statehouse. It is an opportunity to request more funding.

Vice Mayor Yasinow made a statement about Yom HaShoah also known as Holocaust Memorial Day. It is particularly important to recognize this in the wake of recent anti-Semitic acts.

## **NEXT MEETING OF COUNCIL: MONDAY, MAY 20, 2019**

Respectfully submitted,

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Carol Ann Roe, Mayor

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