



## COUNCIL UPDATE

October 28, 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](http://clevelandheights.com) calendar.

Saturday, October 31	-	6:00 – 7:30 p.m.	Halloween – Neighborhood Trick or Treating (turn on porch light to indicate if you are participating)	
Monday, November 2	-	6:45 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council
Tuesday, November 3	-	7:00 p.m.	-	Architectural Board of Review
Thursday, November 5	-	6:00 p.m.	-	Meet Your Police
Thursday, November 9	-	TBD	-	Committee of the Whole

### LEGISLATION (for discussion)

- **Racial Justice Task Force.** A Resolution establishing a Racial Justice Task Force and prescribing the composition, duration, purpose and duties of such Task Force
- **27<sup>th</sup> Pay.** An Ordinance amending Ordinance No. 17-2020, “Wage and Salary Ordinance,” to authorize a 27th pay-period in the 2020 calendar year
- **Small Business Saturday.** A Resolution declaring November 28, 2020, “Small Business Saturday”
- **Sewer Maintenance by County.** A Resolution authorizing the City Manager to enter into an agreement with the County of Cuyahoga to perform certain services to help maintain the City’s sanitary and storm sewers

### Community Relations

- Staff is finalizing the Community Survey presentation. This is the survey that the City does every two years.
- Staff coordinated (with Chief and CM) multiple statements and social media posts regarding the incident on Blanche.
- Staff is coordinating and promoting with the SIDs regarding their holiday promotions.
- Ongoing, expansive communications through regular social media posts and weekly City updates.
- Staff beginning to formulate plans for the City's 100th year anniversary in August 2021.

## Planning



- ABR's October 20 meeting advanced 18 projects to construction including joint approval with the Landmark Commission for a two-car, detached, stone and stucco garage for the landmarked estate at 2780 East Overlook Road (pictured). Incidentally, a draft ordinance revision was prepared that would eliminate the authority of the Landmark Commission to put a district into a permit referral mode. That condition which could be for up to a year creates a mandatory Landmark Commission approval of modifications of properties in an area under consideration to be a landmarked district.

Richard Wong checked with the State's Ohio History Connection official to make certain that the proposed changes were not a violation of the Certified Local Government guidelines.

- Transportation Advisory Committee will meet on October 28. The main topic is the GCRTA's proposed changes to bus service. Coventry Road's business district would lose a #7 bus that is now routed from University Circle through Coventry to the east side. On the plus side, a #9 route would once again be provided to downtown Cleveland. At present, all downtown-bound Cleveland Heights bus riders must transfer to the Healthline, guaranteeing delay and inconvenience.

### **Parks and Recreation**

- Community Center will be open as a polling place on Election day - Tuesday, November 3, 2020. All other building operations will be closed.
- Staff is carefully monitoring the Covid-19 levels provided by the Governor. Staff recommends a temporary suspension of our reopening process if the County obtains a Level 4 (purple) designation to ensure public health and safety.
- Limited basketball (skill training only) rentals began last week. All attendants are subject to extensive safety protocols.
- The Community Center solar panel installation project is almost complete. Staff is coordinating the final phase with First Energy. Once complete, staff will proceed with reopening the South Ice Rink, pending the Cuyahoga County Covid-19 Level remains below a Level 4 (Purple) as per State recommendations.

### **Police**

- The Detective Bureau is continuing to conduct interviews of residents and other people who had any contact with the man carrying the rifle on Blanche on October 24, 2020. As of this time no one has confirmed hearing or having first-hand knowledge of the man threatening to cause immediate harm or shoot anyone. Upon completion of the investigation we will meet with the Law Department to see if there is probably cause for criminal charges.
- The Police Department is also continuing to investigate the aggravated robbery that occurred at the Cedar Hill Sunoco. A warrant has been issued for a 19-year-old man

wanted in connection with the robbery. Detectives learned that he is no longer living at his last known address and they are unable to determine a current address for him. We will continue to actively investigate and attempt to locate him.

- On Sunday, October 25, 2020 around 3:15 hours officers responded to a call of shots fired on Lecona. Upon arrival officers located a vehicle with several bullet holes parked on the street. The vehicle was unoccupied and not one was injured in the incident. Officers learned that immediately following the gunshots three vehicles were observed leaving the area. Detectives are investigating.
- Last week the Law Department approved the contract between the City and Cleveland State University’s Diversity Institute. The agreement was executed and goes into effect November 1, 2020 through October 31, 2021. The training will begin in November and is to be completed by the end of the year.
- In addition to the training being delivered by Dr. Dunn and the Diversity Institute, all CHPD Officers are currently taking online training courses which include the following: Ethics & Professionalism; Use of Force, Liability and Standards; and Domestic Violence Legal Updates. The goal is to have all officers complete the training by the end of the year. There is no cost for this training and it has been made available through the Ohio Attorney General. Each training takes approximately one hour to complete.

**Public Works**

**Sanitary Sewer Evaluation Survey**

	<b>Requirements</b>	<b>Due</b>
Phase 1 SSES	CCTV - 393,658 LF	Complete
Phase 2 SSES	CCTV – 224,792 LF	30-Jun-21
Phase 1 SSES	1,980 Manhole Inspections	Complete
Phase 2 SSES	1,125 Manhole Inspections	30-Jun-21
CMOM	132,000 LF/yr Pipe Cleaned	31-Dec-20
Model	Calibrated Model	Complete

**Completed Through October 23, 2020**

	<b><u>Completed Thru Oct. Oct. 23, 2020 (LF)</u></b>	<b><u>Overall Remaining (LF)</u></b>	<b><u>Overall Remaining (%)</u></b>

<b>CCTV Phase 1</b>	395,097	-	0%
<b>CCTV Phase 2</b>	134,167	90,625	40%
<b>MHs Phase 1</b>	1,978	-	0%
<b>MHs Phase 2</b>	1,115	-	0%
<b>Cleaning Total</b>	611,959	-	-
<b>Cleaning (2018) only</b>	173,355	-	-
<b>Cleaning (2019) only</b>	304,188	-	-

**Cleaning (2020) only**                      134,416                      0                      0

Work Completed by Entity

	<u>City</u>	<u>Contractor</u>	<u>County</u>
<b>CCTV (Phase 1)</b>	19% 75,464 LF	54% 215,287 LF	27% 104,346 LF
<b>CCTV (Phase 2)</b>	12% 27,837 LF	26% 57,737 LF	20% 48,593 LF
<b>Cleaning (2020) only</b>	21% 28,086 LF	44% 57,737 LF	35% 48,593 LF
<b>Cleaning Total</b>	30% 181,250 LF	45% 270,451 LF	26% 160,258 LF

**Model Update**

<b>Tasks</b>	<b>% Complete</b>
1. Flow and rainfall Analysis	100%
2. Model Expansion in GIS	100%
3. Model Expansion in Infoworks ICM	100%
4. Delamere - Model Setup	100%
5. Delamere - DWF and WWF calibration	100%
6. Delamere - Capacity evaluation	100%

7. Delamere - Alternative development	100%
8. DWF and WWF Calibration for all flow meters	100%

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

- Capital Projects
  - #20-03 – Selwyn Waterline Replacement & Road Resurfacing - Work is completed. The contractor is addressing punch list items identified during Final walk through.
  - Solar Panel Update - The contractor continues to install solar panel modules on the community center. All the modules have been installed on city hall. Work is being focused on the community center deploying the solar panel modules and coordinating the electrical inter-connect with First Energy.





# CLEVELAND HEIGHTS

## Economic Development

October 28, 2020

### Ohio Announces COVID Grants for Businesses *-Applications Begin November 2-*

The State of Ohio has recently announced two new grant programs to assist small businesses impacted by the COVID-19 pandemic. Cleveland Heights businesses are encouraged to review the eligibility requirements for both programs and apply for this funding opportunity. Both programs open for applications beginning Monday, November 2 at 10am.

#### **Small Business Relief Grant Program**

The [Small Business Relief Grant Program](#) makes \$125 million in funding available to eligible small businesses in the form of **\$10,000 grants**.

Eligible reimbursable costs incurred between March 22, 2020 and the date the application is submitted include:

- Personal protective equipment to protect employees, customers, or clients from COVID-19.
- Measures taken to protect employees, customers, or clients from COVID-19.
- Mortgage or rent payments for business premises (personal residences explicitly excluded).
- Utility payments (excludes utilities for personal residences and cellular phones not used primarily for business purposes).
- Salaries, wages, or compensation paid to contractors or employees, including an employer's share of health insurance costs.
- Business supplies or equipment.

#### **Bar and Restaurant Assistance Fund**

In addition to the Small Business Relief Grant, bars and restaurants with an active liquor license are also eligible to apply for a **\$2,500 grant** through the [Bar and Restaurant Assistance Fund](#).

For more information on either program, please visit the State's [Small Business Relief Office webpage](#).

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*STAY CONNECTED*







# CLEVELAND HEIGHTS

## **Committee of the Whole**

**November 2, 2020**

**6:45 p.m.**

**Agenda**

1. Discussion of Boards and Commissions vacancies



# CLEVELAND HEIGHTS

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

Monday, November 2, 2020

Online Only

Regular Meeting

7:30 p.m.

<http://www.youtube.com/c/cityofclevelandheights/live>

- 1) Meeting called to order by Mayor
- 2) Roll Call of Council Members
- 3) Excuse absent members
- 4) Approval of the minutes of the regular Council meeting held Monday, October 19, 2020
- 5) Personal communications received from citizens (via electronic mail)
- 6) Report of the City Manager
- 7) Report of the Chief of Police
- 8) Report of the Clerk of Council
- 9) Committee Reports

a.) **PLANNING AND DEVELOPMENT COMMITTEE**

b.) **PUBLIC SAFETY AND HEALTH COMMITTEE**

**RESOLUTION NO. 120-2020 (PSH).** A Resolution establishing a Racial Justice Task Force and prescribing the composition, duration, purpose and duties of such Task Force

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

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

c.) **ADMINISTRATIVE SERVICES COMMITTEE**

**ORDINANCE NO. 121-2020 (AS)**. An Ordinance amending Ordinance No. 17-2020, “Wage and Salary Ordinance,” to authorize a 27th pay-period in the 2020 calendar year

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

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

**d.) COMMUNITY RELATIONS AND RECREATION COMMITTEE**

**RESOLUTION NO. 122-2020 (CRR)**. A Resolution declaring November 28, 2020, “Small Business Saturday”

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

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

**e.) FINANCE COMMITTEE**

**f.) MUNICIPAL SERVICES COMMITTEE**

**RESOLUTION NO. 123-2020 (MS)**. A Resolution authorizing the City Manager to enter into an agreement with the County of Cuyahoga to perform certain services to help maintain the City’s sanitary and storm sewers

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

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

**10) Mayor’s Report**

**11) Adjournment**

**NEXT MEETING OF COUNCIL: MONDAY, NOVEMBER 16, 2020**

Proposed: 11/2/2020

RESOLUTION NO. 120-2020 (PSH)

By Council Member Russell

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

WHEREAS, on July 6, 2020, this Council adopted Resolution 78-2020, condemning the murder of George Floyd by the Minneapolis Police Department, declaring racism to be a public health crisis, and expressing support for statewide legislation to implement best policy practices to address racial bias and improve police-community relations, and to combat racism; and

WHEREAS, Council wishes to create a special Racial Justice Task Force to offer advice and recommendations to City Council on methods and opportunities to analyze and understand the impacts of racism including implicit bias, to enhance racial justice and cultural competence in policing, to improve police-community relations, and to advance racial and ethnic equity and fairness in the Cleveland Heights community.

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

SECTION 1. There is hereby established the Cleveland Heights Racial Justice Task Force (“Task Force”). The Task Force shall be composed of twenty-five (25) members, who shall serve without compensation. Twenty (20) of the Task Force members shall be residents of the City, while five (5) may be non-resident representatives of businesses located in Cleveland Heights and unaffiliated with any resident member. Interested residents or business representatives will submit an application on a form prescribed by the City for this purpose. The members of the Task Force shall be appointed by Council by motion following a review process including review of an application submitted by each prospective member. Each Council member may designate one Task Force member, and the balance shall be proposed by City Council as a matter of consensus. The members of the Task Force shall select a chairperson, a vice chairperson to serve in the absence or unavailability of the Chair, and a Secretary. In the event of the resignation, death, or disability of a Task Force member, or removal by a majority vote of the Council for excessive absence, the Council may replace the member in the same fashion in which that member was appointed (i.e., by confirmation of the designation of a single Council member or as a matter of consensus). Meetings of the Task Force shall be open to the public and shall be held according to a schedule to be determined by the Task Force, but in no event less frequently than monthly.

SECTION 2. The purpose of the Task Force is to analyze racial justice and equity within the City of Cleveland Heights as a community and as a municipal organization, and to recommend processes, policies and action steps to create an inclusive community where the likelihood of success is not based on race or ethnicity, where law enforcement and the justice system operate free from bias, and where diversity is recognized as a hallmark of a strong, resourceful and resilient

RESOLUTION NO. 120-2020 (PSH)

community. To accomplish this goal, the Task Force will prepare a report that summarizes the Task Force's efforts and aforementioned recommendations, and includes recommendations on whether the City should establish a Commission or Commissions to serve purposes similar to the Task Force's purposes on an ongoing basis. The Task Force shall adjourn and complete its work not later than \_\_\_\_ months after its first meeting, unless this period is extended by Council.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the urgent need to obtain the advice and recommendations of the Racial Justice Task Force without delay. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Proposed: 11/2/2020

ORDINANCE NO. 121-2020 (AS)

By Council Member

An Ordinance amending Ordinance No. 17-2020, “Wage and Salary Ordinance,” to authorize a 27th pay-period in the 2020 calendar year; and declaring an emergency.

WHEREAS, on March 2, 2020, this Council, pursuant to Article V, Section 4 of the Charter of the City of Cleveland Heights and Section 139.21 of the Codified Ordinances of the City of Cleveland Heights, adopted Ordinance No. 17-2020, establishing salary schedules, position classifications and other compensation, and benefits for officers and employees of the City; and

WHEREAS, on June 1, 2020, this Council adopted Ordinance No. 23-2020, amending Ordinance No. 17-2020 to provide clarity on various terms contained therein and fill-in various gaps; and

WHEREAS, every 11th year there is an extra pay-period due to accumulated partial pay-periods from prior years; and

WHEREAS, the calendar year 2020 contains an extra pay-period; and

WHEREAS, this Council wishes to expressly authorization the issuance of a 27th pay in the 2020 calendar year.

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

SECTION 1. Section 21 of Ordinance No. 17-2020 shall be and is hereby enacted to henceforth read as follows:

Notwithstanding any other provision of this Ordinance, the City Manager and/or Director of Finance shall be and is authorized to issue a 27th pay in the 2020 calendar year, as a result of multiple partial pay periods in prior years, which shall not constitute an increase in any annual salary or annual salary range fixed herein for the various classifications. Nothing contained in Ordinance No. 17-2020 shall prohibit or limit this authorization.

SECTION 2. All remaining provisions of Ordinance Nos. 17-2020 and 23-2020 shall remain in full force and effect.

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for the amendment to Ordinance No. 17-

ORDINANCE NO. 121-2020 (AS)

2020 to be effective at the earliest time possible to provide sufficient authorization to issue a 27th pay. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Proposed: 11/2/2020

RESOLUTION NO. 122-2020 (CRR)

By Council Member

A Resolution declaring November 28, 2020, “Small Business Saturday;” and declaring an emergency.

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 employ more than Forty-Seven Percent (47%) of the employees in the private sector 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 28, 2020, 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 28, 2020, 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 its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely recognize Small Business Saturday. 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.



RESOLUTION NO. 122-2020 (CRR)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Proposed: 11/2/2020

RESOLUTION NO. 123-2020 (MS)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the County of Cuyahoga to perform certain services to help maintain the City's sanitary and storm sewers; and declaring an emergency.

WHEREAS, the City owns and operates sanitary and storm sewers and catch basins, which require regular maintenance; and

WHEREAS, Section 171.02(b) of the Cleveland Heights Codified Ordinances authorizes the purchase of services without obtaining competitive bids where the price for services offered by a political subdivision is less than the price that would be obtained by taking bids from private persons; and

WHEREAS, the City Manager has determined that Cuyahoga County offers certain maintenance services for sanitary and storm sewers and catch basins at a price less than would be obtained by taking bids from private persons and that it would be in the City's best interests to retain the County for such services.

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 execute an agreement necessary to retain the County of Cuyahoga to provide certain services to maintain the City's sanitary and storm sewers and catch basins, in accordance with the requirements set forth in Section 171.02(b) of the Cleveland Heights Codified Ordinances. The agreement shall be similar to the one on file with the Clerk of Council. Term of the agreement shall expire on December 31, 2021, and the total amount to be paid by the City shall not exceed the sum of Six Hundred Thousand Dollars (\$600,000). The agreement and any related documents shall be approved as to form and subject to the final approval of the Director of Law.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to proceed with the maintenance of the City's sewer and storm systems 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.

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JASON S. STEIN, Mayor  
President of Council

RESOLUTION NO. 123-2020 (MS)

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AMY HIMMELEIN  
Clerk of Council

PASSED:

**2021 AGREEMENT**  
**FOR**  
**SANITARY & STORM SEWER MAINTENANCE WITHIN THE**  
**CITY OF CLEVELAND HEIGHTS, OHIO**

This AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2020 (“Effective Date”), by and between the County of Cuyahoga, Ohio, a body corporate and politic and a political subdivision of the State of Ohio organized and existing under the Charter of Cuyahoga County effective January 1, 2010, as same may have been amended, modified, and supplemented to the effective date hereof (hereinafter referred to as “COUNTY”), on behalf of the Cuyahoga County Department of Public Works, and the **City of Cleveland Heights** (hereinafter referred to as “CITY”), a municipal corporation of the State of Ohio, pursuant to the authority of \_\_\_\_\_ No. \_\_\_\_\_ passed by City Council on \_\_\_\_\_, 2020..

**WHEREAS**, the entire territory within the limits of CITY is designated as County Sewer District 17; and

**WHEREAS**, CITY is serviced by sanitary and storm sewer systems; and

**WHEREAS**, CITY owns and operates certain sanitary and storm sewers, catch basins, manholes, culverts and storm water detention and retention basins located in the public right-of-way and in or along easements (hereafter referred to as the “City Sewers”) and any future improvements to the City Sewers or newly-constructed City Sewers may similarly be owned by the CITY; and

**WHEREAS**, CITY desires to retain the COUNTY to perform certain services relative to the City Sewers, as determined from time-to-time, to further advance CITY’s sanitary and storm sewer maintenance program as part of County Sewer District No.17; and

**WHEREAS**, CITY desires the COUNTY to direct bill the CITY for performing said services; and

**NOW THEREFORE**, it is agreed that in consideration of the covenants and agreements contained herein and the conditions enumerated below, CITY and COUNTY agree as follows:

**SECTION I. GENERAL CONDITIONS**

- A. This AGREEMENT shall supersede all other agreements heretofore made between the COUNTY and the CITY relative to the maintenance and repair of the City Sewers.
- B. By entering into this AGREEMENT, CITY agrees on behalf of its respective elected officials, officers, employees, subcontractors, sub-grantees, agents or assigns, to conduct this transaction by electronic means by agreeing that all documents requiring COUNTY signatures may be executed by electronic means, and that the electronic signatures affixed by the COUNTY to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. CITY also agrees to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the COUNTY.

- C. All COUNTY agreements, including this AGREEMENT, are subject to the Cuyahoga County Code and all applicable laws, resolutions, regulations, rules and policies of the COUNTY, including, but not limited to, Title 4 pertaining to Cuyahoga County Ethics and the Inspector General, and Title 5 pertaining to Cuyahoga County Contracting and Purchasing Procedures. The County Code is available on the County Council's web site at <http://council.cuyahogacounty.us/>. CITY agrees that the charter provisions and all ordinances, resolutions, rules and regulations of the COUNTY now or hereafter applicable shall be included in this AGREEMENT for all purposes.
- D. CITY represents and warrants that it is not subject to an “unresolved” finding for recovery under Ohio Revised Code Section 9.24.
- E. This AGREEMENT has been properly authorized pursuant to the required provisions of any and all charter provisions, ordinances, resolutions and regulations of the COUNTY and the CITY. The individuals signing on behalf of the parties to this AGREEMENT are authorized to execute this AGREEMENT on behalf of the COUNTY and the CITY. CITY recognizes and agrees that no public official or employee of the COUNTY may be deemed to have apparent authority to bind the COUNTY to any contractual obligations not properly authorized pursuant to the COUNTY’S Contracting and Purchasing Procedures.

## **SECTION II. STORM AND SANITARY SEWERS**

- A. Scope of Services:
  - (1) Upon written request from the CITY, the COUNTY agrees to provide the following storm and sanitary sewer system services (“Core Services”) to the CITY:
    - a. Mainline storm and sanitary sewer cleaning and televising; and
    - b. Maintenance and repair of mainline storm and sanitary sewers in the public right-of-way or public easements; and
    - c. Maintenance and repair of storm and sanitary sewer lateral service lines in the public right-of-way and public easements. COUNTY shall not be responsible for cleaning storm and sanitary sewer lateral service lines and lateral connections located on private property; and
    - d. Engineering Services; and
    - e. Pump Station Maintenance; and
    - f. Cleaning, maintenance and repair of catch basins and manholes; and
    - g. Construction Inspection; and
    - h. Emergency services such as sewer backups, breaks and other malfunctions of the City Sewers as described in paragraph 4; and
    - i. Inflow & Infiltration inspection.

The parties agree that the CITY may, by written submission, request additional services from the COUNTY in addition to the Core Services. The CITY agrees to pay the actual cost incurred by the COUNTY in providing such additional services.

- (2) Each request for Core Services from the CITY shall include all existing record plans, a map describing the area where the work is to be performed and a detailed scope of services.

- (3) In response to the CITY's request, the COUNTY will perform a field investigation and prepare a cost estimate for the Core Services described in the detailed scope of services submitted by the CITY. The COUNTY will bill the CITY for the actual number of hours expended for performing a cost estimate for each request. If the COUNTY determines that the request for Core Services necessitates additional work than originally estimated, the COUNTY will contact the CITY for further instruction on how to proceed. The COUNTY shall start performing the Core Services requested by the CITY upon receiving written approval from the CITY.
- (4) In addition to the Core Services, the CITY may request Emergency Services from the COUNTY, including, but not limited to, response to sewer backups, sewer breaks and other malfunctions of the City Sewers. In the event the CITY requires the COUNTY to perform Emergency Services, the CITY shall submit to the COUNTY a description of the scope of services for a specific location. COUNTY will make best efforts to respond within two (2) hours of receipt of a written or verbal request for Emergency Service, except in circumstances of extreme weather or other circumstances beyond its control. In any such circumstances that prevent the response by the COUNTY in this time periods, the COUNTY shall advise the the CITY verbally or in writing immediately and provide an alternative time for response.
- (5) The CITY shall be responsible for acquiring and paying for any and all permits, easements and rights of entry necessary for the construction, operation, maintenance and repair of City Sewers requested by the CITY to be performed by the COUNTY.

B. Term:

- (1) The initial term of this AGREEMENT shall begin on January 1, 2021 and expire on December 31, 2021, unless sooner canceled or terminated as permitted in this AGREEMENT.
- (2) The parties may exercise the option to renew this AGREEMENT for an additional term of twelve (12) calendar months thereafter if both parties so agree in writing.

C. Compensation:

- (1) In consideration for providing the Core Services, including performing preliminary field investigations and cost estimates, the CITY shall pay the COUNTY according to the rate structure set forth in the Hourly Rate Schedule, attached hereto and incorporated in this AGREEMENT as Exhibit A. The CITY agrees that the Hourly Rate Schedule applies only to Core Services performed by the employees of the COUNTY. All other Core Services performed by parties other than employees of the COUNTY will be billed for actual costs incurred.
- (2) In consideration for performing Emergency Services, the CITY shall pay the COUNTY on a time and materials/force account basis. In the event the emergency services are performed by parties other than employees of the Sewer Division, the CITY shall pay for actual costs incurred by the COUNTY.

- (3) The COUNTY shall provide detailed invoices to the CITY after completion of Core Services and emergency services, but no more frequently than monthly. The invoices shall provide a detailed explanation of the work completed, the time for completion, the hourly rate, or if a lump sum is agreed to, the agreed price.
- (4) The total amount to be paid by the CITY to the COUNTY for work performed under this AGREEMENT shall not exceed \$600,000.00 unless the CITY agrees in writing to additional compensation. COUNTY shall not provide any services under this agreement that would cause the contract amount for the year 2021 to exceed the maximum amount stated in this paragraph unless the CITY has agreed in writing to pay the additional compensation.
- (5) The CITY shall pay any invoice within thirty (30) days after receipt unless the CITY advises the COUNTY of any discrepancy in the invoice. Once any claimed discrepancy is resolved, the CITY shall pay within 30 days thereafter. No interest, fees, or charges shall be added to any invoice.

D. Termination and Suspension:

- (1) This AGREEMENT may be terminated by either party to the AGREEMENT upon thirty day (30) written notice. Any notice of termination shall be by certified mail, addressed to the person designated for receipt of notices in this AGREEMENT. Upon termination of the AGREEMENT, the CITY shall pay any and all outstanding expenses relating to the Core Services requested and authorized within thirty (30) days of the receipt of an invoice for such services.
- (2) If the CITY determines that there is any imminent risk to public safety or property, the CITY may suspend the work of the COUNTY immediately upon verbal or written notice and shall provide a written explanation of the suspension and steps needed to resume work.

E. Liability and Insurance

- (1) Each party assumes responsibility for its own acts, omissions, negligence and intentional acts that may cause damage or injury.
- (2) COUNTY shall have self-insurance or an insurance policy sufficient to cover the work of the COUNTY pursuant to this AGREEMENT. The CITY shall be named an additional insured on any policy of insurance and provided a certificate of insurance showing such additional insured status.

F. Independent Contractor

The COUNTY shall be considered an independent contractor, and its employees and the employees of COUNTY shall not be considered employees of the CITY.

G. Notices:

Any notices provided under this AGREEMENT shall be provided to the following, unless a party notifies the other party in writing of a change of contact:

- (1) For the CITY:  
Director of Public Works

40 Severance Circle  
Cleveland Heights, OH 44120

- (2) For the COUNTY:  
Director of Public Works  
Cuyahoga County Department of Public Works  
2079 East 9<sup>th</sup> Street  
Cleveland, Ohio 44115

H. Ownership and Construction of Sewers

- (1) The CITY owns and operates all City Sewers, as defined herein, within its municipal limits.
- (2) The CITY shall be responsible for the construction, extension or expansion of the City Sewers.
- (3) Before the CITY constructs, extends or expands any City Sewers, the plans shall be reviewed and approved by the CITY's Engineer. COUNTY shall review the plans, if requested by the CITY, per the established rate structure. The parties agree that the design for such work will be in accordance with the Uniform Standards for Sewage Improvements dated December 1998 and the County Rules and Regulations dated October 2010, and as such standards, rules and regulations may be hereafter amended.
- (4) Except as otherwise provided herein, any construction, extension or expansion of any sanitary and/or storm sewer main lines, catch basins, catch basin laterals, manholes, culverts and storm water detention and retention basins shall be paid for, permitted, performed, and inspected by the CITY. COUNTY shall inspect new work or construction, if requested by the CITY; COUNTY shall invoice the CITY for the costs of such inspection in accordance with the established rate structure.



**IN WITNESS WHEREOF**, authorized representatives of each party to this AGREEMENT, indicating their party's approval of the terms herein, have signed as of the dates set forth below.

**COUNTY OF CUYAHOGA, OHIO**

By: \_\_\_\_\_  
Armond Budish – County Executive

Date: \_\_\_\_\_

The legal form and correctness of the within instrument is approved.

Gregory G. Huth  
Law Director  
Cuyahoga County

By: \_\_\_\_\_  
Anka M. Davis  
Assistant Law Director

Date: \_\_\_\_\_

**CLEVELAND HEIGHTS, OHIO**

By: \_\_\_\_\_  
Susanna Niermann-O'Neil, Acting City Manager

Date: \_\_\_\_\_

The legal form and correctness of the within instrument is approved.

\_\_\_\_\_  
William R. Hanna  
Law Director  
City of Cleveland Heights

Date: \_\_\_\_\_



## EXHIBIT A

### 2021 HOURLY RATE SHEET

	<u>2020 RATE</u>
100 ADMINISTRATIVE	60.00
120 ENGINEERING - GENERAL SANITARY	120.00
124 ENGINEERING - GENERAL STORM	120.00
200 TV INSPECTION - SANITARY SEWERS	300.00
201 TV INSPECTION - STORM SEWERS	300.00
222 JETTING -HOUSE LATERALS	300.00
223 JETTING CATCH BASINS	260.00
225 JETTING - PS/WWTP: TANKS/WELLS	300.00
226 JETTING & VAC SAN	300.00
227 JETTING & VAC STORM	300.00
228 JETTING - OTHER	300.00
300 HOUSE LATERAL MAINTENANCE/LATERAL T.V.	275.00
400 I/I - METERING, SMOKE, DYE, MANHOLE	250.00
404 I/I - OTHER/ OUPS	150.00
406 I/I - METERING MONTHLY RATE - EQUIPMENT	150.00
500 CONSTRUCTION/REPAIR - SANITARY MAIN	390.00
501 CONSTRUCTION/REPAIR - STORM MAIN	390.00
502 CONSTRUCTION/REPAIR/LOCATE - SANITARY LATERAL, M.H, C.B	390.00
503 CONSTRUCTION/REPAIR/LOCATE - STORM LATERAL, M.H., C.B.	390.00
511 CONSTRUCTION/REPAIR - LANDSCAPING	390.00
512 CONSTRUCTION REPAIR - OTHER	390.00
513 CONSTRUCTION REPAIR - PUMPING ACTIVITIES	390.00
514 CONSTRUCTION REPAIR - FORCE MAIN	390.00
700 PS - O&M (1-MAN CREW)	150.00
702 PS - O&M (2-MAN CREW)	220.00
800 WWTP - O&M (1 MAN CREW)	150.00
802 WWTP - O&M (2 MAN CREW)	220.00
900 PERMITS/RECORDS	70.00
901 INSPECTION - GENERAL	70.00
902 INSPECTION - PRIVATE/COMMERCIAL	70.00
903 INSPECTION - HOUSE/V-MEASUREMENTS	70.00
906 INSPECTION - MAIN LINE CONSTRUCTION	70.00
STREET SWEEPING - CITY DISPOSAL	200.00
STREET SWEEPING - COUNTY DISPOSAL	300.00
MATERIAL LUMP SUM - CONSTRUCTION EXTRA ITEMS	COST



# CLEVELAND HEIGHTS

**Monday, October 19, 2020 Minutes**

**CITY COUNCIL**

9:22 – 10:07 p.m.

Mayor Stein presiding

Roll Call: Present: Dunbar, Russell, Seren, Stein, Ungar  
Excused: Hart

Staff present: Boland, Clinkscale, Freeman, Hanna, Himmelein, Lambdin, McRae, Mecklenburg, Niermann O’Neil, Smith, Trupo, Wong

Minutes from the City Council meeting held Monday, October 5, 2020, were approved with submitted edits.

**Personal communications received from citizens (via electronic mail)**

Amy Himmelein read a comment from Fatrina Nicholson, a new resident, concerning issues with tree maintenance plumbing, high taxes, and requesting help from the city.

Amy Himmelein read a comment from Rosa Kovacevich requesting a public meeting and vote for a seventh Council Member.

Amy Himmelein read a comment from David Robman asking if construction work is permitted on Sunday. Council Member Russell stated that Susanna Niermann O’Neil was looking into the answer to reply. Susanna Niermann O’Neil stated that the permit did say no work was permitted on Sunday, but it does not clarify if it’s the homeowner doing the work on his own property.

**Report of the City Manager**

Requested permission to issue a Request for Qualifications and Preliminary Development Proposals (RFQ/RFP) for a redevelopment plan of Cedar-Lee-Meadowbrook

**Matter of Record**

**Refer to:** Planning and Development Committee

Shredding day was well attended and ended early due to high attendance. The city was only able to get one truck from the company that does the shredding.

Susanna Niermann O'Neil gave an overview of the City Manager's report which may be read in full at <https://www.clevelandheights.com/DocumentCenter/View/8656/City-Council-Packet-October-14-2020?bidId=>.

### **Report of the Chief of Police**

Chief Mecklenburg provided an overview of the update during the Public Safety and Health Committee. Regarding the shots fired on Westover, that case has been solved. Detectives have been able to identify the suspect in the shooting – a 19-year old male resident of Cleveland Heights. He has been charged with two counts – discharging a firearm over a roadway and improper handling of a firearm in a motor vehicle. He is currently in the County Jail.

On October 6, 2020, there was a report of shots fired in the area of 895 Yellowstone. According to witnesses, a dark-colored sedan came off of Randolph, and while driving south on Yellowstone, the passenger held a gun out the window and fired several rounds. Nobody was injured in this incident, but one round did strike one of the houses. There are no suspects at this time.

On October 16, a woman was at the gas pumps at the Cedar Hill Sunoco and was approached by two teenage suspects armed with handguns who stole her vehicle. When she got some items from her car, one of the suspects pushed her in the chest and yelled profanities at her. One drove away in her car and the other left in the car they arrived in. The victim was not physically injured. The suspects are African American teenage men with a skinny build, one being taller than the other. They were both wearing dark clothing and one had a red accessory. They were both wearing masks to cover their faces. The victim's car was recovered within minutes on Chatfield and towed to our Police Department for processing. Fingerprint lifts were obtained and detectives are following up on one of the leads from the fingerprints.

There was a report of three gunshots fired on October 16 at 1650 Coventry. Officers responded and learned that the incident occurred 20 minutes prior to receiving the call. Two of the shots hit that residence and nobody was injured. There is nothing to indicate that the residents inside that home were targeted.

The Cleveland State University Diversity Institute contract was received. This includes an 8-hour training in cultural competence and implicit bias training, policy analysis, community engagement, data analysis of traffic stops, and recommendations for a civilian review board. It is currently being reviewed in the Law Department.

Council Member Russell stated that the Racial Justice Task Force applications are under review and will be reviewed at an upcoming Committee of the Whole. Once approved, they will be posted on the website.

### **Report of the Clerk of Council**

Notified Council that a notice has been received from the Ohio Department of Liquor Control advising that an application has been made by the following: 7 Eleven, Inc. dba 7

Eleven 36743H, 3983 Mayfield Rd., Cleveland Heights, Ohio 44121 for a C1 and C2 permit transfer to Star Beem LLC dba 7 Eleven 36743H, 3983 Mayfield Rd., Cleveland Heights, Ohio 44121

**Matter of Record**

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

Bill Hanna clarified that there is a standing cooperation agreement from this past April between the transferor and the City. The understanding is that the City would object to the transfer in order to enter into a subsequent cooperation agreement with 7 Eleven as the transferee. The motion to object is the missing piece for this to move forward on the administrative side.

Council Member Dunbar made a motion to object. Council Member Ungar asked for clarification of objecting now of referring it to a committee. Bill Hanna stated it could be done at either point in time. Council Member Ungar asked if there was some fact-finding. Bill Hanna offered to provide information to review and move it to a future meeting.

Council Member Dunbar withdrew the motion.

Amy Himmelein stated that the response must be postmarked by October 23.

Chief Mecklenburg stated the objection to the renewal of the permit based on several things including multiple disturbances, the robberies taken place, shots in the parking lot, overdoses in the parking lot and an incredible amount of theft from the store including from their coolers and alcoholic beverages and other items they place close to the door. So, she is requesting an objection to the renewal of the liquor permit. The Police met with the owners and entered into a cooperation agreement and they have since made some changes that have helped to keep the call volume at that store down. It is her understanding that if we objected again this time, then we could meet with the new owners of the liquor permit and enter into a cooperation agreement with them which would be very similar in nature to the one that is now in place.

Council Member Dunbar made a motion to object to the permit transfer. Council Member Ungar seconded the motion. Vice Mayor Seren stated he understands this is an important strategy to talk to these people and continue changes that have been implemented. Chief Mecklenburg stated that they are currently satisfactory and there has been some reduction in call volume. Vice Mayor Seren asked if there was a connection between their liquor license and the incidents that we have experienced at the location. Chief Mecklenburg stated there were some cited for underage sales and they worked with Liquor Control to have someone go in there and make an underage purchase to which they did sell to that person without ID. Personnel training was part of the settlement agreement including asking for ID for alcoholic purchases. Mary Dunbar clarified that the issue is that there is a new owner and the Police want to ensure that the new owner is going to continue to do what was agreed. Chief Mecklenburg stated that was basically it, keeping the same cooperation agreement in place. Bill Hanna agreed and stated this is known by the transferee and transferor. There was communication between the City Law Department

and their legal counsel in April enclosing a full existing cooperation agreement indicating the City would not therefore further pursue prosecution of the then existing objection, but that when the transfer application was filed, the City would advise City Council to object so that the same or similar agreement would be held with 7 Eleven. Vice Seren asked how a transfer would void a current cooperation agreement. Bill Hanna stated the current agreement was with the transferor. Council Member Russell asked for clarification. Bill Hanna stated the new owner was involved in the discussions that led to the initial cooperation agreement but were not yet the owner. It is 7 Eleven essentially operating and taking control again of the location. Some of the changes implement were hours of operation, location of the ATM, and how business is conducted concerning the locking of the facility between hours of 11:00 p.m. and 5:00 a.m.

Roll Call: Ayes: Russell, Seren, Stein, Ungar, Dunbar  
Nays: None

**Legislation Passed**

## **MUNICIPAL SERVICES COMMITTEE**

**RESOLUTION NO. 117-2020 (MS).** A Resolution authorizing the City Manager to enter into an agreement with Black and Veatch for professional consulting services in connection with the City's Sanitary Sewer Overflow Control Project and Sewer System Evaluation Survey

Introduced by Council Member Dunbar, Seconded by Vice Mayor Seren

Roll Call: Ayes: Seren, Stein, Ungar, Dunbar, Russell  
Nays: None

**Legislation Passed**

Council Member Dunbar stated the ADA crossings at corners are being completed throughout the city and she congratulated our Municipal Services Department for taking care of those.

## **PLANNING AND DEVELOPMENT COMMITTEE**

Council Member Ungar stated the Top of the Hill project is proceeding at pace and he urges any fellow City Council Members to drive past.

## **PUBLIC SAFETY AND HEALTH COMMITTEE**

**ORDINANCE 118-2020 (PSH).** An Ordinance authorizing the renewal of an agreement with the Cuyahoga County General Health District for the provision of public health services to the City and its residents; providing compensation therefor

Introduced by Council Member Ungar, Seconded by Council Member Russell

Roll Call: Ayes: Seren, Stein, Ungar, Dunbar, Russell  
Nays: None

**Legislation Passed**

Council Member Ungar stated a Public Safety and Health Committee Meeting was held. The Police Chief, Captain Britton, the City Manager, Mayor Stein, and Council Members Russell, Dunbar, and Ungar participated. They discussed what will need to happen to reduce violence and shootings in the City.

**ADMINISTRATIVE SERVICES COMMITTEE**

Vice Mayor Seren commented on the public comment by Rosa. He stated he had made this suggestion of holding a public conversation regarding a seventh Council Member before they went into Executive Session. He suggested rank-based voting is a method of compromise. He stated there are high-quality candidates. He stated having public scrutiny on the deliberation may be a good thing to spur the decision.

Vice Mayor Seren stated he scanned in the document at the County level that provides a lot of information about departments. He will send it out tonight to all Council Members.

**COMMUNITY RELATIONS AND RECREATION COMMITTEE**

Council Member Russell made a statement about Goldman Sachs and the 10,000 Small Businesses Program. She thanked Susanna for reaching out to local small businesses and stated this is part of an ongoing effort in getting small businesses to thrive and grow.

COVID-19 testing will take place at the Community Center on Wednesday, 9:00 a.m. to 3:00 p.m.

The Community Center will be open to voters for election day.

The Youth Council will be having a conversation about attendance at PEACE Park.

**FINANCE COMMITTEE**

**ORDINANCE NO. 106-2020 (F), *Second Reading***. An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,800,000 for the purpose of refunding certain of the City's outstanding Various Purpose Bonds, Series 2014, dated April 10, 2014

Introduced by Council Member Dunbar, Seconded by Council Member Ungar

Roll Call: Ayes: Ungar, Dunbar, Russell, Seren, Stein  
Nays: None

**Legislation Passed**

**ORDINANCE NO. 107-2020 (F), Second Reading.** An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,415,000 for the purpose of refunding certain of the City's outstanding Various Purpose Bonds, Series 2015, dated April 30, 2015

Introduced by Council Member Ungar, Seconded by Council Member Ungar

Roll Call: Ayes: Dunbar, Russell, Seren, Stein, Ungar  
Nays: None

**Legislation Passed**

**ORDINANCE NO. 108-2020 (F), Second Reading.** An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,375,000 for the purpose of refunding certain of the City's outstanding Various Purpose Bonds, Series 2016, dated April 27, 2016

Introduced by Council Member Ungar, Seconded by Council Member Russell

Roll Call: Ayes: Russell, Seren, Stein, Ungar, Dunbar  
Nays: None

**Legislation Passed**

**ORDINANCE NO. 109-2020 (F), Second Reading.** An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$7,150,000 for the purpose of refunding certain of the City's outstanding Building Improvement Bonds, Series 2017, dated July 20, 2017

Introduced by Council Member Ungar, Seconded by Council Member Russell

Roll Call: Ayes: Seren, Stein, Ungar, Dunbar, Russell  
Nays: None

**Legislation Passed**

**ORDINANCE NO. 110-2020 (F), Second Reading.** An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,065,000 for the purpose of refunding certain of the City's outstanding Various Purpose Bonds, Series 2017, dated May 10, 2017

Introduced by Council Member Ungar, Seconded by Council Member Russell

Roll Call: Ayes: Stein, Ungar, Dunbar, Russell, Seren  
Nays: None

**Legislation Passed**



**RESOLUTION NO. 119-2020 (F)**. A Resolution authorizing the City Manager to extend the agreement with James G. Zupka, CPA, Inc., with the approval of the State of Ohio Office of the Auditor, for audit services for the two fiscal years ending December 31, 2020, and 2021; providing compensation therefor

Introduced by Council Member Ungar, Seconded by Council Member Russell

Roll Call: Ayes: Ungar, Dunbar, Russell, Seren, Stein  
Nays: None

**Legislation Passed**

**Mayor's Report**

No report

**NEXT MEETING OF COUNCIL: MONDAY, NOVEMBER 2, 2020**

Respectfully submitted,

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Jason S. Stein, Mayor

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Amy Himmelein, Clerk of Council  
/jkc