



COUNCIL UPDATE

July 7, 2020

MEETINGS & REMINDERS

Please note meetings are being held as webinars and conference calls. Information for residents to participate may be found on the clevelandheights.com calendar.

Monday, July 13	-	6:00 p.m.	-	Municipal Services Committee
Wednesday, July 15	-	7:00 p.m.	-	Board of Zoning Appeals
Monday, July 20	-	6:30 p.m.	-	Committee of the Whole
	-	7:00 p.m.	-	2021 Tax Budget Public Hearing
	-	7:30 p.m.	-	City Council

LEGISLATION

- **Liquor Objection.** A Resolution objecting to the renewal of all current liquor permits issued by the Ohio Department of Commerce, Division of Liquor Control to Zooz Limited dba City & East Hookah Bar, 2781 Euclid Heights Blvd., Cleveland Heights, Ohio 44106 and requesting that a hearing on the issue of renewal be held in Cuyahoga County, Ohio
- **Body Cam Purchase.** A Resolution authorizing the City Manager to enter into an agreement with Motorola Solutions, Inc. for the purchase of upgraded police-worn body cameras and associated software for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program
- **Tax Budget.** A Resolution approving the adoption of the 2021 Tax Budget

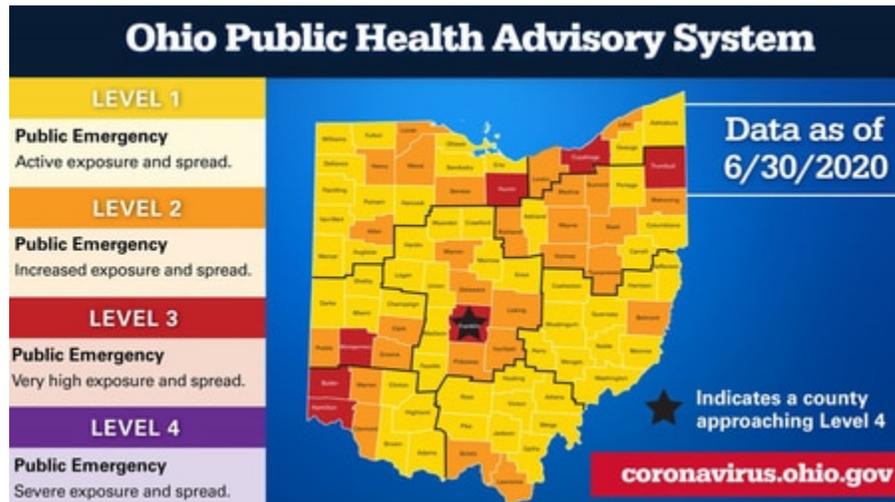
CORONAVIRUS UPDATE

As the surge of COVID-19 cases continues in Ohio, Governor DeWine announced a new public health order on today to require that people wear masks in the seven “red” counties under the new color-coded system to assess the degree of the virus’ spread that was introduced by the Governor last week. Red indicates a Level 3 Public Emergency, meaning there is a very high exposure and spread of COVID-19 in the county and residents are urged to limit activities as much as possible. Cuyahoga County is one of the 7 Red counties in the State. The order takes

effect on Wednesday, July 8, 2020 at 6:00 p.m. Masks must be worn in the following places:

- In any indoor location that is not a residence;
- When outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household; or
- While waiting for, riding, driving, or operating public transportation, a taxi, a private car service, or a ride-sharing vehicle

City Council was planning to hold a special meeting this week to consider legislation that would require masks within our City limits. This discussion has been delayed to provide the opportunity to review the language in the State Order and evaluate the need for an additional local mandate.



OTHER UPDATES:

- Cedar/Lee/Meadowbrook Project

Staff continues to negotiate a development agreement for Cedar/Lee/Meadowbrook property. Council extended the current Memorandum of Understanding through July 20, 2020. We had hoped to have legislation to approve the agreement in this week's packet; however, we still working through one final term of the agreement. Both parties continue to be fully engaged in the discussion to work through the language at this time. If the issues are resolved, legislation will be prepared for next week's packet in time for the July 20th meeting.



CLEVELAND HEIGHTS

Municipal Services Committee of Council

July 13, 2020

6:00 p.m. – 8:00 p.m.

Agenda

1. Welcome and Introductions
Mary Dunbar, Chairperson
2. US EPA/DOJ Sanitary Sewer Partial Consent Decree – Update
City Staff & Outside Engineer and Legal Counsel
3. Refuse & Recycling Assessment Report – Update
City Staff & Outside Consultant
4. Other Business
Mary Dunbar, Chairperson

Proposed: 07/06/2020

RESOLUTION NO. 82-2020 (PSH)

By Council Member

A Resolution objecting to the renewal of all current liquor permits issued by the Ohio Department of Commerce, Division of Liquor Control to Zooz Limited dba City & East Hookah Bar, 2781 Euclid Heights Blvd., Cleveland Heights, Ohio 44106 and requesting that a hearing on the issue of renewal be held in Cuyahoga County, Ohio; and declaring an emergency.

WHEREAS, in the matter of Zooz Limited dba City & East Hookah Bar, 2781 Euclid Heights Blvd., Cleveland Heights, Ohio 44106, the applicant has operated the permit premises in a manner that demonstrates disregard for the laws, regulations, and local ordinances of the State of Ohio and the City of Cleveland Heights, the location of the establishment substantially interferes with public decency, sobriety, peace, and good order of the neighborhood where the premises is located, and the premises does not conform to the building, safety or health requirements of the City of Cleveland Heights; and

WHEREAS, the City Manager, Chief of Police, and Director of Law have determined that it would be in the best interests of the City and its residents to object to the renewal of all existing liquor permits for said establishment.

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

SECTION 1. This Council hereby presents the objections and concerns of the officials of the City of Cleveland Heights, Ohio to the granting of the renewal of all current liquor permits issued by the Ohio Department of Commerce, Division of Liquor Control for the premises operated by Zooz Limited dba City & East Hookah Bar, 2781 Euclid Heights Blvd., Cleveland Heights, Ohio 44106, on the basis that the applicant has operated the liquor premises in a manner that demonstrates disregard for the laws, regulations, and local ordinances of the State of Ohio and City of Cleveland Heights, the location of said establishment substantially interferes with the public decency, sobriety, peace, and good order of the neighborhood where the premises is located, and the premises does not conform to the building, safety, or health requirements of the City of Cleveland Heights within the meaning of Division (A) of Section 4303.292 of the Ohio Revised Code.

SECTION 2. This Council basis its objections and concerns, in part, on Chief of Police Annette M. Mecklenburg's correspondence to the Clerk of Council, attached hereto and incorporated herein as Exhibit A. Specifically, this Council finds that there have been an overwhelming number of calls for police service to Zooz Limited dba City & East Hookah Bar, 2781 Euclid Heights Blvd., Cleveland Heights, Ohio 44106 during approximately a three-and-a-half-year period. This Council further finds that those calls for police service include numerous disturbances, fights, unruly patrons, and other criminal incidents, including a shooting that was precipitated by a physical altercation that occurred while waiting in line to enter the establishment.

RESOLUTION NO. 82-2020 (PSH)

SECTION 3. This Council hereby requests that a hearing on the issue of renewal be held in Cuyahoga County, Ohio.

SECTION 4. The Director of Law is specifically authorized to pursue this objection, or to resolve same, if in the best interest of the City.

SECTION 5. 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 6. 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 meet state deadlines for objection to renewal of permits. Wherefore, provided it receives the affirmative vote of five 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.

JASON S. STEIN, Mayor
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:



*City of trees... symbol of a live
and growing community with
diverse roots founded in a rich
variety of cultural heritages...
thriving in the awareness of
the present and rising to the
challenge of the future*

CITY OF
CLEVELAND HEIGHTS
DIVISION OF POLICE

EXHIBIT A

40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118 * Telephone (Area Code 216) 291-4974
ANNETTE M. MECKLENBURG, CHIEF

June 23, 2020

Amy Himmelein
Clerk of Council

Dear Ms. Himmelein,

As the Chief Law Enforcement Officer for the City of Cleveland Heights, please present to City Council my objection to the 2019-2020 renewal of a liquor permit Zooz Limited, for the premises located at 2781 Euclid Heights Blvd. dba City & East Hookah Bar ("City & East") for Permit #9961333.

Over the past several years, the Police Department has experienced a significant increase in the number of calls for service to City & East. In 2016, there were over 20 calls for service including no less than six disturbances, four reports of theft/missing property, and six follow-up investigations. In 2017, the Police Department experienced an increase in the number of calls for service from the previous year. The over 40 calls consisted of no less than 18 disturbances, three suspicious activity complaints, and two Assaults. In addition, Officers needed to respond back to this establishment on four additional occasions to conduct follow-up investigations. In 2018, the calls for service continued to increase. The over 65 calls for service included, in part, 22 disturbance complaints, four suspicious activity complaints, three follow-up investigations, five found/lost property calls, and one assault. In 2019, officers responded to over 44 calls for service to City & East. The calls consisted in part of 14 disturbances, four suspicious activity calls, three noise complaints and one felonious assault. In addition to the police calls for service, the Cleveland Heights Fire Department has also had to respond to City & East on multiple occasions, including three times in 2019, for intoxicated patrons who had to be transported to the hospital for medical treatment. As of March 1, 2020, officers had already responded to 12 calls for service to City & East, including three disturbances, one welfare check and one theft.

Furthermore, given the substantial increase in calls for service to City & East over the past couple years, it has become necessary for increased Officer patrols, presence, and business checks in the area of this establishment in order to keep the peace and maintain good order of the neighborhood in which City & East is located. It is worth noting that since March 1, 2020, the calls for service to City & East have essentially ceased due to the COVID-19 pandemic and they were forced to close the establishment.

Some of the more recent incidents at City & East include the following:

- On February 23, 2020, at 2:09 am an Officer called for assistance at City & East disorderly unwanted patron. As additional officers arrived, the male had already been escorted from the property. However, another disturbance between a male and female ensued while the large crowd was dispersing from the establishment. Officers were able to intervene and separate the two parties before it escalated and each party was issued a criminal violation citation for Disorderly Conduct.
- On February 9, 2020, at 1:54 am several officers responded to City & East to assist with a large unruly crowd leaving the establishment. While on scene Officers were notified by a highly intoxicated patron that he believed he had been pushed down the stairs by one of the bouncers. Officers attempted to investigate the claim, however the owner stated that the cameras were not working properly and there was no video available. While officers were dealing with other disturbances resulting from the crowd dispersing, the male who made the complaint left the scene. Officers continued to investigate the matter, however they were not able to substantiate the claim due to the intoxication level of the alleged victim.
- On September 20, 2019, at 1:58 am officers responded to City & East on a report of a fight. Upon arrival officers learned that a male and female were arguing as they were leaving the establishment. It was reported that the male slammed the female in the courtyard area after exiting City & East. Officers located the male walking away from the scene and when they attempted to stop him but he continued walking. The male then turned and pushed an officer. As officers were struggling with the male who was resisting arrest, a firearm fell from his person. The male was eventually subdued and placed under arrest. The firearm was fully loaded and it was learned that it had been reported stolen. The male was charged with Carrying a Concealed Weapon, Weapons Under Disability, Receiving Stolen Property, Obstructing Official Business and Resisting Arrest.
- On June 15, 2019, at 11:43 pm an assault occurred at City & East. While escorting two extremely intoxicated females from the establishment, one of the females struck a

security guard in the face. As additional officers arrived on the scene, one of the females refused to get into the police cruiser after being placed under arrest and kicked one of the arresting officers. Both females were arrested and charged with Disorderly Conduct-Intoxication and one was charged with Assaulting a Police Officer.

- On May 24, 2019, at 1:29 am a male was shot in the Courtyard outside City & East. Just prior to the shooting, the suspect and the victim were involved in a physical altercation while waiting in line to enter City & East. The males were separated and the suspect was escorted out of the building by an off-duty officer and the owner of City & East, Tony LaHood. A few minutes later the suspect returned to the lobby and punched the victim in the head. The suspect male was once again escorted out by the Mr. LaHood. Approximately 15 minutes later, the suspect once again returned and engaged in a physical altercation with the victim, during which he pulled out a gun and shot the victim in the leg. The suspect then fled the area. The suspect male was never identified after being escorted out of the lobby of City & East either time and he still has not been identified. This incident remains an open investigation.
- On April 11, 2019, at 11:34 pm Officers responded to City & East regarding a female patron who was disorderly inside the establishment and refusing to leave. The female, 18 years of age, was intoxicated and combative with the security guards who carried outside of the establishment because she refused to walk. Once outside, the female attempted to spit at one of the security guards. As officers attempted to arrest the female, she resisted and had to be subdued. The female was charged with Assault, Disorderly Conduct, and Resisting Arrest.
- On March 2, 2019 at 12:02 am Officers responded to a disturbance at City & East, during which one of the bouncers was struck in the face by a female patron. According to the employees the female was being removed from the establishment when she struck the bouncer, however he nor the owner wished to pursue criminal charges against the female.
- In the early morning hours of February 17, 2019, as patrons were leaving City and East, several fights and disturbances occurred that resulted in three arrests. One female and one male were both arrested for Disorderly Conduct. A third party, an 18 year old male, was also arrested for Disorderly Conduct – Intoxication and Underage Consumption of an Alcoholic Beverage.
- On June 14-15, 2018, Officers observed large crowds gathered immediately outside City & East, which eventually led to several fights. Due to the overwhelming amount

of persons gathered outside the establishment, twelve Officers from the Cleveland Heights Police Department, and numerous other Officers from surrounding municipalities (University Heights, Shaker Heights, and South Euclid) responded to the area. Officers estimated over 200 people exited the bar. Notwithstanding the vast amount of Officers on scene, it took over thirty minutes to disperse the large crowds from the area and restore the peace.

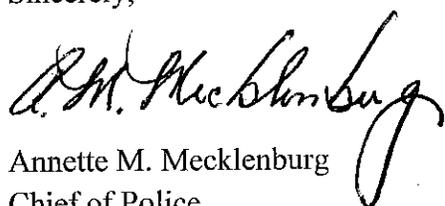
- On June 10, 2018, at 2:00 am Officers in the area of City & East witnessed a fight break out during which a male became extremely aggressive and made threats to get a gun. The male, who was intoxicated and trying to re-enter City & East, was arrested for disorderly conduct.
- On April 20, 2018, at 2:10 am Officers were flagged down regarding a disturbance at City & East, during which a male threatened to shoot everyone in the establishment. One male was arrested for Aggravated Menacing.
- On March 16, 2018, at 12:12 am Officers responded to City & East for a reported disturbance. Security guards on the scene advised that an intoxicated male attempted to cut in line to get in the establishment and was told to leave. When the male became combative, one of the security guards used a taser to subdue the male and then placed him in handcuffs. Upon police arrival, the security guard refused to pursue any criminal charges against the male. However, the male was arrested for voluntary intoxication and an outstanding warrant.
- On March 11, 2018, at 1:50 am a male reported to Officers that he was threatened by another male with a gun while leaving City & East.
- On February 23, 2018, at 1:49 am Officers in the area of City & East observed two females involved in an altercation out front. The females were both combative and one appeared to be intoxicated. Both had an "X" on their hand, which is used at City & East to indicate underage customers. The females were arrested for Disorderly Conduct and Underage Liquor Restrictions.
- On February 16, 2018, at 1:15 am Officers responded to a disturbance at City & East. It was reported that security guards encountered a problem with three patrons who were denied admission into the establishment. During an altercation with the three patrons, security guards pepper sprayed two of the parties. All three were arrested.
- On December 29, 2017, at 2:04 am Officers in the area observed a large crowd gathering in front of City & East and shortly thereafter an altercation ensued. Two

males were arrested; one for Carrying a Concealed Weapon (firearm) and Possession of Marijuana and the other for Underage Consumption of Liquor. It was later confirmed that both males had been inside City & East earlier and were escorted out by security following a disturbance.

- On June 30, 2017, at 12:05 am Officers responded to City & East after dispatch received information about an unknown person going to “shoot up” the establishment. Upon arrival Officers received a second call of a male claiming to have been assaulted by the security guards. Officers attempted to resolve the situation however one male was uncooperative and belligerent. He was issued a criminal violation for Disorderly Conduct.
- On April 1, 2017, at 11:19 pm Officers responded to a disturbance at City & East. Upon arrival Officers discovered that security guards were detaining a male on the ground after he was found to be in the bar drinking from his own personal alcohol bottle and became combative with security when being escorted out of the bar. The male was arrested for Criminal Trespass and Underage Persons Liquor Restrictions.

The Police Department has serious concerns about the renewal of the liquor permit for City & East, especially in light of the overwhelming number of calls for service that have been experienced in the past three-and-a-half years. The large disturbances that have occurred at this establishment require several officers to handle and at times even require the additional assistance of neighboring Police Departments to help disperse. In addition, the recent shooting at City & East has required numerous investigative hours by police personnel in an effort to identify and locate the suspect. Furthermore, many of these calls require follow-up investigation by officers and/or detectives, which is a strain on police resources. The renewal of City & East's liquor permit will only lead to continued interference with the safety and welfare of residents and require additional police resources in order to maintain peace and order to the area.

Sincerely,



Annette M. Mecklenburg
Chief of Police

Proposed: 07/20/2020

RESOLUTION NO. -2020 (PSH)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Motorola Solutions, Inc. for the purchase of upgraded police-worn body cameras and associated software for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; and declaring an emergency.

WHEREAS, the Chief of Police has determined there is a need for upgraded police-worn body cameras and associated software for the Police Department; and

WHEREAS, Section 171.11 of the Cleveland Heights Codified Ordinances authorizes the purchase of machinery, materials, supplies, and other articles through the Administrative Services Cooperative Purchasing Program without obtaining competitive bids; and

WHEREAS, the Chief of Police and City Manager have determined that the selected equipment may be purchased from Motorola Solutions, Inc. through this State 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 equipment by this means.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into any and all agreements, and to sign any related documents, necessary for the purchase of upgraded police-worn body cameras and associated software with Motorola Solutions, Inc. through the Ohio Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements Section 171.11 of the Cleveland Heights Codified Ordinances. The agreement shall provide for the purchase of the selected equipment at a total cost not to exceed One Hundred Eighty-Five Thousand Three Hundred Ten Dollars (\$185,310.00). All agreements 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 its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet vendor deadlines and to equip the Police Department as soon as possible. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. -2020 (PSH)

JASON S. STEIN, Mayor
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 07/06/2020

RESOLUTION NO. *Second Reading*

By

A Resolution approving the adoption of the 2021 Tax Budget; and declaring an emergency.

WHEREAS, the City Manager has previously prepared and submitted to the Council a proposed 2021 Tax Budget for Council's review and evaluation; and

WHEREAS, the members of the Council have subsequently met with the City Manager and her staff for the purpose of review, evaluation, and to discuss their recommendations on the proposed Budget; and

WHEREAS, a copy of the proposed 2021 Tax Budget is available for inspection by the general public at the office of the Director of Finance at the City Hall; and

WHEREAS, a notice of public hearing (which will be held July 20, 2020 at 7:00 pm) will be given at least ten (10) days prior to the public hearing on said 2021 Tax Budget.

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

SECTION 1. This Council hereby approves the adoption of the 2021 Tax Budget as is on file in the office of the Director of Finance, Clerk of Council.

SECTION 2. The Clerk of Council is hereby directed to make a copy of the approved 2021 Tax Budget a matter of record.

SECTION 3. The Director of Finance is hereby directed to file two (2) copies of the approved 2021 Tax Budget with the Cuyahoga County Budget Commission.

SECTION 4. 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 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 its timely filing with the Budget Commission within the period permitted by law. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. *Second Reading*

JASON S. STEIN, Mayor
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED: