



October 21, 2024
Regular Meeting
7:30 PM

Cleveland Heights City Hall
Council Chambers
40 Severance Cir
Cleveland Heights, Ohio

AGENDA - CLEVELAND HEIGHTS CITY COUNCIL MEETING

- 1) **Meeting called to order by Council President**
- 2) **Roll Call of Council Members**
- 3) **Excuse absent members**
- 4) **Amendments to the Agenda (if necessary)**
- 5) **Approval of minutes from previous meeting(s)**
 - a. September 3, 2024
 - b. September 9, 2024
- 6) **Communications from the Mayor**
- 7) **City Administrator's Report**
- 8) **Departmental Report(s)**
- 9) **Report of the Clerk of Council**
- 10) **NEORS Doan Brook Restoration Project - Design Update**
8:00 PM Start Time (Zoom)
- 11) **Public Comment - Legislative Agenda Items only**
(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda).
- 12) **Public Comment - General**
(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda).
- 13) **LEGISLATION**
Note: The title for each piece of legislation contains a parenthetical reference to

the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public Safety and Health. See Resolution 97-2022 for a list of Council Committee subject matter areas.

a. First Readings – Consideration of Adoption Requested

RESOLUTION NO. 193-2024(MSES): First Reading. A Resolution authorizing the Mayor to enter into an amendment to the agreement with Wade Trim, Inc. for professional design and engineering services relating to control of sanitary sewer overflows CH-13 and CH-61, and illicit connections on Hampshire Road; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

ORDINANCE 194-2024(MSES): First Reading. An Ordinance amending Ordinance No. 140-2021 to broaden the authorized expenditure of ARPA funds to include water infrastructure improvements and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

RESOLUTION NO. 195-2024(F): First Reading. A Resolution accepting the amounts and rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

RESOLUTION NO. 196-2024(F): First Reading. A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2024 tax year collection pursuant to Section 321.34 of the Ohio Revised Code; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

b. First Readings Only

RESOLUTION NO. 197-2024(MSES): First Reading. A Resolution authorizing the Mayor to enter into an agreement with Classic Ford of Madison for the acquisition of a two (2) 2024 Ford F-350 one-ton Regular Cab trucks for the Refuse and Recycling Division of the Department of Public Works.

Introduced by Mayor Seren

RESOLUTION NO. 198-2024(MSES): First Reading. A Resolution authorizing the Mayor to enter into an agreement with MACQUEEN Equipment, LLC. for the acquisition of two (2) 7.5 yard 50/50 Split Body Easy Dump – Direct Truck Mounts for the Refuse and Recycling Division of the Department of Public Works.

Introduced by Mayor Seren

RESOLUTION NO. 199-2024(COTW): First Reading. A Resolution proclaiming the City of Cleveland Heights a safe haven for gender-affirming health care.

Introduced by Councilmember Larson, President Cuda, Vice President Russell, Councilmember Mattox, Councilmember Petras, and Councilmember Posch

c. Second Readings

ORDINANCE NO. 190-2024(PD): Second Reading. An Ordinance enacting Section 331.46 of the Codified Ordinances of Cleveland Heights, entitled “Driving while texting.”

Introduced by Mayor Seren
Move for Adoption

RESOLUTION NO. 191-2024(AS): Second Reading. A Resolution increasing the compensation of the Clerk of Council.

Introduced by President Cuda
Move for Adoption

d. Consent Agenda

RESOLUTION NO. 200-2024(PSH): First Reading. A Resolution recognizing October 24, 2024 as *International Climate Action Day* in Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by City Council Members and Mayor Seren

RESOLUTION NO. 201-2024(PD): First Reading. A Resolution declaring October 2024 *National Community Planning Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by City Council and Mayor Seren

RESOLUTION NO. 202-2024(CRR): First Reading. A Resolution declaring November 30, 2024 *Small Business Saturday*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by City Council Members and Mayor Seren

Move to Suspend Rules

Move for Adoption

14) Committee Reports

15) Old Business

16) New Business

17) Council Member Comments

(**Note:** Council comments should directly relate to the business of the City of Cleveland Heights, rather than personal reflection or commentary. A maximum 3-minute time limit applies, but the Council President may reduce time limit based on the volume of business on the agenda, the time of evening, or other similar factors.)

18) Council President's Report

19) Adjournment

NEXT MEETING OF COUNCIL: NOVEMBER 4, 2024



September 3, 2024
Regular Meeting
7:30 PM

Cleveland Heights City Hall
Council Chambers
40 Severance Cir
Cleveland Heights, Ohio

MEETING MINUTES

1) **Meeting called to order by Council President**

Start: 7:46pm

2) **Roll Call of Council Members**

Present: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

Excused: None

Also Present: Mayor Seren, Director Hanna, Clerk Balester, Administrator Williams, Director Zamft

3) **Excuse absent members**

4) **Amendments to the Agenda (if necessary)**

Motion to amend the agenda to include Resolutions 170, 171, and 172 for first readings only: Jim Petras

Seconded: Craig Cobb

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

MOTION PASSED

5) **Approval of minutes from previous meeting(s)**

a. August 12, 2024

APPROVED

6) **Communications from the Mayor**

- Addressed the officer involved shooting last week. Expressed his deepest sympathies and sorrow over the loss of Christian Thomas. The Ohio Bureau

of Criminal Investigation has taken over the investigation into the officer involved shooting. He asks that everybody in the city refrain from rumor mongering that can occur in a situation like this; it is okay to say “I don’t know.”

- Congratulated to Director Hicks of Start Right CDC of his acceptance into the Jack Joseph and Morton Mandel Foundation Community Development Leadership Program. This is a great example of the kind of organizational and professional capacity development that we hope for in our local CDC ecosystem in Cleveland Heights.
- Addressed those in attendance tonight to speak about the Heights High Pool. He provided some history and information behind the pool and provided some examples of how other cities and school districts handle the resident use of a school districts facilities. He would like residents to ask the school district why they cannot staff and fund a resident swim program the way Beachwood city schools do. He asks the public to look into the state laws and the school districts policy manuals. If the school district is able to do this on their own, then he believes they should and he asks residents to ask the same of the school district.

7) MPACT Presentation on Severance Center
Ryan Porter

- Presentation about the potential development of Severance Circle

8) City Administrator's Report

- He shared his intention to retire at the end of 2024 and his personal and professional reasons for this decision.

9) Departmental Report(s)

- Planning and Economic Development Director, Eric Zamft
 - Announced the launch of a design competition for Accessory Dwelling Units (ADU) within the city, funded by an AARP grant. There will be two categories: one for architects/designers and another for people's choice awards. Information will be posted on the City website tomorrow. Deadline for submissions will be October 22nd.

10) Report of the Clerk of Council

- a. Notify Council that an application has been received from the Ohio Division

of Liquor Control for a new C2 liquor permit for Lavelle Gift Company LLC located at 12427 Cedar Rd.

11) Public Comment - Legislative Agenda Items only

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda).

None

12) Public Comment - General

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda).

Speakers

Jim Posch	Council Member	Wants the school district and city to work together regarding the Heights High pool
Lee Chilcote	Citizen	Spoke in favor of Coventry Peace Campus tenants
Blanche Valancy	Citizen	Announced a voter education forum on September 12 at the Community Center
Matt Moore	Citizen	Spoke in favor of Coventry Peace Campus tenants
Mark Chupp	Citizen	Spoke in favor of Coventry Peace Campus tenants
Justin Alcorn	Citizen	Public use of the Heights High pool
Judith Ryder	Citizen	Spoke in favor of Coventry Peace Campus tenants
Janet Kramer	Citizen	Public use of Heights High pool
Cary Seidman	Citizen	Public use of Heights

		High pool
Nancy Ballou	Citizen	Public use of Heights High pool
Drew Herzig	Citizen	Asked council to recognize National Coming Out Day and Transgender Day of Remembrance
Ray Gonzalez	Citizen	Spoke in favor of Coventry Peace Campus tenants
Fern Haught	Citizen	Spoke in favor of Coventry Peace Campus tenants
Brady Dindia	Citizen	Spoke in favor of Coventry Peace Campus tenants
Jennifer Wintner	Citizen	Spoke in favor of Coventry Peace Campus tenants
Melody Joy Hart	Citizen	Spoke in favor of Coventry Peace Campus tenants
Joanne Siegel	Citizen	Public use of Heights High pool; sang a song along with others.

- **Point of Order by Councilmember Mattox:** Have Councilmember comments been moved up to after public comment? Pointed out that two members of Council have been allowed to speak out of turn tonight.
 - Discussion between councilmembers regarding being recognized outside of Councilmember comments and discussion of legislation. Is there a policy that the chair/president can recognize anybody outside of public comment or discussion of legislation?
 - President Cuda says he will make a decision as the Chair of the meeting.

13) **LEGISLATION**

Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation;

(F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public Safety and Health. See Resolution 97-2022 for a list of Council Committee subject matter areas.

a. First Readings – Consideration of Adoption Requested

RESOLUTION NO. 161-2024(MSES): First Reading. A Resolution authorizing the Mayor to enter into an agreement with Wade Trim, Inc., for professional engineering services relating to the design and bidding of the Yellowstone Road Storm Sewer, Sanitary Sewer and Water Line Replacement Project; and declaring the necessity that this legislation become immediately effective as an emergency.

Introduced by Mayor Seren

Motion to adopt: Gail Larson

Seconded: Craig Cobb

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 162-2024(MSES): First Reading. A Resolution authorizing the Mayor to enter into an agreement with GPD Group for utility engineering services associated with the replacement and rehabilitation of water lines on East Fairfax Road; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Gail Larson

Seconded: Craig Cobb

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 163-2024(F): First Reading. A Resolution approving the report of the Assessment Equalization Board appointed to hear objections to the estimated assessments for a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting maintaining and removing shade trees within the City of Cleveland Heights; and declaring the necessity that this legislation become immediately

effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Gail Larson

Seconded: Craig Cobb

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

ORDINANCE NO. 164-2024(F): First Reading. An Ordinance determining to proceed with the assessment of a portion of the expense of improvement of streets and parkways, including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon within the Cit of Cleveland Heights; levying assessments for said purpose; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Craig Cobb

Seconded: Gail Larson

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 165-2024(F): First Reading. A Resolution approving the report of the Assessment Equalization Board appointed to hear objections to the estimated assessments for a portion of the expense of street lighting within the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Gail Larson

Seconded: Craig Cobb

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

ORDINANCE NO. 166-2024(F): First Reading. An Ordinance determining to proceed with the assessment of a portion of the expense of street lighting within the City of Cleveland Heights; levying assessments for said purpose;

and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Gail Larson

Seconded: Craig Cobb

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 168-2024(AS): First Reading. A Resolution appointing Julia Weiss as a member of the Architectural Board of Review of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Cobb

Motion to adopt: Craig Cobb

Seconded: Gail Larson

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 169-2024(AS): First Reading. A Resolution appointing Connor Kaldor as an alternate member of the Architectural Board of Review of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Cobb

Motion to adopt: Craig Cobb

Seconded: Gail Larson

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

b. First Readings Only

ORDINANCE NO. 167-2024(AS): First Reading. An Ordinance amending Section 111.23, "Publication of Ordinances and Resolutions," of the Codified Ordinances of the City of Cleveland Heights, OH.

Introduced by Councilmember Cobb

READ INTO THE RECORD

RESOLUTION NO. 170-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of Audrey Hudak as a member of the Lead-Safe Advisory Board of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

RESOLUTION NO. 171-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of Morgan Mackay as a member of the Lead-Safe Advisory Board of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

RESOLUTION NO. 172-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of William Fadel as a member of the Community Improvement Corporation of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

c. Second Readings

RESOLUTION NO. 132-2024(AS): Second Reading. A Resolution confirming the Mayor's appointment of Drew Herzig as a member of the Arts Commission of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Craig Cobb
Seconded: Anthony Mattox Jr.

Yes: Craig Cobb, Anthony Mattox Jr.

No: Tony Cuda, Gail Larson, Davida Russell, Jim Petras, Jim Posch

LEGISLATION FAILED

RESOLUTION NO. 133-2024(AS): Second Reading. A Resolution confirming the Mayor's appointment of Deidre McPherson as a member of the Arts Commission of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Craig Cobb

Seconded: Gail Larson

Discussion: The Mayor hopes that in the case of the remaining people he has nominated that what he just saw – zero discussion, no rationale – a member of our community was denied the ability to serve our community in a way they are qualified to do. He hopes this appointment and the rest of the appointments don't have the same outcome. What he saw just now, seemed to him, to be retaliation for Mr. Herzig speaking out against Council. Councilmember Mattox is shocked and disappointed that what Mr. Herzig said would happen, happened tonight; he spoke out against council and he was punished for it. Vice President Russell said anybody could listen to the COTW and hear her reasoning; she voted no because Mr. Herzig had just been appointed to the Charter Review Commission and this Council has stated that we didn't want to keep appointing the same people all the time.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 134-2024(AS): Second Reading. A Resolution confirming the Mayor's appointment of Nathan Motta as a member of the Arts Commission of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Craig Cobb

Seconded: Anthony Mattox Jr.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 153-2024(AS): Second Reading. A Resolution confirming the Mayor's appointment of Tony Sias as a member of the Arts Commission of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency

measure.

Introduced by Mayor Seren

Motion to adopt: Craig Cobb

Seconded: Anthony Mattox Jr.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

ORDINANCE NO. 152-2024(MSES): Second Reading. An Ordinance authorizing the Mayor to enter into an Energy Savings Performance Contract with Leopardo Energy and authorizing the financing of the energy conservation improvements under such guaranteed savings contract; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Craig Cobb

Seconded: Anthony Mattox Jr.

Motion to amend by substitution: Gail Larson

Seconded: Craig Cobb

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

MOTION PASSED

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

14) Committee Reports

- **Housing and Building:** Update from the August 20th meeting and the August 22nd walking tour of the Boulevard neighborhood. The next meeting will be September 10th at 5pm
- **Municipal Services and Environmental Sustainability:** Update from the meeting on August 26th. The next meeting will be September 16th at 10am
- **Finance:** The committee will meet September 5th at 4pm.
- **Administrative Services:** Update from the August 29th meeting. The next meeting is scheduled for the last Monday of September, but that date may be moved up to review the mayor's additional appointments.

- **Planning and Development:** Update on the public hearing for the dog park; any questions regarding the dog park and dog safety should be sent to Clerk Balester in advance of the meeting.

15) Old Business

16) New Business

- **Posch:** He prepared some information that he sent to President Cuda regarding a meeting to air grievances and figure out how Council and the Administration can better work together. He would like that topic to be added to the next COTW.
- **Mattox:** Starting in September, he will host community sessions covering parks and recreation, planning and development, and safety. He is doing this because he has found it impossible to work with his colleagues and has been left out of conversations.

17) Council Member Comments

(Note: Council comments should directly relate to the business of the City of Cleveland Heights, rather than personal reflection or commentary. A maximum 3-minute time limit applies, but the Council President may reduce time limit based on the volume of business on the agenda, the time of evening, or other similar factors.)

- **Cobb:** He supports the arts organizations that are currently tenants of the Coventry Peace building, taking over ownership of the building.
- **Petras:** He spent time at Cumberland Pool for the last day of the season; while Cumberland is now closed, residents should be able to swim at the high school. Spoke about the legislation Council has passed regarding funding for lifeguards and facility sharing agreement with the schools.
- **Mattox:** He asks residents to reach out to his colleagues to encourage them to do business in public and use city emails. It is time for this Council to hold itself accountable.
- **Russell:** In March, Director Thomas and the Mayor asked President Cuda and herself to write essays for Focused magazine about what their goals were, what they felt and thought about the new form of government. The essays were not printed, but they still wrote them. If anybody would like a copy, feel free to email her and she will make sure everybody will get a copy.

18) Council President's Report

- He thanked Leopardo Group for being here, and he is excited about what they will be doing for the infrastructure in our city and the health of city

employees.

- He spoke about the residents who came into speak tonight; they spoke on important issues, and we all need to work together and put aside personal feelings.

19) Adjournment

End: 10:04 p.m.

NEXT MEETING OF COUNCIL: SEPTEMBER 16, 2024

DRAFT



September 9, 2024
Regular Meeting
5:00 PM

Cleveland Heights City Hall
Council Chambers
40 Severance Cir
Cleveland Heights, Ohio

MEETING MINUTES

1
2
3
4 **1) Meeting called to order by Council President**

5 Start: 5:00 PM

6 **2) Roll Call of Council Members**

7 **Present:** Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras,
8 Jim Posch

9 **Excused:** Davida Russell

10
11 **Also present:** Director Hanna, Clerk Balester

12 **3) Excuse absent members**

13 Davida Russell excused

14 **4) LEGISLATION**

15 *Note: The title for each piece of legislation contains a parenthetical reference to*
16 *the Council Committee within which the subject matter of the legislation falls.*
17 *Council Committees are abbreviated as follows: (AS)-Administrative Services;*
18 *(COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation;*
19 *(F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and*
20 *Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public*
21 *Safety and Health. See Resolution 97-2022 for a list of Council Committee*
22 *subject matter areas.*

23
24 **a. First Readings – Consideration of Adoption Requested**

25
26 **RESOLUTION NO. 173-2024(F): First Reading.** A Resolution approving the
27 report of the Assessment Equalization Board appointed to hear objections to
28 the estimated assessments for the public services plan for the Cedar Lee
29 Special Improvement District, Inc. ("Cedar Lee SID"); and declaring the

necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Craig Cobb

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

ORDINANCE NO. 174-2024(F): First Reading. An Ordinance determining to proceed with the implementation through assessment of the cost of a public services plan for the Cedar Lee Special Improvement District, Inc ("Cedar Lee SID"); levying assessments for said purpose; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 175-2024(PD): First Reading. Resolution authorizing the Mayor to apply for grant funding under the Cuyahoga County Department of Development's Community Development Supplemental Grant program to install benches in public parks, streetscapes and spaces throughout Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Craig Cobb

Motion to amend by substitution: Anthony Mattox Jr.

Seconded: Craig Cobb

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras,

1 Jim Posch
2 **No:** None

3 **MOTION PASSED**

4
5 **Yes:** Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras,
6 Jim Posch
7 **No:** None

8 **LEGISLATION PASSED**

9 ***b. Second Readings***

10
11 **ORDINANCE NO. 167-2024(AS): Second Reading.** An Ordinance
12 amending Section 111.23, "Publication of Ordinances and Resolutions," of the
13 Codified Ordinances of the City of Cleveland Heights, OH.

14
15 Introduced by Councilmember Cobb

16 **Motion to adopt:** Anthony Mattox Jr.
17 **Seconded:** Gail Larson

18
19 **Yes:** Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras,
20 Jim Posch
21 **No:** None

22 **LEGISLATION PASSED**

23 **5) Discussion of Council's 2025 Expense Budget**

24
25 a. Draft Expense Budget

26 Council discussed its 2025 expense budget; a draft will be
27 submitted to Interim Director Schuster

28 **6) Adjournment**

29 5:34 PM

30
31 **NEXT MEETING OF COUNCIL: SEPTEMBER 16, 2024**



Date: October 15, 2024

To: Addie Balester, Clerk of Council

Cc: Kahlil Seren, Mayor; Danny Williams, CAO
Christopher Heltzel, Assistant Law Director

From: Collette Clinkscale, Director of Public Works

Subject: Legislation for Additional Professional Engineering Design Services with Wade Trim Inc. for the Hampshire Road SSO Control project

Purpose Statement: To authorize the Mayor to enter into an amendment to the agreement with Wade Trim for engineering design services in the amount of \$136,933.00 for control of SSO CH-13 and CH-61, and illicit connections on Hampshire Road. This amendment is necessary due to unknown conditions that existed concerning illicit connections from Kenilworth Road to Mayfield, which will be addressed as part of this project.

Is this legislation recurring: Yes: _____ No: X

Is emergency language necessary: Yes: X No: _____

If yes, why? For the project to proceed on schedule.

Is passage on first reading necessary: Yes: X No: _____

If yes, why? To allow for the additional design work that was necessary for this project

If funding is required, is it already budgeted for? Yes : X No: _____

ARPA funding

If not already budgeted for, where will funding come from?

Proposed: 10/21/2024

RESOLUTION NO. 193-2024(MSES), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an amendment to the agreement with Wade Trim, Inc. for professional design and engineering services relating to control of sanitary sewer overflows CH-13 and CH-61, and illicit connections on Hampshire Road; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, this Council passed Resolution No. 033-2023 on March 20, 2023, authorizing the Mayor to enter into an agreement with Wade Trim, Inc. to retain an engineering firm for the purpose of performing design services related to control of sanitary sewer overflows (“SSOs”) CH-13 and CH-61, and illicit connections on Hampshire Road; and

WHEREAS, in the course of performing those services, additional illicit connections beyond those initially suspected have been discovered and necessitate an extending the scope of the agreement to include certain areas between Kenilworth Road and Mayfield Road; and

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

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

SECTION 1. The Mayor shall be and is hereby authorized to execute an amendment to the agreement with Wade Trim, Inc. dated March 27, 2023, to provide additional professional design, survey, field investigation, easement acquisition, and other coordination services relating to control of SSOs CH-13 and CH-61 and illicit connections from Kenilworth Road to Mayfield Road (“Amendment”). Compensation for the services detailed therein shall be paid for work actually performed at the rates described therein and in no event shall exceed One Hundred Thirty-Six Thousand, Nine Hundred Thirty-Three Dollars (\$136,933.00). All agreements and documents hereunder shall be approved as to form by the Director of Law.

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

RESOLUTION NO. 193-2024(MSES)

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely meet partial consent decree requirements. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

TONY CUDA
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

Proposed: 10/21/2024

ORDINANCE NO. 194-2024(MSES), *First Reading*

By Mayor Seren

An Ordinance amending Ordinance No. 140-2021 to broaden the authorized expenditure of ARPA funds to include water infrastructure improvements and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, Ordinance No. 140-2021, passed November 15, 2021, authorized the allocation, appropriation, and expenditure of ARPA funds for sewer infrastructure improvement projects described in the Integrated Overflow Control Master Plan ("IOCMP"); and

WHEREAS, the U.S. Department of Treasury has determined that improvements to water infrastructure are eligible uses of ARPA funds under the same Expenditure Category as sewer infrastructure improvements; and

WHEREAS, the City has determined it would be advantageous to allow for a portion of the Eighteen Million Dollars and 00/100 (\$18,000,000.00) appropriated under Ordinance No. 140-2021 to be expended on water infrastructure improvements; and

WHEREAS, this Council wishes to amend Ordinance No. 140-2021 for that purpose;

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

SECTION 1. That Section 1 of Ordinance No. 140-2021 be and hereby is amended to henceforth read as follows:

SECTION 1. Council at this time directs the use of Eighteen Million Dollars (\$18,000,000.00) in ARPA funding for the performance of sewer infrastructure improvement projects described in the IOCMP and other water infrastructure improvement projects, and allocates those funds for that purpose, to be drawn upon for design contracts, local match grant programs, and construction contracts, to the maximum possible extent, within the timing requirements of the ARPA and the Interim Final Rule.

SECTION 2. The remaining provisions of Ordinance 140-2021 and any subsequent amendment thereto shall remain in full force and effect.

ORDINANCE NO. 194-2024(MSES)

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Ordinance on the City of Cleveland Heights website.

SECTION 4. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to complete all design, bidding, and contracting required to obligate the ARPA funds appropriated for the improvements by December 31, 2024.

TONY CUDA
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor



Date: 10-10-2024

To: Law and Council

From: Tara Schuster, Interim Finance Director

Subject: Certification of Tax Rates and Levy to the County Fiscal Year 2025

Purpose Statement:

To accept the tax rates and authorize the levy of those rates on properties within the City of Cleveland Heights.

Is this legislation recurring: Yes: ☒ No: ☐

Is emergency language necessary: Yes: ☒ No: ☐

If yes, why?

Accepting the Budget Commissions amounts and rates to levy the property in the City of Cleveland Heights is due by the end of the month.

Is passage on first reading necessary: Yes: ☒ No: ☐

If yes, why?

The due date to certify them to the County Fiscal Officer is the end of the month

If funding is required, is it already budgeted for? Yes: ☐ No: ☐ N/a: ☒

If not already budgeted for, where will funding come from?

Proposed: 10/21/2024

RESOLUTION NO. 195-2024(F), *First Reading*

By Mayor Seren

A Resolution accepting the amounts and rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the fiscal year commencing January 1, 2025;

WHEREAS, the Budget Commission of Cuyahoga County, Ohio has certified its action thereon to this Council, together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without and what part within the ten mill tax limitation; and

WHEREAS, Ohio Revised Code Section 5705.34 requires each taxing authority, by ordinance or resolution, to authorize the necessary tax levies and certify them to the county auditor.

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

SECTION 1. The amounts and rates, as determined by the Budget Commission on its certification, be, and the same are hereby accepted.

SECTION 2. There is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

	Estimate of amount to be derived from levies		County Fiscal Officer's estimate rate of tax to be levied	
	Inside	Outside	Inside	Outside
	10 mill limitation		10 mill limitation	
General Fund			2.22	7.40
Bond Retirement			1.50	0.00
Recreational Improvement Fund				0.70
Police Pension Fund				0.30
Fire Pension Fund				0.30
			3.72	8.70

RESOLUTION NO. 195-2024(F)

SECTION 3. It is hereby resolved that the Clerk of Council be, and he is hereby, directed to certify a copy of this Resolution to the Fiscal Officer of Cuyahoga County.

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

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 to permit acceptance of such rates immediately to comply with dates set by the County Budget Commission. 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.

TONY CUDA
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor



Date: 10-10-2024

To: Law and Council

From: Tara Schuster, Acting Finance Director

Subject: Tax Advance Request Fiscal Year 2025

Purpose Statement:

To approve the City receiving advances on the collection of property tax. This allows the City to receive property tax collections 4 times a year instead of 2 times.

Is this legislation recurring: Yes: X No:

Is emergency language necessary: Yes: X No:

If yes, why?

Adoption on receiving the Tax Advancement is due to the County Budget Commission by the end of the month

Is passage on first reading necessary: Yes: X No:

If yes, why?

The Resolution if passed is required to be filed with the County Budget Commission by the end of the month.

If funding is required, is it already budgeted for? Yes: No: N/a: X

If not already budgeted for, where will funding come from?

Proposed: 10/21/2024

RESOLUTION NO. 196-2024(F), *First Reading*

By Mayor Seren

A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2024 tax year collection pursuant to Section 321.34 of the Ohio Revised Code; and declaring the necessity that this legislation become immediately effective as an emergency measure.

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

SECTION 1. The County Fiscal Officer be, and is hereby, authorized and directed to pay to the Director of Finance of the City of Cleveland Heights, Ohio, all monies now in the hands, and that may hereafter come into the hands, of the County Fiscal Officer which are payable to the City of Cleveland Heights from the proceeds of the 2024 tax year collection including, without limitation, revenues from personal property taxes, real property taxes, and special assessments.

SECTION 2. The Director of Finance is hereby authorized and directed to furnish a copy of this Resolution to the County Fiscal Officer.

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

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 to enable the City to meet its fiscal obligations and to preserve the credit of the City. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this 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.

TONY CUDA
President of the Council

RESOLUTION NO. 196-2024(F)

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor



Date: October 15, 2024

To: Addie Balester, Clerk of Council
Chris Heltzel, Assistant Law Director

Cc: Kahlil Seren, Mayor; Danny Williams, CAO

From: Collette Clinkscale, Director of Public Works

Subject: Legislation for Purchase of two (2) Ford F-350 1-ton Regular Cab Trucks

Purpose Statement: To authorize the purchase of two (2) Ford F-350 1-ton Regular Cab trucks from Classic Ford of Madison for the Refuse Division of the Public Works Department in the amount \$98,496.00 through State Contract #RS1018692

Is this legislation recurring: Yes: _____ No: X

Is emergency language necessary: Yes: _____ No: X

If yes, why?

Is passage on first reading necessary: Yes: _____ No: X

If yes, why?

If funding is required, is it already budgeted for? Yes: X No: _____

Capital Budget – account no. 416.6203.3004

Proposed: 10/21/2024

RESOLUTION NO. 197-2024(MSES), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with Classic Ford of Madison for the acquisition of a two (2) 2024 Ford F-350 one-ton Regular Cab trucks for the Refuse and Recycling Division of the Department of Public Works.

WHEREAS, in order to meet operational needs, it is necessary to two (2) purchase Ford F-350 one-ton Regular Cab trucks for the Refuse and Recycling Division of the Department of Public Works; and

WHEREAS, Section 171.12 of the Cleveland Heights Codified Ordinances authorizes the purchase of machinery, materials, supplies, and other articles through the State of Ohio cooperative purchasing program without obtaining competitive bids; and

WHEREAS, the Mayor has determined that the selected vehicle and equipment may be purchased through this Cooperative Purchasing Program at a lower price than could be obtained through bidding, and that it would be in the City's best interests to purchase said vehicles and equipment by this means.

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

SECTION 1. The Mayor be, and he is hereby, authorized to execute any and all agreements necessary for the purchase of a two (2) 2024 Ford F-350 1 ton Regular Cab trucks through State Contract #RS1018692, pursuant to Section 171.12 of the Cleveland Heights Codified Ordinances. The purchase price for both vehicles shall not exceed the sum of Ninety-Eight Thousand Four Hundred Ninety-Six Dollars (\$98,496.00). All contracts hereunder shall be approved as to form by the Director of Law.

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

SECTION 3. Wherefore, provided it receives the affirmative vote of four (4) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force thirty (30) days after its passage.

TONY CUDA

RESOLUTION NO. 197-2024(MSES)

President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor



Date: October 15, 2024

To: Addie Balester, Clerk of Council
Chris Heltzel, Assistant Law Director

Cc: Kahlil Seren, Mayor; Danny Williams, CAO

From: Collette Clinkscale, Director of Public Works

Subject: Legislation for Purchase of two (2) 7.5 yard 50/50 East Dump Truck mounts

Purpose Statement: To authorize the purchase of two (2) 7.5 yard 50/50 Split Easy Dump Direct Truck mounts to go on two 1-ton F-350 trucks from MacQueen Equipment LLC for the Refuse Division of the Public Works Department in the amount \$81,500.00.

Is this legislation recurring: Yes: _____ No: X

Is emergency language necessary: Yes: _____ No: X

If yes, why?

Is passage on first reading necessary: Yes: _____ No: X

If yes, why?

If funding is required, is it already budgeted for? Yes: X No: _____

Capital Budget – account no. 416.6203.3004

Proposed: 10/21/2024

RESOLUTION NO. 198-2024(MSES), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with MACQUEEN Equipment, LLC. for the acquisition of two (2) 7.5 yard 50/50 Split Body Easy Dump – Direct Truck Mounts for the Refuse and Recycling Division of the Department of Public Works.

WHEREAS, in order to meet operational needs, it is necessary to purchase two (2) 7.5 yard 50/50 Split Body Easy Dump – Direct Truck Mounts for the Refuse and Recycling Division of the Department of Public Works; and

WHEREAS, this equipment is manufactured by Par-Kan Company, the sole manufacturer and supplier for the model RD5050 – 50/50 Easy Dump and

WHEREAS, this dump body will be used by the Refuse and Recycling Division to collect refuse AND recycling of special collections in one trip allowing for the efficient collection of said special collections and,

WHEREAS, the Mayor has determined that the selected Equipment may be purchased through MACQUEEN Equipment and that it would be in the City's best interests to purchase said equipment. .

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

SECTION 1. The Mayor be, and he is hereby, authorized to execute any and all agreements necessary for the purchase of two (2) 7.5 yard 50/50 Split Body Easy Dump – Direct Truck Mounts. The purchase price for two (2) pieces of said equipment and accessory shall not exceed the sum of Eighty-One Thousand Five Hundred (\$81,500.00). All contracts hereunder shall be approved as to form by the Director of Law.

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

SECTION 3. Wherefore, provided it receives the affirmative vote of four (4) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force thirty (30) days after its passage.

RESOLUTION NO. 198-2024(MSES)

TONY CUDA
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved by Mayor: _____

KAHLIL SEREN
Mayor

Proposed: 10/21/2024

RESOLUTION NO. 199-2024(COTW),
First Reading

By Councilmember Larson, President
Cuda, Vice President Russell,
Councilmember Mattox,
Councilmember Petras, and
Councilmember Posch

A Resolution proclaiming the City of Cleveland Heights a safe haven for gender-affirming health care.

WHEREAS, the City of Cleveland Heights strives to celebrate diversity and promote equitable policies that make the City a welcoming and inclusive community for all, including people of all gender identities and expressions; and

WHEREAS, gender-affirming health care is evidence-based and broadly supported by major medical associations, including the American Medical Association, the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, the American Psychiatric Association, the American Psychological Association, the American Counseling Association, the Endocrine Society, the American College of Obstetricians and Gynecologists, the American Urological Association, the American Society for Reproductive Medicine, and the Children's Hospital Association; and

WHEREAS, research demonstrates that gender-affirming health care improves the physical and mental health and well-being of transgender, non-binary, and gender-expansive people; and

WHEREAS, according to the Human Rights Campaign, 39.4 percent of transgender youth live in states, like Ohio, that have passed bans on gender-affirming health care.

WHEREAS, transgender and non-binary youth are disproportionately burdened by poor mental health outcomes, including depression, anxiety, and suicidal ideation and attempts, owing to decreased social support and increased stigma and discrimination; and

WHEREAS, gender-affirming health care is age-appropriate care that is medically necessary for the well-being of many transgender, non-binary, and gender-expansive people who experience symptoms of gender dysphoria or distress that result from having one's gender identity not match their sex assigned at birth; and

WHEREAS, in January 2024, the Ohio General Assembly voted to override Governor Mike DeWine's veto against Ohio House Bill 68 ("H.B. 68"), a bill that bans

RESOLUTION NO. 199-2024 (XX)

transgender, non-binary, and gender-expansive minors from receiving gender-affirming health care; and

WHEREAS, H.B. 68 became effective on August 6, 2024, after the Franklin County Court of Common Pleas rejected a challenge by the American Civil Liberties Union (“ACLU”) and lifted a temporary restraining order that had blocked the law in its entirety; and

WHEREAS, the ACLU has appealed the decision to the Tenth District Court of Appeals of Ohio, and following oral arguments that were held on September 11, 2024, a decision is forthcoming; and

WHEREAS, on February 20, 2024, this Council passed Resolution 019-2024, approved by the Mayor on March 1, 2024, condemning the enactment of H.B. 68 as discriminatory, harmful to transgender youth, and a violation of parental rights; and

WHEREAS, people of all gender identities and expressions living in or visiting the City of Cleveland Heights have the support of the Mayor and this Council who believe access to all medically necessary health care that promotes a person's physical and mental health and well-being should be protected; and

WHEREAS, the City of Cleveland Heights has consistently affirmed its commitment to furthering transgender, non-binary, and gender-expansive equity and supporting its transgender, non-binary, and gender-expansive community; and

WHEREAS, the Mayor and this Council wish to proclaim their support for health care professionals who provide gender-affirming health care and for those people who seek, receive, or assist another person who seeks or receives gender-affirming health care in the City of Cleveland Heights, Cuyahoga County, and the State of Ohio;

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

SECTION 1. The Mayor and this Council proclaim the City of Cleveland Heights a safe haven for gender-affirming health care.

SECTION 2. The Mayor and this Council reaffirm their condemnation of H.B. 68 as harmful to the physical and mental health and well-being of transgender, non-binary, and gender-expansive youth.

SECTION 3. The City of Cleveland Heights commits to protecting access to lawful gender-affirming health care.

SECTION 4. The City of Cleveland Heights will not criminally prosecute or impose administrative penalties under any local law on any person or organization for providing, seeking, receiving, or assisting another person seeking or receiving gender-affirming health care.

RESOLUTION NO. 199-2024 (XX)

SECTION 5. The City of Cleveland Heights will fully de-prioritize enforcing – and cooperating with or assisting any individual, agency, department, or board to enforce – any federal, state, or local law, rule, or regulation applicable in the State of Ohio that imposes criminal punishment, civil liability, administrative penalties, or professional sanctions, on any person or organization for providing, seeking, receiving, or assisting another person seeking or receiving gender-affirming health care, except as required by law.

SECTION 6. The City of Cleveland Heights will not enforce, will not cooperate with or assist any individual, agency, department, or board to enforce, and will not stop, arrest, detain, or transfer any person to out-of-state custody based on a violation of any state or local law, rule, or regulation of another jurisdiction outside of the State of Ohio that imposes criminal punishment, civil liability, administrative penalties, or professional sanctions, on any person or organization for providing, seeking, receiving, or assisting another person seeking or receiving gender-affirming health care, except as required by law.

SECTION 7. The City of Cleveland Heights will not cooperate with or provide information to any individual, agency, department, or board of another jurisdiction related to that jurisdiction's laws, rules, or regulations imposing criminal punishment, civil liability, administrative penalties, or professional sanctions, on any person or organization for providing, seeking, receiving, or assisting another person seeking or receiving gender-affirming health care, except as required by law.

SECTION 8. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Resolution on the City of Cleveland Heights website.

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

TONY CUDA
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

RESOLUTION NO. 199-2024 (XX)

Presented to Mayor: _____

Approved by Mayor: _____

KAHLIL SEREN
Mayor

Proposed: 10/07/2024

ORDINANCE 190-2024(PD), *Second Reading*

By Mayor Seren

An Ordinance enacting Section 331.46 of the Codified Ordinances of Cleveland Heights, entitled "Driving while texting."

WHEREAS, the State of Ohio enacted R.C. 4511.204, effective April 4, 2023, to prohibit a person from using, holding, or physically supporting an electronic wireless communications device while operating a motor vehicle, trackless trolley, or streetcar.

WHEREAS, under Article XVIII, Section 3, of the Ohio Constitution, the City of Cleveland Heights has the authority to concurrently adopt and enforce within its limits local police, sanitary, and other similar regulations;

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

SECTION 1. Council hereby adopts and enacts Section 331.46 of the Codified Ordinances of Cleveland Heights, entitled "Driving while texting," in the form set forth in Exhibit A attached hereto and incorporated herein by reference.

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

SECTION 3. This Ordinance shall take effect and be in force at the earliest time permitted by law.

TONY CUDA
President of Council

ADDIE BALESTER
Clerk of Council

ORDINANCE 190-2024(PD)

PASSED:

Presented to Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A

CHAPTER 331

Operation Generally

* * *

331.46 DRIVING WHILE TEXTING.

(a) No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

(b) Subsection (a) of this section does not apply to any of the following:

(1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties;

(3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;

(4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;

(5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;

(6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;

(7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:

(A) Manually enter letters, numbers, or symbols into the device;

(B) Hold or support the device with any part of the person's body.

(8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:

ORDINANCE 190-2024(PD)

(A) Manually enter letters, numbers, or symbols into the device;

(B) Hold or support the device with any part of the person's body.

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;

(11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;

(12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:

(A) Manually enter letters, numbers, or symbols into the device;

(B) Hold or support the device with any part of the person's body.

(13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.

(c) Whoever violates subsection (a) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor, and shall be punished as provided in subsections (c)(1) to (5) of this section.

(1) The offender shall be fined, and is subject to a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, as follows:

(A) Except as provided in subsections (c)(1)(B), (C), (D), and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars.

(B) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section, Ohio R.C. 4511.204, or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars.

(C) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section, Ohio R.C. 4511.204, or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

(D) Notwithstanding subsections (c)(1)(A) to (C) of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was

ORDINANCE 190-2024(PD)

posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under subsections (c)(1)(A), (B), or (C) of this section, as applicable.

(2) If the offender is in the category of offenders to whom subsection (c)(1)(A) of this section applies, in lieu of payment of the fine of one hundred fifty dollars under subsection (c)(1)(A) of this section and the assessment of points under subsection (c)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in Ohio R.C. 4511.991. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court within 90 days of the violation of subsection (a) of this section. However, successful completion of the course does not result in a dismissal of the charges for the violation, and the violation is a prior offense under subsections (c)(1)(B) and (C) of this section if the offender commits a subsequent violation or violations of subsection (a) of this section within two years of the offense for which the course was completed. This subsection does not apply with respect to any offender in the category of offenders to whom subsection (c)(1)(B), (C), or (D) of this section applies.

(3) The court may impose any other penalty authorized under Ohio R.C. 2929.21 to 2929.28. However, the court shall not impose a fine or a suspension not otherwise specified in subsection (d)(1) of this section. The court also shall not impose a jail term or community residential sanction.

(4) Except as provided in subsection (c)(2) of this section, points shall be assessed for a violation of subsection (a) of this section in accordance with Ohio R.C. 4510.036.

(5) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(d) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of Ohio R.C. 4511.204 based on the same conduct. However, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(e) (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.

(2) A law enforcement officer who stops the operator of a motor vehicle, trackless trolley, or streetcar for a violation of subsection (a) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

(A) Access the device without a warrant, unless the operator voluntarily and unequivocally gives consent for the officer to access the device;

(B) Confiscate the device while awaiting the issuance of a warrant to access the device;

ORDINANCE 190-2024(PD)

(C) Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(f) As used in this section:

(1) "Electronic wireless communications device" includes any of the following:

(A) A wireless telephone;

(B) A text-messaging device;

(C) A personal digital assistant;

(D) A computer, including a laptop computer and a computer tablet;

(E) Any device capable of displaying a video, movie, broadcast television image, or visual image;

(F) Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the Federal Communications Commission to participate in the amateur radio service.

(2) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(3) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of Ohio R.C. 4905.03.

(4) "Utility service vehicle" means a vehicle owned or operated by a utility.

Proposed: 10/07/2024

RESOLUTION NO. 191-2024(AS), *Second Reading*

By President Cuda

A Resolution increasing the compensation of the Clerk of Council.

WHEREAS, by Resolution No. 119-2022, this Council appointed Addie Balester as Clerk of Council; and

WHEREAS, by Resolution No. 162-2023, this Council increased the pay of the Clerk of Council by three (3) percent; and

WHEREAS, the International Institute of Municipal Clerks ("IIMC") offers a Certified Municipal Clerk ("CMC") Program designed to enhance the job performance of Clerks of Council in small and large municipalities; and

WHEREAS, this Council, having reviewed the current pay rate, now recommends increasing the annual compensation for the position of Clerk of Council to Sixty-Seven Thousand and One Hundred Dollars (\$67,100.00) effective January 1, 2025, contingent upon the Clerk of Council's successful completion of the IIMC's CMC Program; and

WHEREAS, the proposed pay increase is in accordance with the pay range provided in the salary range authorized by the Wage and Salary Ordinance, Ordinance No. 127-2024.

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

SECTION 1. The salary for the Clerk of Council is increased to the sum of Sixty-Seven Thousand and One Hundred Dollars (\$67,100.00) effective January 1, 2025, contingent upon the Clerk of Council's successful completion of the IIMC's CMC Program. The Clerk of Council will continue to receive the same benefits provided to other full-time non-bargaining unit City employees as provided in Ordinance No. 127-2024.

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

SECTION 3. This Resolution shall take effect and be in force from and after the earliest time permitted by law.

RESOLUTION NO. 191-2024(AS)

TONY CUDA
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

Proposed: 10/21/2024

RESOLUTION NO. 200-2024(PSH), *First Reading*

By City Council Members and Mayor Seren

A Resolution recognizing October 24, 2024 as *International Climate Action Day* in Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, *International Climate Action Day* is an international event celebrated every October by more than 154 countries and over 2000 cities around the world in which awareness is created on the causes and effects of climate change and its impact on the quality of life, encourage people to consider more sustainable ways of living and play an active role in protecting the earth and;

WHEREAS, *International Climate Action Day* is Thursday, October 24, 2024 and;

WHEREAS, Climate Action Day is a global platform for climate action from all its perspectives, focusing on the establishment of strong policies, severe changes in the production model, effective technological developments and, above all, creating climate awareness and;

WHEREAS, the City of Cleveland Heights has a strong commitment to the promotion of efforts aimed at reducing the emissions of greenhouse gases and human-driven adjustments in economic, social, and environmental systems, in response to actual or expected climate stimuli and their impacts and;

WHEREAS, the City is taking action to address climate change by creating a Climate Action and Resilience Plan to reduce greenhouse gas emissions from City operations and the community, understand our exposure to climate hazards, asses our vulnerability and risk, and investigate and prioritize options to build resilience to climate change; and

WHEREAS, the City recognizes that embarking on efforts aimed at reducing greenhouse gases and will have several co-benefits such as improved air quality and public health, energy security, social equity, vibrant natural environment, and enhanced quality of life and;

WHEREAS, the City of Cleveland Heights has the opportunity to continue to be one of the leading municipalities in Ohio in increasing awareness of climate action and the benefits of building resiliency to climate change and its impacts by recognizing *International Climate Action Day* 2024 and;

RESOLUTION NO. 200-2024(PSH)

WHEREAS, the City similarly has the opportunity to continue to be one of the leading municipalities in Ohio in building resilience to climate change with an emphasis on climate justice and equity and;

WHEREAS, this Council wishes to recognize October 24, 2024 as *International Climate Action Day 2024*.

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

SECTION 1. This Council does hereby recognize Thursday, October 24, 2024 as *International Climate Action Day* in Cleveland Heights.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure 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 join with other communities in this celebration and the need to recognize *International Climate Action Day* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

TONY CUDA
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor

Proposed: 10/21/2024

RESOLUTION NO. 201-2024(PD), *First Reading*

By City Council Members and Mayor Seren

A Resolution declaring October 2024 *National Community Planning Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning require public officials and residents who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as *National Community Planning Month* throughout the United States of America and its territories, and

WHEREAS, the American Planning Association endorses *National Community Planning Month* as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient and long-lasting recovery.

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

SECTION 1. This Council does hereby declare October, 2024 as *National Community Planning Month* in the City of Cleveland Heights in conjunction with the celebration of National Community Planning Month throughout the country.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the

RESOLUTION NO. 201-2024(PD)

need to join with the other communities in this celebration and the need to proclaim National Community Planning Month on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

TONY CUDA
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor

Proposed: 10/21/2024

RESOLUTION NO. 202-2024(CRR), *First Reading*

By City Council Members and Mayor Seren

A Resolution declaring November 30, 2024 *Small Business Saturday*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights celebrates our local small businesses and the vital contributions they make to our local economy and community; and

WHEREAS, small businesses provide 46% of private sector jobs in the United States; and

WHEREAS, the City of Cleveland Heights supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, the health of Cleveland Heights' small businesses depends on the support of the community; and

WHEREAS, public and private organizations across the country have endorsed the Saturday after Thanksgiving as *Small Business Saturday*; and

WHEREAS, the Cleveland Heights City Council invites residents and visitors to shop in our business districts on November 30, 2024, in honor of *Small Business Saturday*.

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

SECTION 1. This Council does hereby proclaim November 30, 2024 as *Small Business Saturday*, and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and through the year.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure 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

RESOLUTION NO. 202-2024(CRR)

timely recognize *Small Business Saturday* in support of small businesses within the City. Wherefore, provided it received 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.

TONY CUDA
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved by Mayor: _____

KAHLIL SEREN
Mayor