
MEMORANDUM

TO: Members of Council
FROM: Tanisha R. Briley, City Manager
DATE: March 2, 2018
RE: March 5, 2018

MEETINGS & REMINDERS

Monday, March 5	-	3:00 p.m.	-	NOPEC Public Hearing
	-	6:00 p.m.	-	NOPEC Public Hearing
	-	6:15 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council Meeting
Tuesday, March 6	-	5:30 p.m.	-	Landmark Commission
	-	7:00 p.m.	-	Architectural Board of Review
Thursday, March 8	-	6:00 p.m.	-	Meet Your Police

LEGISLATION

1. Returning Cedar Lee SID 2018 Plan, *Second Reading*
2. Electric Aggregation, *Second Reading*
3. NEORSD easement
4. Wage and Salary Ordinance, *First Reading*

GENERAL INFORMATION

1. Enclosed are the Council Update and Agendas.
2. Enclosed is an update from the Vice City Manager.
3. Enclosed are updates from the Public Works Director.
4. Enclosed is an update from the Planning and Development Director.
5. Enclosed is an update from the Economic Development Director.
6. Enclosed is an update from the Parks and Recreation Director.
7. Enclosed is the weekly activity report from the Fire Chief.
8. Enclosed is the weekly activity report from the Police Chief.
9. Enclosed is the agenda for Landmark Commission.

TRB/jkw
Enclosures



COUNCIL UPDATE

MARCH 2, 2018

1. LEGISLATION

- **Cedar Lee SID 2018 Plan, Second Reading.** This legislation acknowledges receipt from the Cedar Lee Special Improvement District of a Plan for public services and improvements, and returning said Plan to the Board of Directors without comments or recommendations for changes.
- **Electric Aggregation, Second Reading.** This legislation approves the Plan of Operation and Governance for the Northeast Ohio Public Energy Council (“NOPEC”) Electricity Aggregation Program for the purpose of jointly establishing and implementing an electricity aggregation program.
- **NEORS D Easement.** This legislation authorizes the City Manager to convey an easement to the Northeast Ohio Regional Sewer District for the installation of the Dugway Regulators and Relief Sewers project on Superior Road at the border of Cleveland Heights.
- **2018 Wage & Salary Ordinance, First Reading.** This ordinance establishes salary schedules, position classifications and other compensation for officers and employees of the City. This ordinance is updated and adopted annually.

2. COUNCILMAN HOUSER

- I had an introductory meeting this week with County Councilman Houser to discuss the City’s current plans and needs. We plan to meet again in the near term to talk more specifically about programs.

3. CDC WORKING GROUP

- At our sixth and final meeting this week, the CDC Working Group came to agreement on the governance model, target areas, staffing, and activities for the CDC. The next step will include a full presentation of the group’s recommendations to the City Council at the March 26, 2018 Committee of the Whole meeting.



CLEVELAND HEIGHTS

Committee of the Whole

March 5, 2018

Agenda

1. Report of City Council Members 6:15 p.m. – 6:25 p.m.
Goal: Mayor and City Council members will provide updates on items of interest
2. Legislation Overview 6:25 p.m. – 6:35 p.m.
Goal: Discuss proposed legislation
3. Joint City Council/School Board Meeting 6:35 p.m. – 6:45 pm.
4. Council Priorities Discussion Pt. III 6:45 p.m. – 7:00 p.m.
Goal: Council will finalize 2018 -2019 Policy Priorities
5. Discussion of Staff Reports 7:00 p.m. – 7:10 p.m.
Goal: Council members will ask staff questions about their reports and/or activities
 - Public Safety Forum Update
6. Executive Sessions: 1) To discuss, with an attorney for the Public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim; 2) To consider the terms of a lease of City-owned real property 7:10 p.m. – 7:20 p.m.

TO: TANISHA R. BRILEY, CITY MANAGER

FROM: SUSANNA NIERMANN O'NEIL, ASSISTANT CITY MANAGER

RE: COMMUNITY OUTREACH UPDATE

DATE: MARCH 2, 2018

ELECTRIC AGGREGATION:

- There are 2 hearings on Monday, March 5th at 3:00pm and 6:00pm regarding the NOPEC Electric Aggregation program. These hearings were printed in the Plain Dealer and Sun Press and also posted on the City's homepage and calendar.
- NOPEC will provide us with opt out numbers for our City as soon as they are finalized. Also, there is a cap on the soc but it has not been reached and none of our residents who requested it were denied.

COMMUNITY MEETING WITH THE CHIEF:

- 186 residents attended the meeting on Wednesday night. All materials related to Safety and available support programs were made available (see attached the Good Neighbor and Community Safety Tips sheet). The Chief and her officers did a terrific job and the residents were very appreciative.

COMMUNICATION INITIATIVES:

- Top of the Hill article that ran in Crain's was the 2nd most read article for the week and the 3rd most read for the month – online (125K+ registered users). Thanks to the Trupo press release. Also, a press release went out on Meadowbrook and Lee.
- Webinars for staff: 1.) the power of social media for Government agencies 2.) Preparing a public dashboard for Master Plan progress (Envisio)

FACEBOOK/SOCIAL MEDIA:

- Facebook postings : The Community meeting with the Chief ; Boss Dogg article; Top of the Hill article; Kiwanis being restarted; Roxboro teacher being honored. Also these notices also go out on Twitter.
- Charter Review meetings are posted on Facebook, Homepage ; the email blast; Twitter; and with non profits.

Being a GOOD Neighbor

The City of Cleveland Heights has always encouraged neighbor-to-neighbor communication. Street meetings and block parties are held to strengthen that bond. Residents want to feel comfortable and safe living on their street. It is for this reason that the City offers the following reminders. Parents and guardians are asked to discuss the City ordinances listed below with their children.

CURFEW

Parents and guardians have the responsibility for enforcing curfew regulations. Those found guilty of curfew violations will be referred to Juvenile Court.

- Children under 12 may not be out on public streets, sidewalks, public parks or public grounds from the onset of darkness until 6:00 am.
- Youngsters between 12 and 15 cannot be out between 10:30 pm and 6:00 am.
- 16-17 year-olds may not be out between midnight and 6:00 am.
- Special curfew districts have been established in the Coventry Village and Cedar Lee commercial areas. No person under 18 may be on the public streets, sidewalks, public parks or public grounds in those districts between 6:00 pm and 6:00 am. For exceptions, call Community Relations at **291-2323** or visit **www.clevelandheights.com**.

FOR SAFETY'S SAKE

Playing games or walking in the street is both unsafe and a violation of the law!

ANIMALS

Dogs should be leashed at all times when they are outside, and owners must not permit the dog to bark or howl to the extent that it disturbs the peace. Owners must also remove all feces deposited by their pets on public or private property. All dogs must wear valid license tags issued by the county and available from the Cashier at City Hall.

LITTER

If you see litter in your neighborhood, please be a good neighbor and pick it up promptly. Be sure to remind your children not to discard candy wrappers and other litter around the neighborhood.



TRESPASSING

No person, without privilege to do so, shall enter or remain on the land of another. Children should be reminded to avoid trespassing on neighbors' lawns and yards, and to respect elderly residents on the street.

NOISE

Being a good neighbor means that we remember that our houses are close together and our neighbors may not want to hear the music that we play! Please be considerate when you play your stereo. Make sure that only you can hear the music, not the whole neighborhood.

Good neighbors must be aware of the Cleveland Heights ordinance that states that it is not permitted to make unreasonably loud noise (by voice, music, TV, etc.) of such intensity as to disturb the neighbors.

The sounding of any horn on any motor vehicle is in violation of this ordinance. Therefore, ask your visitors to ring your doorbell to announce their presence, rather than honk their car horns, which is annoying to your neighbors.

We want the lawns on our street to be mowed regularly, but you should be aware that the operation of a lawn mower within 300 feet of any dwelling before 7:00 am or after 9:00 pm is prohibited.



Community Relations - 216-291-2323
comrel@clvhts.com

COMMUNITY SAFETY TIPS

The City of Cleveland Heights has been recognized as one of the safest cities in which to live among cities of our size. Since it is always helpful to review ways to protect our property and ourselves, we offer the following tips:

IN ADDITION...

No person shall cause inconvenience, annoyance or alarm by preventing the movements of persons on a public street or sidewalk.

- **PLEASE BE SMART. REMEMBER TO LOCK YOUR DOORS AND WINDOWS.**
- **DO NOT LEAVE PURSES, CELL PHONES, ETC. IN PLAIN VIEW THROUGH YOUR WINDOWS.**
- **REMEMBER TO LOCK YOUR CARS AND KEEP CDS, PHONES, ETC. SECURED.**
- **USE LIGHTS EFFECTIVELY.** When you are going to be gone for any length of time, use clock-timers or a photo-electric relay to turn lights or your radio on and off and, of course, alter your lighting patterns.
- **WHEN GOING AWAY, ADVISE A TRUSTED NEIGHBOR OF YOUR ABSENCE.** Ask a neighbor to pick up your paper, mail and flyers. Make your home look lived in.
- **LEAVE OUTDOOR LIGHTS ON AT NIGHT.** Make sure the fixture is high enough and out of reach. However, be sure your lights do not reflect too much light on your neighbor's property.
- **KEEP SHRUBBERY TRIMMED TO A REASONABLE HEIGHT SO WINDOWS AND DOORS ARE VISIBLE.**
- **CLOSE AND LOCK GARAGE DOORS WHETHER AT HOME OR AWAY.** Lock car doors; keep your car in the garage.
- **PUT THINGS AWAY.** Don't leave articles on sidewalks, lawn or porch. Do not leave your bike unlocked and unattended, even in your driveway or on your porch.
- **WHEN NOT RIDING, LOCK YOUR BIKE WITH A CHAIN TO A PLACE WHERE IT CAN NOT BE LIFTED OVER A POLE.** Register your bike at City Hall.
- **IF YOU HAVE SLIDING GLASS DOORS, PUT A PIN THROUGH THE FRAME OR GRIP FOR EXTRA SECURITY.** Use wedges, pins or brass fittings to prevent windows from being opened above a certain height.
- **DON'T OPEN DOORS TO STRANGERS.**
- **BE ALERT FOR UNUSUAL ACTIVITIES. CALL THE POLICE.** The police want to hear from you no matter how minor you may think a situation. Report to police any suspicious activity. Call **321-1234**. Call **9-1-1** if an emergency situation.

The police do their job effectively because of the tradition of resident involvement and support. **Be a good neighbor.** Get to know one another – that way it is easier to spot an unusual occurrence.

For more suggestions on being a good neighborhood, see the other side!



COMMUNITY RELATIONS
216-291-2323



To: Tanisha Briley – City Manager
From: Alex Mannarino – Director of Public Works
Date: March 2, 2018
Subject: Public Works Weekly Report

Forestry:

- Tree Tracker work history from February 22, through February 28, 2018. In addition the Forestry Department also removed a large Oak Tree in Forest Hills Park
- YTD: Trimmed 46 trees, removed 22, and dumped 28 loads of woodchips and 11 loads of logs
- Crews were out last night responding to emergency calls as a result of the winter storm

Refuse:

- Transported 266.61 tons (18 loads) of refuse to Shiloh landfill and 33.96 tons (2 loads) to Harvard Transfer Station
- Transported 48.75 tons (6 loads) of mixed recycling to Kimble

Streets Maintenance:

- **Cold Patch:** Coventry (2070, 2268, 2324, 2436, 2365, 2127, 2248, 2257, 2334, 2324, 2440, 2444, 2448, at North Park, Colchester, Fairmount, Berkshire, E Overlook, 1833, 2069, Fairhill), North Park (Coventry to Chestnut hills, Lee to Coventry, 2691, 2607, at Roxboro, Grandview, 2383, 2321, 2289, 1839, 2961, 2949, 2925, 2917, 2873, 2865, 2855, 2845, 2821), Lee Rd (1832,1785, 1752, 1708, 1683, 2390, 2600, 2655, 2645, 2627, 2629, 2605, 2591, 2566), Superior (at Goodnor, 1468, 14556, Euclid Hts, Washington, 3535, 3553, 3576, Taylor, Mayfield, to East Cleveland line), Fairmount (2638, 3052, 3064, 3116, 3530, 3552, 3637, Taylor, Roxboro, 2423, 2579, 2521), Taylor (2 cutouts between Blanche and Berkeley), Euclid Hts (3431, 3395, 3305, 2933, 2499), Bainbridge (3684, 3696, 3714), Mayfield (2 cutouts by Hillcrest), Cedar (Hill), Demington (2219), Derbyshire (Edgehill to Kenilworth)
- **Miscellaneous:** Cleaned all salt/plow trucks, bullpen, and garage – pushing salt Thursday, Friday, Saturday, Monday,
- **Leaves:** 2990: E Overlook, Overlook (Kenilworth to Edgehill) – Dumps-2
- **Construction Crew:** 14416 Superior (sinkhole)
- **Hauling:** Grinding leaves, woodchips, hauling mulch (Midwest)
Tractor Trailers – 4 Dumps – 46 from Cemetery

- **Sweepers:** Lee Rd, Coventry, City Hall, Ring Rd
- **Snow Plowing:** Crews were out last night working diligently to keep the streets clear and safe.

MEMORANDUM

To: Tanisha Briley-City Manager
From: Alex Mannarino-Director of Public Works
Date: March 2, 2018
Re: Capital Projects Weekly Update

Cedar Road Resurfacing/Cedar-Fairmount Streetscape

No new updates

Mayfield Signalization

ODOT has received all of the necessary paperwork to sell the project. We anticipate that the sale date may be sooner than May 3rd.

Safe Routes to Schools – ODOT PID 101112

ODOT has provided stage 2 plan comments, and we are working with the engineer to address them.

#18-01 North Park – Buffered Bike Lane – ODOT PID 106001

We received bids for this project last Friday, and are currently awaiting a pre-award meeting with ODOT before an official award recommendation is made.

Edgehill and Overlook Intersection Re-Design – ODOT PID 106749

Stage 1 Plans are being reviewed by ODOT. We have received comments from the Ohio Historic Preservation Office regarding our submittal for site review, and are in the process of addressing them.

2018 Street Resurfacing Program

Currently finalizing the quantities for the program

2018 Surface Treating Program

Currently finalizing the quantities for the program

Dominion East Ohio

Woodview and Elbon PIR-1527

The contractor has not experienced any major setbacks.

Hyde Park PIR-2132

The contractor has not experienced any major setbacks.

MEMORANDUM

To: Tanisha Briley, City Manager
From: Richard Wong, Planning Director
Date: March 2, 2018
Subject: Weekly Update

Planning Commission

Due to lack of submissions, the March 14 Planning Commission meeting has been canceled.

Architectural Board of Review

Fawaky Burst's sign face replacements at the former Liquid Planet at the Heights Center Building were approved at a joint meeting of the Landmark Commission and ABR.

Yet another joint meeting will occur March 6 to review cell antenna changes at St. Paul's Church (Coventry and Fairmount) and Church of the Saviour (Lee and East Monmouth). Each joint meeting reduces an applicant's time burden. Staff is also evaluating ways to condense the number of other approvals.

On the March 6 agenda will be a 4'-high ornamental metal fence proposed along the front sidewalk at Taylor Road Synagogue. The synagogue's representative said the funds are from a Homeland Security grant.

Transportation Advisory Committee

Members' comments about a Complete and Green Streets policy will be incorporated into the next draft. Collette Clinkscale's expertise and comments were requested to make sure the policy's language addresses stormwater runoff retention opportunities of road projects.

The Edgehill Overlook intersection's plan from Osborn Engineering was reviewed. A \$100,000 NOACA grant will help fund this intersection's reconfiguration in 2019 to improve conditions for motorists, pedestrians and bicyclists. NOACA is going to choose demonstration projects that would be mocked-up using temporary materials. I hope to give them an easy decision by quantifying the types of temporary devices needed at Edgehill Overlook.



March 2, 2018

Cleveland Heights
Economic Development



To: City Manager Tanisha Briley
From: Economic Development Director Tim Boland
Subject: Activities Report – March 2, 2018

Activities and Initiatives:

1. Opportunity Zones

Staff has responded to all of the regional and state deadlines for information to nominate our eligible Census tracts for this program. States are permitted to nominate up to 25% of qualifying census tracts. Ohio has approximately 1,300 qualifying Census tracts, meaning the State may nominate up to 325 census tracts as Opportunity Zones to the Treasury Department. The State has emphasized that recent investment or planned investment in a Census tract will be a determining factor in the determination of what tracts will be selected.

Included in your packet is a map of eligible Census tracts and a summary of the Census tracts and narratives that have been submitted to the State as well as the County, First Suburbs and the Greater Cleveland Partnership.

Please know that Census tract 140301 has been designated as one of 23 “priority” tracts by the County Department of Development.

2. Outreach

Staff participated in or attended the following meetings this week:

- First Suburbs Development Council
- CDC Working Group
- Staff performed business outreach with businesses in the Cedar Taylor, Cedar Lee and Heights Rockefeller Districts resulting in referrals to the SBDC and discussion of the kinds of assistance the City has for small businesses.

3. City-Owned Development Projects

The City has received positive feedback on both of the current development projects involving City-owned properties. Crain’s indicated that the Top of the Hill article on the authorization to enter into the development agreement with Flaherty & Collins was their second most read online article of the week and third most read for the month. The Meadowbrook & Lee RFQ/RFP email blast to our list of developers had a 50% open rate within the first 24 hours and more than a third of those clicked on the link to view the RFQ/RFP.

Thank you,

Tim Boland

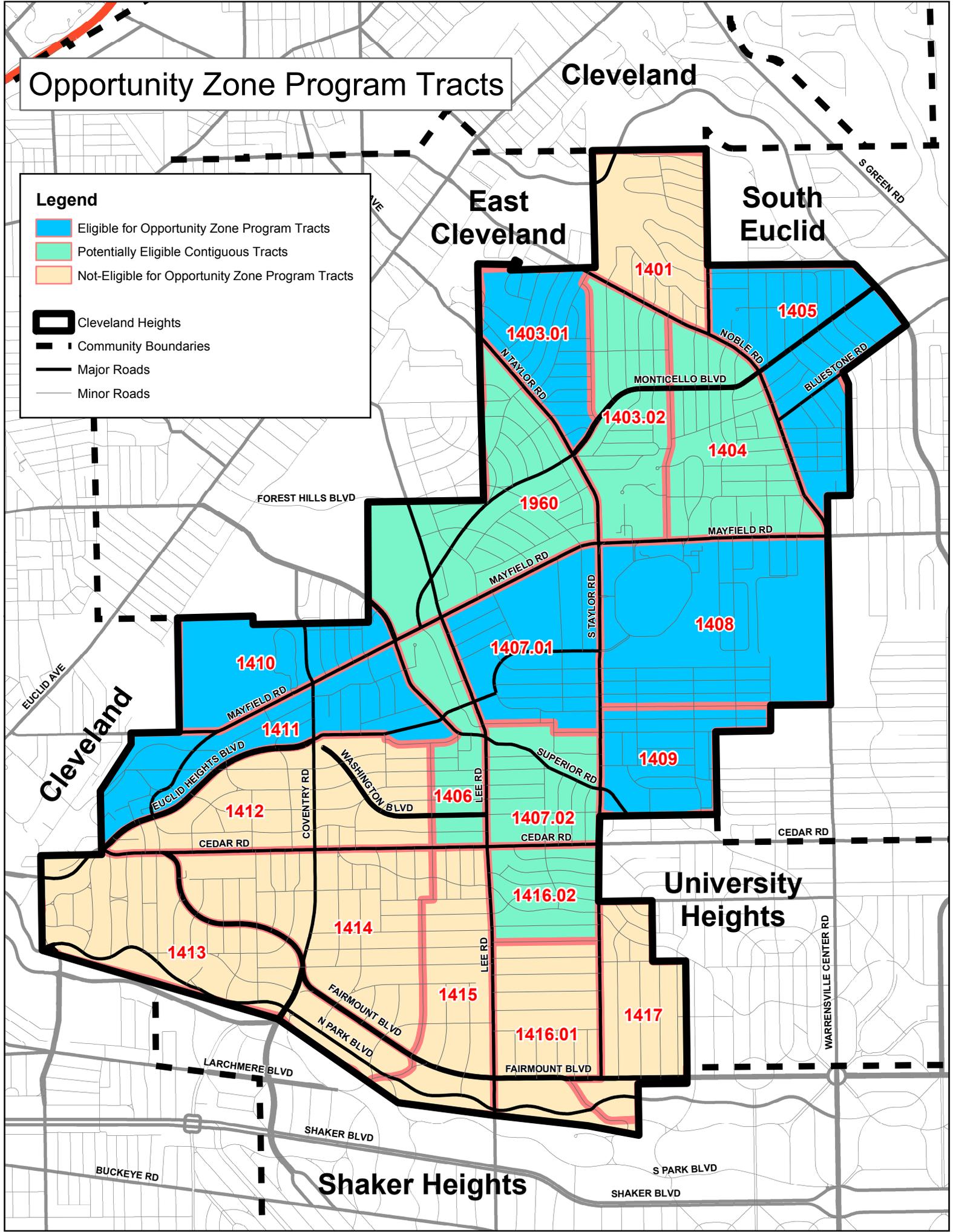
Economic Development Director

Opportunity Zone Program Tracts

Legend

- Eligible for Opportunity Zone Program Tracts
- Potentially Eligible Contiguous Tracts
- Not-Eligible for Opportunity Zone Program Tracts

- Cleveland Heights
- Community Boundaries
- Major Roads
- Minor Roads



City of Cleveland Heights Opportunity Zone Census Tracts

Qualifying Census Tracts

1. Tract Number: 140800

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

This Census tract includes Severance Town Center, which is the largest single commercial development in the City. The property has recently had a change in ownership, and the City recently completed a technical assistance project with HR&A through the National Resource Network to perform a market study and lay-out a redevelopment plan for the 40-plus acre Severance Town Center. The City has engaged the property owner on development of outparcels and repositioning of the existing retail center. Home Depot recently signed a 15-year extension of their lease providing a long-term retail anchor to pursue new investments. Recent investment in the Census tract includes \$12 million investment by MetroHealth to expand their facilities with the addition of a community hospital. The site is also the location of Cleveland Heights City Hall and a United States Post Office.

This Census tract has the largest potential for new investment in the City due to the amount of developable/redevelopable land at Severance Towne Center, location on a major transportation/commuter corridor (25,000 traffic count), and the anchors already in place (retail, residential, health, governmental). This site has the potential for significant new residential, retail, and commercial/office development.

With more than 200,000 of vacant commercial space, several outparcels and abundant parking, this site is well-positioned for new investment.

This Census tract is also part of a \$3 million traffic signalization project on Mayfield Road.

2. Tract Number: 140701

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

This Census tract is cited as a priority per the City's recently adopted Master Plan as a commercial and residential target area. The City's proposed Community Reinvestment Area update includes this area as a designated target reinvestment area. Additionally, these tracts have a concentration of city-owned vacant lots that the City would like to see in-fill housing on. At this time, the City is

planning the launch of a Community Development Corporation to more quickly bring properties to market and seek new investment.

This Census tract also incorporates the “Mayfield Innovation & Technology Corridor”, a stretch of Mayfield Road that the City is advocating for new office investment in the innovation, tech and creative clusters. Additionally, this Census tract includes part of the Cain Park Village Commercial District on Taylor Road and borders Census tract 140800, which includes Severance Town Center, the City’s top priority nominated Census tract.

This Census tract is also part of a \$3 million traffic signalization project on Mayfield Road.

3. Tract Number: 140500

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

This Census tract is cited as a priority per the City’s recently adopted Master Plan as a commercial and residential target area. The City’s proposed Community Reinvestment Area update includes this area as a designated target reinvestment area. Additionally, these tracts have a concentration of city-owned vacant lots that the City would like to see in-fill housing on. At this time, the City is planning the launch of a Community Development Corporation to more quickly bring properties to market and seek new investment.

Additionally, this Census tract includes parts of two commercial districts. The Noble-Monticello Commercial District has been targeted for Storefront Program investment and business development activities by the City. This Census tract was also part of the \$2.9 million Noble Road resurfacing in 2017.

4. Tract Number: 141000

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

This Census tract is cited as a priority per the City’s recently adopted Master Plan as a commercial and residential target area. The City’s proposed Community Reinvestment Area update includes this area as a designated target reinvestment area. Additionally, these tracts have a concentration of city-owned vacant lots that the City would like to see in-fill housing on. At this time, the City is planning the launch of a Community Development Corporation to more quickly bring properties to market and seek new investment.

This Census tract is also included in the “Mayfield Innovation & Technology Corridor”, a stretch of Mayfield Road that the City is advocating for new office investment in the innovation, tech and

creative clusters. This Census tract is also adjacent to the Coventry Village Commercial District, which includes a number of properties positioned for redevelopment. Located just up the hill from University Circle, this tract has the opportunity to see new investment from the growth coming out of those regional anchor institutions and the vibrancy of Coventry Village.

5. Tract Number: 140301

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

These Census tracts are cited as a priority per the City's recently adopted Master Plan. The City's proposed Community Reinvestment Area update includes this area as a designated target reinvestment area. Additionally, these tracts have a concentration of city-owned vacant lots that the City would like to see in-fill housing on. At this time, the City is planning the launch of a Community Development Corporation to more quickly bring properties to market and seek new investment. This is also across from the Nela Park Campus, headquarters for GE's lighting business. While GE's future is unclear at that campus, the site has the potential to be a major jobs hub due to the attractiveness and scale of the commercial real estate. This Census tract was also part of the \$2.9 million Noble Road resurfacing in 2017. This tract has also been identified as a priority Opportunity Zone Census tract by the Cuyahoga County Department of Development.

6. Tract Number: 140900

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

This eligible Census tract is adjacent Census tract to 140800, which is the City's top priority tract for the Opportunity Zone program. As such, it is a strategic tract as the City looks to drive investment at Severance Town Center. It also contains a portion of the Cain Park Village Commercial District where the City is in the process of acquiring tax delinquent property to facilitate redevelopment in that area.

7. Tract Number: 141100

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

This Census tract is cited as a priority per the City’s recently adopted Master Plan as a commercial and residential target area. This Census tract includes the Coventry Village Commercial District, which includes a number of properties positioned for redevelopment in addition to the strong commercial and residential base that already exists.

This Census tract is also included in the “Mayfield Innovation & Technology Corridor”, a stretch of Mayfield Road that the City is advocating for new office investment in the innovation, tech and creative clusters. Positioned just up the hill from University Circle, this tract is well positioned to see new investment from the growth coming out of those regional anchor institutions and the existing vibrancy of Coventry Village.

Contiguous Qualifying Census Tracts

1. Tract Number: 141602

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

This Census tracts borders the recently rehabbed Cleveland Heights High School (a \$100 million transformation). Additionally, Lee Road completed a \$3.5 million streetscape and resurfacing in 2016. Lee Road has seen eight new storefront businesses open since 2016.

Census tract 141602, as a contiguously eligible tract, will be nominated in conjunction with University Heights’ eligible Census tract 187103. In the last year, the City has directly invested \$310,000 in three businesses through our loan funds. This tract includes parts of the Cedar Lee and Cedar Taylor Commercial Districts.

This Census tract also contains a City-owned parcel that the City has released an RFP/RFQ to seek a developer for the site at the corner of Meadowbrook and Lee.

The City’s Master Plan also designates this as a commercial and residential target area.

2. Tract Number: 140702

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

This Census includes the recently rehabbed Cleveland Heights High School (a \$100 million transformation). Additionally, Lee Road completed a \$3.5 million streetscape and resurfacing in

2016. Lee Road has seen eight new storefront businesses open since 2016. Taylor Road is also scheduled for a resurfacing and streetscape project in the coming years.

Census tract 140702 also includes the “Taylor Tudor” buildings, which the City has begun taking possession of through tax foreclosure and will be seeking proposals to redevelop those three mixed-use parcels.

Census tract 140702, as a contiguously eligible tract, will be nominated in conjunction with University Heights’ eligible Census tract.

The City’s Master Plan also designates this as a commercial and residential target area.

3. Tract Number: 140400

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

This Census tract is cited as a priority per the City’s recently adopted Master Plan as a commercial and residential target area. The City’s proposed Community Reinvestment Area update includes this area as a designated target reinvestment area. This Census tract also includes a City-owned property slated for commercial/residential development and a 1.4 acre privately-owned vacant parcel fronting Mayfield Road that is for sale for commercial development. It is adjacent to Census tract 140800, designated as the City’s top priority tract for this program.

This Census tract is also part of a \$3 million traffic signalization project on Mayfield Road and the \$2.9 million Noble Road resurfacing in 2017.

4. Tract Number: 140302

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

This Census tract is cited as a priority per the City’s recently adopted Master Plan as a residential target area. The City’s proposed Community Reinvestment Area update includes this area as a designated target reinvestment area. Additionally, these tracts have a concentration of city-owned vacant lots that the City would like to see in-fill housing on. It is adjacent to Census tract 140301, identified by Cuyahoga County as a priority Census tract.

This Census tract is also part of a \$3 million traffic signalization project on Mayfield Road and the \$2.9 million Noble Road resurfacing in 2017.

5. Tract Number: 196000

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

These Census tracts are cited as a priority per the City's recently adopted Master Plan as a commercial and residential target area. The City's proposed Community Reinvestment Area update includes this area as a designated target reinvestment area. Additionally, these tracts have a concentration of city-owned vacant lots that the City would like to see in-fill housing on.

These Census tracts also incorporate the "Mayfield Innovation & Technology Corridor", a stretch of Mayfield Road that the City is advocating for new office investment in the innovation, tech and creative clusters.

6. Tract Number: 140600

City: Cleveland Heights

County: Cuyahoga

Activity in tract that demonstrates location is ready for more investment:

Census tract 140600 borders the recently rehabbed Cleveland Heights High School (a \$100 million transformation). Additionally, Lee Road completed a \$3.5 million streetscape and resurfacing in 2016. Lee Road has seen eight new storefront businesses open since 2016.

The City has also committed \$50,000 to assist a new business in this Census tract using the SBA Performance Grant program that the City has partnered with the County to launch.

The City's Master Plan also designates this as a commercial and residential target area.

Memorandum

To: Tanisha Briley, City Manager
From: Joseph P. McRae, Parks and Recreation Director
Subject: Parks and Recreation Department Update
Date: March 2, 2018

Please find a brief summary of the Parks and Recreation Department announcements and activities attached for your review:

General Announcements

- The American Red Cross will hold a blood drive on Monday, March 12 from 2-7pm.
- Spring recreation program registration begins Monday, March 5.
- Spring community swimming at the Cleveland Heights High School indoor pool begins Monday, March 5.
- The Community Center North Ice Rink will close for a comprehensive refrigeration system upgrade on March 19, 2018. The scope of work includes a new ammonia based ice system as well as a new dehumidification and heating system. The project is scheduled to be completed by late August. The South Ice Rink will remain up through the end of April.

Senior Center Programs

- The AARP tax preparers continue with weekly tax preparation appointments.
- Third Federal Bank held a seminar on exploitation and investment fraud.
- The monthly meetings of the pot luck and book discussion groups were held.
- The Forward Movement Project held a meeting at the Senior Center. It is a project of the Case Comprehensive Cancer Center Community Advisory Board to learn about the health care needs of the community from the community. Refreshments were provided by the group and an interesting discussion followed.
- Staff attended a CARE meeting and an Eastside Senior Center Directors meeting.



Cleveland Heights Fire Department

Weekly Activity Report

Total Emergency Calls Year To Date 1,168

Total Emergency Calls for Period 148

Report Date Period: 02/23/2018 - 03/02/2018

Fire Data

	<u>Current Period</u>	<u>Year to Date</u>	<u>Last Year to Date</u>	<u>Current Year % of Run Count</u>
Emergency Fire Run Count	33	247	180	21.59 %
Emergency Structure Fire Count	1	15	13	
Emergency Non Structure Fire Count	32	231	165	
Emergency Vehicle Fire Count		1	2	

Emergency Medical Data

Total Emergency Run Count	115	921	875	78.41 %
Emergency Medical Run Count	114	894	850	
Automobile Accident Run Count	1	27	25	
Advanced Life Support Run Count	27	243	249	
Basic Life Support Run Count	87	670	625	
Total EMS Transports	82	634	580	
Total EMS Non Transports	22	229	257	

Mutual Aid Run Count to Date

Mutual aid received	SEFD A - 8 SHFD A - 5 ECFD A - 0 UHFD A - 8
Mutual aid given	SEFD A - 10 SHFD A - 7 ECFD A - 8 UHFD A - 2
Automatic aid received	SEFD A - 1 SHFD A - 4 ECFD A - 1 UHFD A - 2
Automatic aid given	SEFD A - 0 SHFD A - 4 ECFD A - 0 UHFD A - 0

Fire Prevention Bureau

	<u>Current Period</u>	<u>Year to Date</u>
Total Completed Fire Inspections	11	115
Company Fire Inspections		
Fire Prevention Fire Inspections		4
Fire Alarm Test Inspections		
Kitchen Supression Test Inspections		
Sprinkler Test Inspections		
Other Inspections	11	111
Smoke Detectors Distributed	3	38

CITY OF
**CLEVELAND
HEIGHTS** 

DEPARTMENT OF POLICE

ANNETTE M. MECKLENBURG, CHIEF

40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118 – Telephone 216-291-4974

MEMORANDUM

To: Tanisha R. Briley, City Manager

From: Annette Mecklenburg, Chief of Police

Date: March 2, 2018

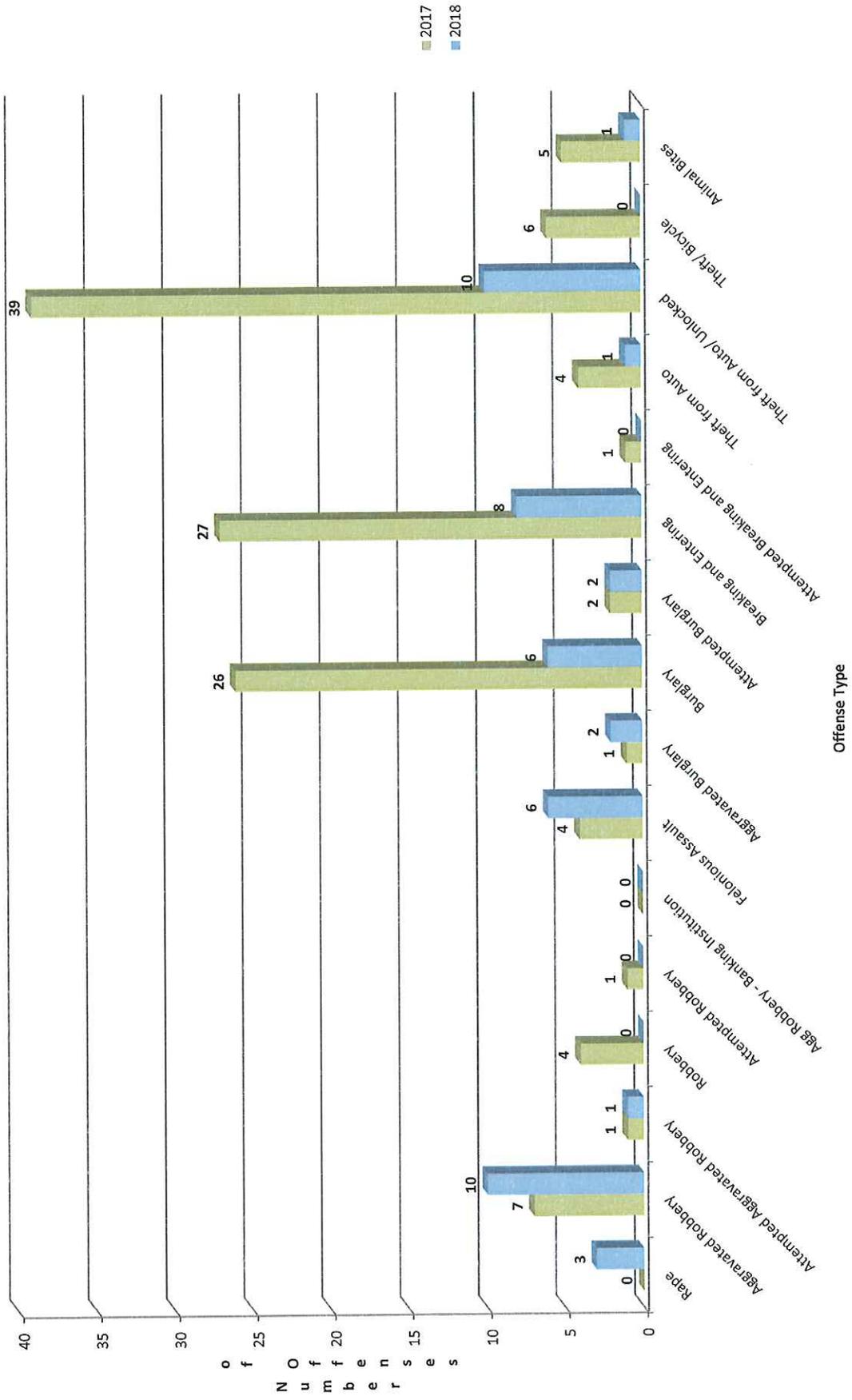
Subject: Weekly Update

On the afternoon of February 27th, a large fight broke out in the area of Cleveland Heights High School. Around 2:20 pm, the time of school dismissal, a scheduled fire drill was conducted and students exited the school. While outside on Washington Blvd. Officers were made aware of fights beginning to take place, Shortly thereafter numerous students began running to the area of Marlindale and Washington and several females began fighting. This activity continued to escalate and all CHPD officers working responded to the area, and mutual aid was received from University Heights PD and South Euclid PD to help clear out the hundreds of students in the area. Officers arrested 15 female juveniles for Aggravated Rioting. One of the females were also charged with Assault on a Police Officer. One adult female, the mother of three of the juvenile females, was also arrested and charged with Aggravated Rioting and Inciting Violence after evidence was discovered that implicated her in this incident. Four of the females were transported to the Cuyahoga County Juvenile Detention Home. Two of the females were treated for minor injuries.

On the evening of February 28th, a Community Meeting to discuss safety was held at the Community Center from 7:00 pm to 9:00 pm. Approximately 186 residents attended the meeting. Overall the response from the residents was positive and they were very appreciative of being kept informed on safety issues. Several residents asked questions and a few brought up concerns about activity in their neighborhoods. The Police Department has begun addressing these concerns and will continue to maintain contact with the residents until they are resolved. A big thank you to everyone who supported and helped organize this event.



Crime Comparison:
January 1 - March 1, 2017 Compared to January 1 - March 1, 2018





CLEVELAND HEIGHTS

MEMORANDUM

TO: Landmark Commission Members, Staff and Interested Parties
FROM: Kara Hamley O'Donnell, Historic Preservation Planner
DATE: February 28, 2018
RE: Notification for March meeting

A regular meeting of the Cleveland Heights Landmark Commission is scheduled for:

Tuesday, March 6, 2018
6:00 p.m.
Executive Conference Room, Cleveland Heights City Hall
40 Severance Circle, Cleveland Heights

A G E N D A

1. Call to order
2. Minutes of the January 3, 2018 Regular Meeting
3. Minutes of the February 6, 2018 Special Meeting
4. Minutes of the February 22, 2018 Special Meeting
5. Staff report
6. Old Business
 - *Master Plan/CLG/Landmark Ordinance*
 - *Lanphear-Callander Sears House, 3402 Ormond Road*
 - *Potential Landmarks*
 - *Amos N. Barron House, 2233 Devonshire Road*
 - *Werk House, 2956 Washington Boulevard*
 - *952 Woodview Road*
 - *Harry Payer House, 2420 Derbyshire Road*
 - *Gill-Herget House, 2178 Harcourt Drive*
 - *Landmark properties update*
 - *Preservation activities & lectures*
 - *CH-UH Archives group/Cleveland Memory/Cleveland Historical*
 - *National Register of Historic Places, district updates*
 - *Development updates*
 - *Landmark Commission research/write-up on Landmarks/historic districts*
7. New Business (Joint meeting with Architectural Board of Review)
 - St. Paul's Episcopal Church, 2747 Fairmount Boulevard, requests to replace 3 antennas on steeple, changing appearance.
 - Church of the Saviour, 2537 Lee Road, requests to replace 3 antennas on steeple, changing appearance.
8. Adjournment



CLEVELAND HEIGHTS

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

Monday, March 5, 2018
Regular Meeting
7:30 p.m.

Cleveland Heights City Hall
40 Severance Circle
Cleveland Heights, Ohio

- 1) Roll Call of Council Members
- 2) Excuse absent members
- 3) Approval of the minutes of the regular Council meeting held Tuesday, February 20, 2018.
- 4) Personal communications from citizens
- 5) Report of the City Manager
- 6) Report of the Director of Finance/Clerk of Council
- 7) Committee Reports

a.) **FINANCE COMMITTEE**

RESOLUTION NO. 9-2018 (F), Second Reading. A Resolution acknowledging receipt from the Cedar Lee Special Improvement District of a Plan for public services and improvements, and returning said Plan to the Board of Directors without comments or recommendations for changes

Introduced by Council Member _____

Vote	_____	_____	_____
	For	Against	No. Reading

- b.) **HOUSING AND TRANSPORTATION COMMITTEE**
- c.) **PLANNING AND DEVELOPMENT COMMITTEE**
- d.) **RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE**
- e.) **SAFETY AND MUNICIPAL SERVICES COMMITTEE**

**AGENDA (tentative) CITY OF CLEVELAND HEIGHTS
MONDAY, MARCH 5, 2018**

ORDINANCE NO. 11-2018 (SMS), *Second Reading.* An Ordinance approving the Plan of Operation and Governance for the Northeast Ohio Public Energy Council (“NOPEC”) Electricity Aggregation Program for the purpose of jointly establishing and implementing an electricity aggregation program

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 14-2018 (SMS). An Ordinance authorizing the City Manager to convey an easement to the Northeast Ohio Regional Sewer District for the installation of the Dugway Regulators and Relief Sewers project on Superior Road at the border of Cleveland Heights

Introduced by Council Member _____

Vote _____
For Against No. Reading

f.) ADMINISTRATIVE SERVICES COMMITTEE

ORDINANCE NO. 15-2018 (AS), *First Reading.* An Ordinance establishing salary schedules, position classifications and other compensation, and benefits for officers and employees of the City

Introduced by Council Member _____

Vote _____
For Against No. Reading

8) Mayor’s Report

9) Adjournment

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

NEXT MEETING OF COUNCIL: MONDAY, MARCH 19, 2018

Proposed: 2/20/2018

RESOLUTION NO. 9-2018 (F)

Second Reading

By Council Member Ungar

A Resolution acknowledging receipt from the Cedar Lee Special Improvement District of a Plan for public services and improvements, and returning said Plan to the Board of Directors without comments or recommendations for changes; and declaring an emergency.

WHEREAS, by Resolution No. 125-2003, this Council approved the formation of the Cedar Lee Special Improvement District (“Cedar Lee SID”); and

WHEREAS, this Council previously approved and levied assessments for five-year public services/improvements plans for the Cedar Lee SID; and

WHEREAS, the most recently approved Plan and assessments expire this year; and

WHEREAS, the Board of Directors of the Cedar Lee SID have adopted a proposed public services and improvements Plan for the next five (5) years and submitted it to this Council and the City Manager for their comments and recommendations pursuant to Ohio Revised Code Section 1710.06; and

WHEREAS, this Council and the City Manager have reviewed said Plan and have no comments or recommendations for changes regarding same.

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

SECTION 1. This Council hereby acknowledges receipt, on its behalf and on behalf of the City Manager, of the proposed five-year public services and improvements plan for the Cedar Lee Special Improvement District, as adopted by the Board of Directors of the Cedar Lee SID (a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference). Said Plan is hereby returned to the Cedar Lee SID, pursuant to Ohio Revised Code Section 1710.06, without comments or recommendations for changes.

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 permit the services of the Cedar Lee SID to continue without interruption and to meet statutory deadlines.

RESOLUTION NO. 9-2018 (F)

Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

Exhibit A

Plan of Services To be provided by Cedar Lee Special Improvement District

Forward

Chapter 1710 of the Ohio Revised Code, effective September 1994, provides that owners of sixty percent (60%) of the front footage of an area can petition to create a Special Improvement District (SID). The SID is a non-profit corporation, governed by trustees elected by the property owners (one of which is the City Executive and his/her designee and one appointed by City Council) of an area /district, to provide specially desired services such as marketing, beautification/maintenance, economic development and physical improvement planning services. These services are set forth in "The Plan of Services" and are in addition to services normally provided by the City.

Property owners representing at least sixty percent of the front footage of the Cedar Lee Special Improvement District (which is herein defined) are petitioning the Council of the City of Cleveland Heights for the continuance of the Cedar Lee Special Improvement District (the "District") and for approval of the Plan of Services for Cedar Lee Special Improvement District.

The Plan of Services seeks as its overall goal to maintain and to enhance the economic viability of the Cedar Lee District. To that end, it provides for marketing, beautification/maintenance, economic development, safety/security initiatives and physical improvement planning services.

The Services

The services to be provided by the Cedar Lee Special Improvement District, as part of the plan are listed below as types of activities to be undertaken. These are given as representative samplings. The intent is not to limit the services to those specifically described or bind services to this initial conceptual schedule. This plan authorizes all activities as permitted under Ohio Revised Code Section 1710.06 (A).

The Cedar Lee Special Improvement District will provide the professional management to deliver the services in the district. The managed services will be overseen by the thirteen member Board of Directors of the SID consisting of 11 members elected by the property owners, one appointee by City Council and the City Manager.

Marketing Objectives

Marketing efforts will target NE Ohio

Promote the district as a destination for retail, services, dining, nightlife, art & theater

Maintain a district web site and utilize Facebook & Twitter to engage consumer audiences

Produce promotional materials such as brochures and e- newsletters

Present marketing & promotional events that highlight the district and its amenities

Keep merchants abreast of area-wide marketing and promotional opportunities

Beautification and Maintenance

Coordinate the delivery of maintenance services by independent contractors

Oversee seasonal plantings, watering and care

Seasonal snow removal service

Sidewalk sweeping and litter removal; multiple weekly schedule

Supplemental Security

Work in partnership with City of Cleveland Hts. Police department to address crime prevention and safety awareness

Provide crime advisories to the merchants

Physical Improvements

Redefined green space, pedestrian amenities & wayfinding signage

Cost

The costs of the Plan of Services shall include those permitted pursuant to the Ohio Revised Code, Section 1710.07 The annual cost of the Plan of Services is budgeted at \$155,888.00 for each of the five years of the plan and will be generated by property owners' assessments.

Area to be Served:

- *Lee Road, on the west side from Superior Road to and including Parcel No. 686-13-049*
- *Lee Road, on the east side from Dellwood Road to Cedar Road*

- *Lee Road, on the east side from Washington to Superior Road*
- *Silsby Road, on the north side Parcel No. 687-08-012*
- *Silsby Road, on the south side from Lee Rd. to and including Parcel No. 687-08-080*
- *Cedar Road, on the north side Parcel Nos. 684-22-019 and 684-22-020*
- *Cedar Road, on the south side from Edgewood to Kildare*

A map showing the area is attached as the last page of this Plan of Services and incorporated herein.

Method of Assessment

The assessments to be used by Cedar Lee Special Improvement District shall be by Market Value as determined by the Cuyahoga County Fiscal Officer.

The assessment will be collected in semi-annual

Term of the Plan

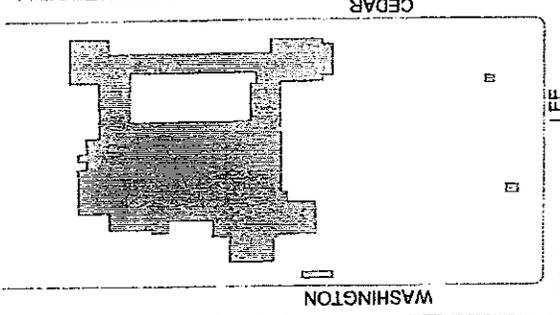
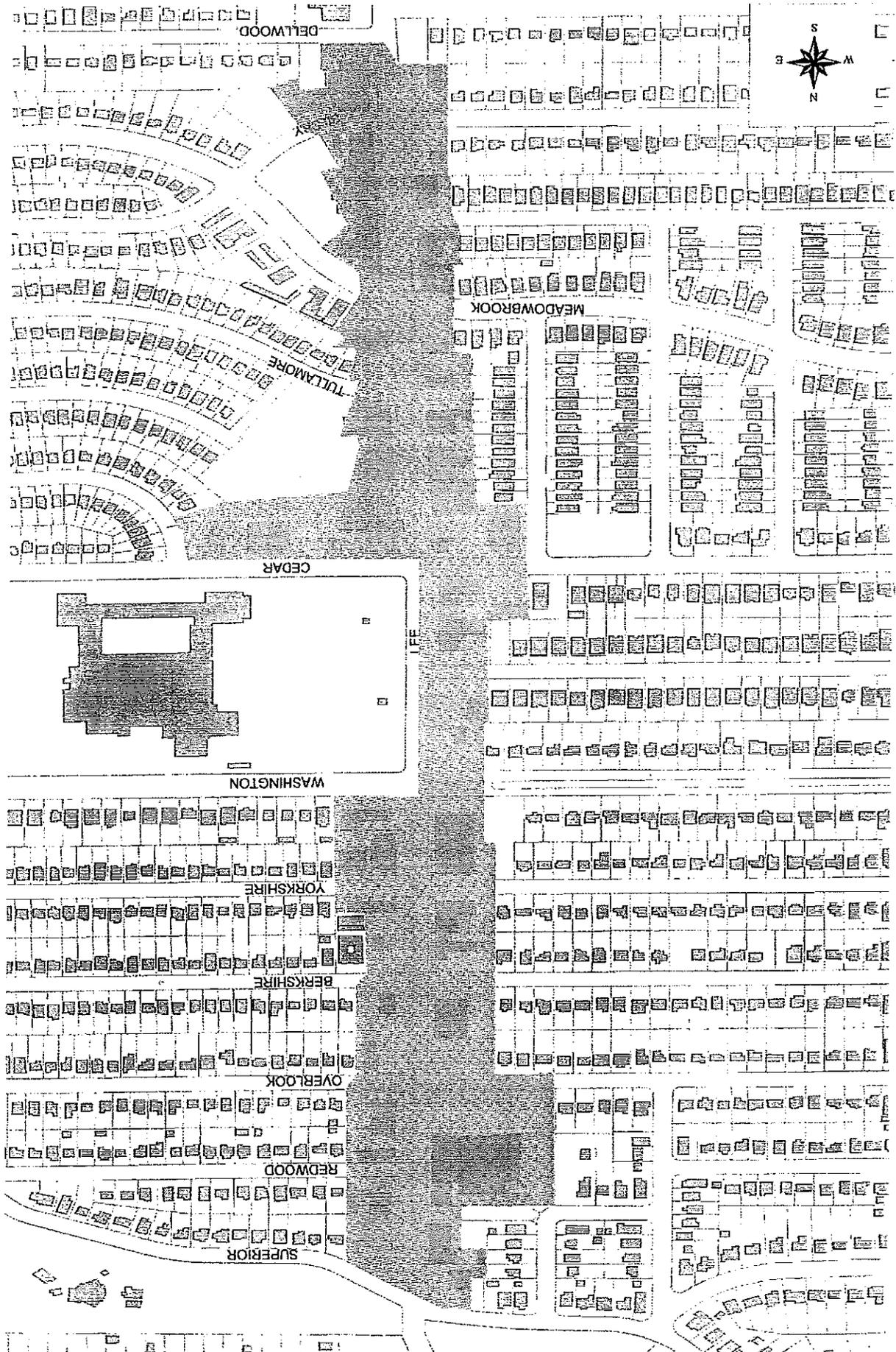
The term of the Plan of Services shall be for **five (5) years** from **October 2018 through September of 2023**. Services will be provided during the same term. The commencement date may be adjusted by the Board of Directors by up to six (6) months later as necessary to give flexibility in meeting all requirements as provided in Chapter 1710 of the Ohio Revised Code and/or as necessary to provide for funds collection and cash flow to commence operations.

Period of Assessment

The term of assessment levied by the district shall be for five years from October 2018 – September of 2023. It may also be adjusted by the Board of Directors as stated above under Term of Plan.

Annual and 990 Report

The Treasurer of the Board of Directors shall submit by the first day of March each year to the City of Cleveland Heights, Finance Director and /or City Manager, a report of the Cedar Lee Special Improvement District's activities and financial condition for the previous year. An annual report will also be submitted to the City of Cleveland Hts. and will be submitted to the Ohio Auditor of State office for public view.



CLSID 2018 - 2023 Renewal Budget

Income

Assessments	\$ 145,888	
Residual Prior Year	10,000	
Total Income		\$ 155,888

Expenses

Accounting	\$ 4,000	
Administrative - General	3,600	
Bank Charges	48	
BOD Liability Insurance	2,000	
Donations	1,500	
Legal	1,500	
Meetings	500	
Memberships	180	
Postage and Supplies	360	
Tax Filing Fees	300	
Training	500	
Total Administration		\$ 14,488

Maintenance

Administrative-Maintenance	\$ 11,210	
Landscape Maintenance	11,000	
Snow Removal	11,000	
Street Cleaning	19,800	
Watering	12,500	
Supplies	400	
Total Maintenance		\$ 65,910

Marketing

Administrative - Marketing	\$ 24,390	
Advertising	5,000	
Web page	1,000	
Newsletter	300	
Brochures	2,000	
Total Marketing		\$ 32,690

Promotional Events

Fall Promos	\$ 2,600	
Summer Promos	5,000	
Winter Promos	1,200	
Total Promos		\$ 8,800

Proposed: 2/20/2018

ORDINANCE NO. 11-2018 (SMS),
Second Reading

By Council Member Yasinow

An Ordinance approving the Plan of Operation and Governance for the Northeast Ohio Public Energy Council (“NOPEC”) Electricity Aggregation Program for the purpose of jointly establishing and implementing an electricity aggregation program; and declaring an emergency.

WHEREAS, this Council previously enacted legislation authorizing the City to establish an electricity aggregation program pursuant to Section 4928.20, Ohio Revised Code (the “Electricity Aggregation Program”), for the residents, businesses and other electric consumers in the City, and for that purpose, to act jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, in November 2000, the electors of the City approved the City’s authority to automatically aggregate electricity in accordance with Ohio Revised Code Section 4928.20; and

WHEREAS, by joining the Northeast Ohio Public Energy Board, the City will be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of electricity deregulation through group purchasing efforts; and

WHEREAS, this Council, pursuant to Section 4928.20 has held two (2) public hearings on the Plan of Operation and Governance for the NOPEC Electricity Aggregation Program.

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

SECTION 1. This Council hereby approves and adopts the Plan of Operation and Governance of the Northeast Ohio Public Energy Council (“NOPEC”) Electricity Aggregation Program, attached hereto as Exhibit A.

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

SECTION 3. This Ordinance 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 maximize the potential benefits of electric deregulation through the NOPEC Electricity Aggregation Program, as provided herein. 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.

ORDINANCE NO. 11-2018 (MS)

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

EXHIBIT A

Northeast Ohio Public Energy Council

**ELECTRIC PLAN OF OPERATION &
GOVERNANCE**

For Member Communities

Amended 11/14/17

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Purpose of the Plan of Operation and Governance

This Plan of Operation and Governance (the “Plan”) has been prepared by the Northeast Ohio Public Energy Council (“NOPEC”) on behalf of its approximately 220 member communities in compliance with Ohio law regarding government aggregation of electric consumers (the “Aggregation Program”). The Plan contains information on the structure, governance, operations, management, funding, and policies of the Aggregation Program to be utilized for participating customers in member communities.

NOPEC’s purpose in preparing this Plan is to describe the uniform approach to a customer Aggregation Program undertaken by its member communities. Through NOPEC, the member communities seek to represent consumer interests in competitive markets for electricity. NOPEC seeks to aggregate customers to negotiate the best rates available for the supply and distribution of electricity and to advance consumer protection for all eligible residents, schools, churches, businesses and industries, and governmental entities. NOPEC acts as agent for its member communities and oversees managerial, technical, and financial resources to acquire service and financial guarantees sufficient to protect customers and the electric distribution utility.

Combining consumer interests of the NOPEC member communities increases leverage, resources, and buying power of participating customers in member communities. The Aggregation Program contains two types of aggregations, an Opt-Out Aggregation Program and an Opt-In Aggregation Program. Under the Opt-Out Aggregation Program, participation is voluntary for each individual customer in a member community. Individual customers will be notified of their inclusion in the Opt-Out Aggregation Program and will have the opportunity to decline service. The customers may choose any electric supplier they wish at the outset of the program and at least every three years thereafter. New member communities shall have the opportunity to join NOPEC.

Under the Opt-In Aggregation Program, NOPEC offers customers who live in NOPEC member communities the ability to join the Opt-In Aggregation Program upon their affirmative consent. Customers who want to participate in NOPEC’s Opt-In Aggregation Program can contact the Supplier (defined below) to enroll. Supplier and NOPEC also may contact individuals in NOPEC member communities regarding opt-in opportunities.

NOPEC and Supplier may offer customers more than one product during the Opt-Out Aggregation process and also during the Opt-In Aggregation process. NOPEC also may endorse any competitive retail electric service supplier to offer within NOPEC’s member communities products that are not included in the Aggregation Program (“Endorsement Program”).

The Plan was adopted after public hearings were held in accordance with Section 4928.20(C) of the Ohio Revised Code, and modified in accordance with paragraph 2.5.4.7 of the Plan.

1.0 Overview

1.1 Ohio Law

1.1.1 Senate Bill 3

Ohio law enacted in 1999 allows for competitive purchase of retail power supply. Section 4928.20 of the Ohio Revised Code (“R.C.”) allows municipalities, townships, and/or counties to develop governmental aggregation programs allowing consumers in those communities to join together and utilize their combined purchasing power to competitively acquire firm all-requirements retail electric supply. Communities undertaking development of this option are known as “government aggregators.” This law allows communities acting as government aggregators to join together and combine their resources for development and implementation of an Aggregation Program.

The law contains several requirements for government aggregators. One general requirement is to develop a plan of operation and governance for the aggregation program. The plan of operation and governance is subject to review by citizens in communities undertaking government aggregation, and is also subject to approval and certification by the Public Utilities Commission of Ohio (“PUCO”). The Plan describes the Aggregation Program to be utilized for participating customers in NOPEC communities.

1.1.2 Senate Bill 221

In 2008, Ohio enacted Senate Bill 221, which updated and overhauled Ohio’s public utility laws, and provided special protections to governmental aggregators through the following provisions:

- R.C. 4928.20(I) – incentivizes customer participation in government aggregation by allowing a participating customer to avoid a surcharge proposed to recover deferred generation costs in certain circumstances;
- R.C. 4928.20(J) – allows municipal aggregators to avoid standby charges by electing not to take standby, provider of last resort service from the utility in exchange for agreeing that customers who choose to return to the utility’s standard service offer (“SSO”) would do so at the market price of power;
- R.C. 4928.20(K) – requires the PUCO to insulate governmental aggregations from non-bypassable generation charges **and** adopt rules that “encourage and promote” large-scale governmental aggregation; and
- R.C. 4928.20(D) – extends the opt-out period for opt-out aggregation programs to three years, meaning each customer of a governmental aggregator must have the right to opt-out of the aggregation at least once every three years without a penalty.

1.2 Description of the Aggregation Program; Enrollment Program

The Aggregation Program involves the acquisition of competitive retail power supply. Distribution services (metering, billing, maintenance of the transmission and distribution system) will continue as the function of the local distribution company. The local distribution company shall also be the “provider of last resort” for consumers not participating in the Aggregation Program who have no other competitive supplier. The NOPEC Aggregation Program required authorization of communities and their constituents in a public process, and contains two types of aggregations, an Opt-Out Aggregation Program and an Opt-In Aggregation Program. NOPEC also may initiate an Enrollment Program whereby it may endorse any competitive retail electric service supplier to offer within NOPEC’s member communities products that are not included in the Aggregation Program.

The Aggregation Program has been undertaken at two levels. At the local level, communities wishing to be government aggregators have authorized the Aggregation Program in a public process as required by law and outlined below in section 1.3. At the regional level, communities wishing to proceed jointly with an Aggregation Program have formed NOPEC as a regional council of government under Chapter 167 of the Ohio Revised Code, which the communities have authorized to perform as their agent for development and implementation of the Aggregation Program. The operations of the Aggregation Program are described in section 2 of the Plan, and the governance of the program is described in section 3 of the Plan.

1.3 Steps Required by the Law

The process of establishing government aggregation involves a multi-step public process undertaken by the member communities or jointly through NOPEC on their behalf. The steps to authorize opt-out and opt-in aggregations are the same, except where noted below:

1.3.1 Local legislative body passes ordinance or resolution authorizing aggregation program for customers;

1.3.2 For opt-out aggregation only, the ordinance or resolution must authorize the local board of elections to submit the question of whether to automatically aggregate to the electors at a special election on the day of the next primary or general election, and be submitted to the local Board of Elections not less than 90 days before the day of the special election;

1.3.3 For opt-out aggregations only, the ordinance or resolution is placed before voters at a special election, or in a referendum petition; approval of a majority of electors voting on the ordinance or resolution is required; or if by petition, signatures of not less than ten percent of the total number of electors in the respective community who voted for the office of Governor in the preceding general election;

1.3.4 Develop a plan of operation and governance and submit the plan of operation and governance to the PUCO for certification;

1.3.5 Publish notice of public hearing on the initial plan of operation and governance once a week for two consecutive weeks before the first public hearing on initial plan of operation

and governance (providing summary of initial plan of operation and governance and the date, time, and location of each hearing);

1.3.6 Hold two public hearings on the initial plan of operation and governance;

1.3.7 Adopt initial plan of operation and governance;

1.3.8 For opt-out aggregation only, notify eligible customers of automatic enrollment and opt-out period prior to service under the Aggregation Program (notification is to state the rates, charges, and other terms and conditions of enrollment);

1.3.9 For opt-out aggregation only, any enrolled customer participating in the Aggregation Program will have the opportunity to opt-out of the Program at least every three years, without paying a switching fee; and

1.3.10 For opt-out aggregation only, notify eligible customers as part of the opt-out notice of the terms and calculation of any applicable deferral-recovery surcharge and NOPEC's process for electing not to receive standby service.

1.3.11 For opt-in aggregation only, market, solicit, enroll, and maintain the contracts of customers under the PUCO's rules and electric distribution utilities' tariffs applicable to competitive retail electric service suppliers that do not automatically aggregate.

1.4 Practical Steps and Requirements of the Competitive Market

Practical steps and requirements of acquiring power supply in the competitive market include the following activities to be undertaken by NOPEC acting as agent for member communities, and the contracted NOPEC Aggregation Program retail electric supplier(s) (the "Supplier(s)"):

1.4.1 NOPEC development and release of Request for Proposals;

1.4.2 Proposals submitted by Suppliers and negotiations undertaken with Suppliers by NOPEC and legal and technical advisors;

1.4.3 NOPEC selection of Supplier(s) and execution of one or more supply contract(s) ("Supply Contract(s)");

1.4.4 For the Opt-Out Aggregation Program only:

1.4.4.1 Acquisition of electronic list of eligible customers in member communities from the distribution utility;

1.4.4.2 Notification of opt-out process undertaken by NOPEC and selected Supplier via U.S. mail and utilizing electronic customer list addresses;

1.4.4.3 Electronic customer list revised by NOPEC Supplier who removes responding opt-out customers from the list;

1.4.4.4 Revised electronic customer list transmitted back to the distribution utility for customer transfer;

1.4.4.5 The distribution utility completes administrative transfer of participating customers (via revised electronic list) to NOPEC Supplier;

1.4.5 For the Opt-In Aggregation Program only:

1.4.5.1 Marketing and solicitation of customers within the NOPEC member communities;

1.4.5.2 Customers are enrolled in the Opt-In Aggregation Program by obtaining their affirmative consent directly (in person, by mail or facsimile), telephonically or electronically in accordance with the PUCO's rules and the electric distribution utility's tariff.

1.4.6 Firm all-requirements retail electric supply service initiated to participating customers based on terms and conditions of Supply Contract(s)

1.4.7 NOPEC and legal and technical advisors monitor contract for compliance;

1.4.8 NOPEC acts to protect interests of participating customers in member communities.

2.0 Description of Aggregation Program Goals and Operation

2.1 Aggregation Program Goals

The NOPEC member community goals for the Aggregation Program are stated below. These goals guide the decisions of the NOPEC Assembly and Board of Directors:

- To provide on a non-discriminatory basis an option for aggregation of all customers who qualify under the PUCO's rules and who NOPEC and its Supplier have elected to serve;
- To allow those customers to voluntarily participate in the Aggregation Program;
- To acquire the best market rate available for electricity supply;
- To provide consumer education and enhance consumer protection and options for service under contract provisions;
- To provide managerial, technical, and financial resources to acquire service and financial guarantees sufficient to protect consumers and the electric distribution utility;
- To improve quality and reliability of service;
- To encourage environmental protection through contract provisions;

- To utilize and encourage renewable energy development if and to the extent practicable through contract provisions and voluntary programs;
- To utilize and encourage demand-side management and other forms of energy efficiency through contract provisions and organizational policies;
- To advance specific community goals that may be selected from time to time;
- To provide full public accountability to consumers, and;
- To utilize local government powers and authorities to achieve these goals.

2.2 Aggregation Program Operations

The Aggregation Program is designed to reduce the amount participating customers pay for electric energy over the duration of the Aggregation Program, and to gain other favorable economic and non-economic terms in service contracts, including financial guarantees to protect consumers and the distribution utility. NOPEC shall seek energy prices for each class of customers lower than the comparable price available from the local distribution company over the duration of the Aggregation Program. Large, commercial and industrial customers, due to the varying characteristics of their electric consumption, may receive individual prices from the selected Supplier(s).

As agent for its members, NOPEC does not buy and resell power, but represents consumer interests as a master purchasing agent to set the terms for electricity supply and service from a competitive Supplier(s). Through a request for proposals and negotiation process, NOPEC develops a contract with a competitive Supplier for firm, all-requirements retail electric supply service. The contract is expected to be for a fixed term. NOPEC may contract with one or more Suppliers to meet the needs of participating customers in member communities.

2.3 Aggregation Program Funding

NOPEC offers member communities the opportunity to gain market leverage, share resources, and reduce administrative and other costs for developing, implementing and providing oversight for the Aggregation Program. Funding for these activities is anticipated to be provided by the selected Supplier(s) with an appropriate kilowatt hour charge to all participating customers to cover costs of the program. Such funds will be collected by the Supplier and paid to NOPEC. In the event additional funding for NOPEC is required, each NOPEC member may be assessed an annual fee pursuant to the agreement establishing NOPEC. The funding will be utilized for all Aggregation Program Operations.

2.4 Participation in the Aggregation Program

Opt-Out Aggregation. For purposes of an Opt-Out Aggregation Program, an “eligible customer” constitutes a customer eligible under utility or PUCO rules and which NOPEC and its Supplier have elected to serve. Customers that shall not be included in the Opt-Out Aggregation Program pursuant to utility or PUCO rules include the following:

- A customer located in the certified territory of a non-profit electric supplier;
- A customer served by transmission or distribution facilities of a municipal electric utility;
- A customer that affirmatively chooses to be included on the PUCO's "do not aggregate" list;
- A "mercantile customer" (defined as a commercial or industrial customer that consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states) that fails to affirmatively elect to participate in an aggregation program;
- A customer already in contract with another competitive retail electric service supplier;
- A customer that has opted out of the governmental aggregation program;
- A customer enrolled in the percentage of income payment plan (PIPP);
- A customer that has a special arrangement with the distribution utility; and
- A customer not located within the boundaries of the governmental aggregator's member communities.

Eligible customers shall be notified of the Opt-Out Aggregation Program and terms and conditions of participation prior to initiation of services and be provided an opportunity to "opt-out" at no cost during a 21-day period specified in the terms and conditions of the Supply Contract(s). (See section 2.4.1 below for details of the notification and opt-out process.) Customers may be offered a program electric supply product and one or more optional supply products through the opt-out notice. If options are provided, the customer may decline all products by opting-out of the Opt-Out Aggregation Program. Customers that do not choose to opt-out will be automatically enrolled in the program product, unless they make arrangements with the Supplier, as specified in the opt-out notice, to take one of the optional supply products.

During this 21 day opt-out period customers also may choose another competing supplier, or receive service from their local distribution company. Participating customers will be given the opportunity at least every three years after the initiation of service to opt-out of the Opt-Out Aggregation Program without interruption of their current service, or payment of a penalty or switching fee. Participating customers, who choose to opt-out of the Opt-Out Aggregation Program after the initial 21 day period, but prior to the next opt-out opportunity, may be subject to an early termination fee which will be described in the opt-out notification, if applicable; however, NOPEC intends to offer an Opt-Out Aggregation Program with no early termination fees for customers.

Customers who move to a NOPEC member community (including those who move from another NOPEC member community), and are considered by the distribution utility to be new electric customers, may participate in the Opt-Out Aggregation Program at the existing price and

terms offered for that customer class, or other terms specified under the Supply Contract(s). Such new electric customer can also choose to opt-out of the Opt-Out Aggregation Program at no charge during the initial 21 day period after the postmark date on the opt-out notice and at subsequent opt-out periods of at least every three years.

Opt-In Aggregation. Supplier and NOPEC may contact customers in NOPEC member communities regarding the opportunity to participate in the Opt-In Aggregation Program, or customers may contact the Supplier. Supplier, with NOPEC's consent, will determine the terms and conditions of service, as well as the customers' rates, subject to written policies mutually agreed upon by the NOPEC and Supplier. For purposes of the Opt-In Aggregation Program, customers are enrolled by obtaining their affirmative consent directly (in person, by mail or facsimile), telephonically or electronically in accordance with the PUCO's rules and the electric distribution utility's tariff. Participating customers who terminate their Supply Contract(s) prior to its expiration may be subject to an early termination fee which will be described in their supply contract, if applicable.

Member Communities. New member communities may also join the NOPEC Aggregation Program, under prices and terms contained in an existing Supply Contract(s), however such prices may be higher than for those communities which have joined at the outset of the contract.

2.4.1 Notification of Opt-Out Aggregation Program Customers

Prior to initiation of service, all eligible customers shall be notified of the opt-out terms. The process of notification shall be as follows:

- (1) separate mailings;
- (2) newspaper notices;
- (3) public service announcements; and
- (4) posting of prominent notice in the local government office building in each member community.

Prior to enrollment, the notification shall be mailed in a timely manner for receipt by customers prior to their start-of-service day. The opt-out period shall be 21 days from the notice's postmarked date (or, if none, the mailing date). The notification shall include:

- (A) A summary of all actions taken by NOPEC to authorize the Aggregation Program;
- (B) A description of the services offered by the Opt-Out Aggregation Program;
- (C) Disclosure of the price to be charged (which may be a fixed price, a variable price, or an introductory price);

- (D) A statement informing customers of their the right to opt-out of the Opt-Out Aggregation Program at least every three years, without interruption of their current service, or payment of a penalty or switching fee;
- (E) A statement indicating that any customer returning to the distribution utility after commencement of the Opt-Out Aggregation Program may pay the market price for power;
- (F) A statement informing customers that returning to the distribution utility may not result in that customer being served under the same rates, terms, and conditions as other customers served by the distribution utility;
- (G) An itemized list and explanation of all fees and charges not incorporated in the base Opt-Out Aggregation Program rates but that will be charged for participation in the Opt-Out Aggregation Program;
- (H) Disclosure of the dates covered by the Opt-Out Aggregation Program, including the estimated start date;
- (I) Disclosure of any credit and/or deposit requirements;
- (J) Disclosure of any limitations or conditions on customer acceptance into the Opt-Out Aggregation Program;
- (K) If applicable, inform customers whether NOPEC elected in the best interest of the Aggregation Program not to receive standby service from the electric utility under an approved electric security plan, and inform customers that non-standard service offer rates and conditions may apply if the customer returns to the electric utility after the opt-out period;
- (L) A description of the opt-out process and statement that the opt-out period will last for 21 days from the date of the postmark on the written notice; and
- (M) A customer-friendly opt-out form (*e.g.*, a postcard) to return to NOPEC indicating whether the customer has opted out of the Aggregation Program. Customers who do not return the opt-out form shall be automatically included in the Opt-Out Aggregation Program.

2.4.2 Combination of Electric and Natural Gas Notification

NOPEC may combine natural gas and electric opt-out notifications to eligible customers in NOPEC member communities in one single mailing. Each opt-out notification shall conform to the PUCO's natural gas and electric governmental aggregation rules, and also comply with all applicable provisions of R.C. 4928.20 and R.C. 4929.26.

2.4.3 Activation of Customer Service in a Member Community

Opt-Out Aggregation Program. The process of activation is an administrative function with four parts: 1) Data preparation: On an electronic list consistent with Electronic Data Interface protocols, the distribution utility will identify all eligible customers in the member community (including names, addresses, account numbers, rate codes, percentage of income payment plan codes, and other relevant customer information); 2) Data verification: To the extent needed, if not inherent in data preparation, the distribution utility shall check customer meter numbers and other codes to verify proper eligible customer identification; 3) List Adjustment: Following the opt-out process, the selected Supplier(s) shall remove all customers who choose to opt-out from the electronic customer list 4) Automatic Enrollment: The revised electronic customer list shall be transmitted back to the distribution utility for customer transfer to the selected Supplier(s).

Opt-In Aggregation Program. The Supplier shall obtain the customer's affirmative consent directly (in person, by mail or facsimile), telephonically or electronically in accordance with the PUCO's rules. After completion of the enrollment transaction with the customer, the Supplier shall send an electronic enrollment request to the utility, and the customer will be enrolled in accordance with the PUCO's rules and procedures in the utility's tariff.

Opt-Out and Opt-In Aggregation Programs. Customers on all billing cycles will be enrolled with the selected Supplier(s) consistent with the beginning of a new billing cycle. Service under the selected Supplier(s) shall begin at the start of the billing period following transfer. Service starts that do not match the billing cycle may be requested by a customer, but may incur additional charges from the local distribution company.

2.4.4 New Individual Customers in an Opt-Out Aggregation Program

Eligible customers who relocate to a NOPEC member community shall be included in the Opt-Out Aggregation Program, subject to their opportunity to opt-out. The selected Supplier(s) shall provide standard opt-out notification materials to customers who have relocated to member communities, or customers who otherwise are eligible to join the Opt-Out Aggregation Program. The new customer may participate in the Opt-Out Aggregation Program at the existing price and terms offered for that customer class. Any such new or otherwise eligible electric customer can also choose to opt-out of the Aggregation Program at no charge during any other required opt-out period.

2.4.5 Customer Switching Fee

Initial Switching Fee. The electric distribution utilities currently providing distribution service to NOPEC members under the Aggregation Program have exempted governmental aggregation programs from being charged a switching fee when they initially switch from the SSO to Aggregation Program. If, however, Supplier incurs a switching fee, Supplier shall be responsible for payment of the customer switching fee to the applicable electric distribution utility.

Subsequent Switching Fee. The Supplier may pass through to the customer any fee that the electric distribution utility charges for switching suppliers after the customer's initial switch to the Aggregation Program.

2.4.6 Election of Standby Service

If standby service is approved by the PUCO, Ohio law allows NOPEC to decide whether receiving and paying for standby service is in the best interest of the participating Aggregation Program customers. If NOPEC elects not to receive and pay for standby service from the distribution utility, NOPEC will inform Opt-Out Aggregation Program customers of its decision through an opt-out notice, and will inform Opt-In Aggregation Program customers by regular U.S. Mail or electronic mail, depending upon their preference. The notices will provide customers the opportunity to terminate participation in the Aggregation Program without penalty and will inform customers that when they return to the distribution utility, they will be charged the market price of power plus any amount attributable to the distribution utility's compliance with the State of Ohio's alternative energy portfolio standards. The market price and alternative energy amount will continue to be charged until the end of the approved electric security plan, or as otherwise approved by the PUCO.

2.4.7 Phase-In Generation Deferral Surcharge

If the PUCO authorizes a phase-in of electric generation rates under R.C. 4928.144 and a corresponding deferral of incurred costs, Ohio law allows the distribution utility to recover a portion of this amount from the Aggregation Program customers through a surcharge. The amount of the surcharge will be proportionate to the benefits Aggregation Program customers receive, and will be charged to each Aggregation Program customer while they remain a participant. For customers leaving the Aggregation Program, the otherwise applicable surcharge will apply. NOPEC will inform Opt-Out Aggregation Program customers through the opt-out notification process, and will inform Opt-In Aggregation Program customers by regular U.S. Mail or electronic mail, depending upon their preference, of the potential terms and calculation of any deferral surcharge approved by the PUCO. The notices will provide customers the opportunity to terminate participation in the Aggregation Program without penalty.

2.4.8 Individual Customer Termination of Participation

Termination of Participation in the Opt-Out Aggregation Program. In addition to the opportunity to opt-out of the Opt-Out Aggregation Program prior to start-up of service, an individual customer will be given an opportunity to opt-out at no charge at least every three years after start-up of service. However, an individual Opt-Out Aggregation Program customer who chooses to opt-out after the 21-day opt-out period and before the opportunity to opt-out may be required to pay an early termination fee; however, NOPEC intends to offer an Opt-Out Aggregation Program with no early termination fees for customers. Any obligation to pay an early termination fee will be made a part of the customer Supply Contract(s). Opt-Out Aggregation Program Customers who move from a member community will have no penalties or early termination fees.

Termination of Participation in the Opt-In Aggregation Program. An individual Opt-In Aggregation Program customer who chooses to terminate participation in the Aggregation Program before the expiration of the customer's Supply Contract(s) may be required to pay an early termination fee, if applicable. Any obligation to pay an early termination fee will be made a part of the customer supply contract(s). Opt-In Aggregation Program Customers who move from a member community will have no penalties or early termination fees.

2.4.9 Service Termination by Supplier

Consistent with the requirements of Ohio law and the regulations of the PUCO, termination of service may take place for non-payment of bills. Customers whose power supply is terminated by a selected Supplier will receive electric supply from their local distribution company, unless the local distribution company has also met state requirements to terminate service. Customers may be considered for re-enrollment in the Aggregation Program once they have met the requirements of law and are current on bill payment.

2.4.10 Termination of the NOPEC member Aggregation Program

The NOPEC Aggregation Program may be terminated for participating customers in two ways:

- (1) Upon the termination or expiration of the power Supply Contract(s) for all member communities without any extension, renewal, or subsequent Supply Contract(s) being negotiated; or
- (2) At the decision of an individual member community to cancel its membership in NOPEC.

In any event of termination, each individual customer receiving power supply services under the Aggregation Program will receive notification of termination of the program ninety (90) days prior to such termination. Customers who are terminated from the Aggregation Program shall receive power supply from the local distribution company unless they choose an alternative supplier.

NOPEC shall utilize appropriate processes for entering, modifying, enforcing, and terminating agreements pertinent to the Aggregation Program consistent with the requirements of local ordinances or resolutions, state and federal law. Other agreements shall be entered, modified, or terminated in compliance with the law and according to the express provisions of any negotiated agreements.

2.5 Customer Care

2.5.1 Universal Access

"Universal access" is a term derived from the traditional regulated utility environment in which all customers desiring service receive that service. For the purposes of the NOPEC Aggregation Program, this will mean that all customers within the borders of a member

community, and all new customers in a member community, shall be eligible for service from the contracted Supplier under the terms and conditions of the Supply Contract(s), consistent with the PUCO's rules.

2.5.2 Rates

Under PUCO orders, the local distribution company assigns the customer classification and corresponding character of service and associated regulated rates. These rates include a monthly customer charge, a distribution charge, a transmission charge, and an access charge. Although NOPEC may participate in regulatory proceedings and represent the interests of customers regarding these regulated rates, it will not assign or alter existing customer classifications without the approval of the PUCO.

The focus of the NOPEC Aggregation Program, as noted above, will be acquisition of competitive prices and terms for power supply. The prices will be set through a competitive request for proposals and contract and negotiation process, and will be indicated on the customer bill as the "generation charge." Ohio law requires that a government aggregator separately price competitive retail electric services and that the prices be itemized on the bill of a customer or otherwise disclosed to the customer. The generation charge for each customer class, or any customer grouping by load factor or other appropriate pricing category, is expected to be lower than the utility's standard offer generation charge over the duration of the Aggregation Program. All Supplier charges to the customer will be fully and prominently disclosed under the notification process.

2.5.3 Costs To Customers

Customer bills will reflect all charges for the administrative costs of the Aggregation Program. As noted in section 2.3, the program is expected to be funded by a mills per kilowatt hour charge. This charge will cover program costs for any necessary technical or legal assistance for the program.

Additional charges may be levied by the selected Supplier(s), the local distribution company, or PUCO-approved local distribution tariffs.

2.5.4 Consumer Protections

Regarding all issues of consumer protection (including provisions relating to slamming and blocking), NOPEC will ensure that the selected Supplier(s) comply with all statutes, rules and regulations currently in place and as may be amended from time to time. NOPEC will provide on-going consumer education in member communities through public service announcements, posting of information, media press releases, advertising, and direct mailing depending upon the subject and appropriate venue. NOPEC will also assist member communities with all required notifications, information, and public hearings.

2.5.4.1 Contract Disclosure

NOPEC will ensure that customers are provided with adequate, accurate and understandable pricing and terms and conditions of service.

2.5.4.2 Billing and Service Assistance

The selected Supplier(s) shall utilize the billing services of the local distribution company to render timely billings to each participating customer. Separate bills from the selected Supplier(s) and the local distribution company may also be requested for large commercial and industrial customers, but such separate bills may incur an additional charge from the selected Supplier(s).

All bills at a minimum shall include the following information: (1) price and total billing units for the billing period and historical annual usage; (2) to the maximum extent practicable, separate listing of each service component to enable a customer to recalculate its bill for accuracy; (3) highlighted and clear explanations, for two consecutive billing periods, of any changes in the rates, terms, and conditions of service; (4) identification of the supplier of each service; (5) statement of where and how payment may be made and (6) a toll-free or local customer assistance and complaint number for the Supplier, as well as a customer assistance telephone numbers for state agencies, such as the PUCO and the Office of the Consumers' Counsel, with the available hours noted.

Credit, deposit, and collection processes concerning billing will remain the sole responsibility of the selected Supplier(s) and the local distribution company as provided by state law. Under no circumstances shall NOPEC have any responsibility for payment of any bills.

Unless otherwise specified in the Supply Contract(s), all billing shall be based on the meter readings generated by meters of the distribution company at the customer facilities. Customer bills shall be rendered monthly. Customers are required to remit and comply with the payment terms of the distribution utility and/or the Supplier. Billing may take place through the distribution company, at the Supplier's option, in the event that necessary billing data is not received from the distribution company in time to prepare monthly bills, the Supplier reserves the right to issue a bill based on an estimate of the participating customer's usage for that billing period. Any over-charge or under-charge will be accounted for in the next billing period for which actual meter data is available.

2.5.4.3 Standard Terms and Conditions Pertaining to Individual Account Service

The following consumer protection provisions are anticipated to be contained in a Supply Contract(s).

A. Title: Title to and risk of loss with respect to the electric energy will transfer from Supplier to participating customer at the Point-of-Sale which is the customer side of the meter.

B. Initiation of Supply Service: Energy deliveries pursuant to the Supply Contract(s) will begin on the first meter reading date following the scheduled initiation of service date for each rate class or customer group, or individual customer as described in the Supply Contract(s), or as soon as necessary arrangements can be made with the distribution company thereafter and will end on the last meter reading date prior to the expiration date. The Supplier has the right to request a "special" meter reading by the distribution company to initiate energy

delivery and agrees to accept all costs (if any) for such meter reading. The participating customer also has such a right, and similarly would bear the costs (if any) of such special meter reading.

C. Standard Limitation of Liability: Recognizing that electricity provided under the Supply Contract(s) shall be ultimately delivered by the distribution company, to the extent permitted by law, the Supplier shall not be liable for any damage to a participating customer's equipment or facilities, or any economic losses, resulting directly or indirectly from any service interruption, power outage, voltage or amperage fluctuations, discontinuance of service, reversal of service, irregular service or similar problems beyond the Supplier's reasonable control. To the extent permitted by law, except as expressly stated in the Supply Contract(s), the Supplier will make no representation or warranty, express or implied (including warranty of merchantability or of fitness for a particular purpose), with respect to the provision of services and electric energy.

D. Service Reliability and Related Supplier Obligations: Given the increasing interest in and need for high levels of reliability, the Supply Contract(s) will help assure that participating customers in NOPEC member communities receive power supply with reliability equal to that of native load customers of the distribution company. The Supplier is providing generation and transmission services, and participating customers must rely upon the distribution company for regional transmission, and local transmission and distribution services for ultimate delivery of electricity where reliability problems commonly occur. However, within the scope of electric energy supplier obligations, the Supplier shall take or adopt all reasonable steps or measures to avoid any unnecessary outages, service interruptions, capacity shortages, curtailments of power supply, voltage reductions, and any other interference or disruption of electric supply to the Point-of-Delivery, and shall give the highest priority of supply to the electricity made available under the Supply Contract(s) consistent with the requirements of law and equivalent to network service available to native load customers.

In addition to language to be included in the Supply Contract(s) NOPEC will help to assure reliability through participation in proceedings related to the distribution utility or its operating companies' regulated transmission and distribution services and through direct discussions with the distribution utility and its operating companies concerning specific or general problems related to quality and reliability of transmission and distribution service.

E. Marketing and Solicitation Limitations: Participating customers will be protected from unwanted marketing solicitations by: (a) a prohibition that the selected Supplier(s) may not sell or exchange the customer's name/address/or other identifying information to third parties without NOPEC's prior written consent; (b) an opportunity for each participating customer to check off a box rejecting additional mail solicitations from the Supplier (if the solicitation is via U.S. mail or other printed means) or an opportunity to request removal from a telephone solicitation list

2.5.4.4 Protection of Customers and Risk Associated with Competitive Market

In a competitive market it is possible that the failure of a power supplier to deliver service may result in the need for customers to acquire alternative power supply, or for customers to

receive power at default service prices, if the SSO is no longer available. NOPEC will seek to minimize this risk by recommending only reputable Suppliers which, demonstrate financial strength and the highest probability of reliable service. NOPEC also intends to include provisions in its contract with selected Supplier(s) that will protect customers against risks or problems with power supply service.

2.5.4.5 Resolution of Customer Complaints

It is important that customer complaints be directed to the proper party. The selected Supplier(s) shall ensure that each participating customer receives a printed copy of a toll-free number to call regarding service problems or billing questions. The Supplier shall refer reliability, line repair, or service interruption, and billing issues to the local distribution company. The Supplier shall handle all complaints in accordance with applicable laws and regulations. Problems regarding the selected Supplier(s) can be directed to NOPEC or the PUCO. Customers may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) or for TTY at 1-800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.PUCO.ohio.gov. The Office of the Ohio Consumers' Counsel ("OCC") represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.pickocc.org. NOPEC's website is www.nopecinfo.org. As noted below, NOPEC will continue to monitor the selected Supplier(s) for compliance with consumer protection provisions in the Supply Contract(s) and timely resolution of consumer problems.

2.5.4.6 Periodic Reports on Customer Complaints

NOPEC shall act to monitor and enforce consumer protection provisions included in the Supply Contract(s). At the request of NOPEC, true selected Supplier(s) shall provide a periodic summary of the number and types of customer service issues and complaints that arose to date, and the status of resolution of those issues and complaints. If such reports indicate problems in the selected Supplier's service, NOPEC will pursue timely remedial action, or consider the Supplier in breach of Supply Contract(s) terms.

2.5.4.7 Modifications to NOPEC's Plan

All material modifications to the NOPEC Plan shall be approved by majority vote of the NOPEC Board of Directors and ratified by a majority vote of the NOPEC General Assembly. By adopting this Plan, NOPEC member communities agree that future modifications to the Plan resulting from changes in law or regulations may be made automatically by NOPEC without further action of the NOPEC members or General Assembly.

2.6 Rights and Responsibilities of Program Participants

2.6.1 Rights

All Aggregation Program participants shall enjoy the protections of consumer law as they currently exist or as they may be amended from time to time. Under protocols developed by the PUCO, problems related to billing or service shall be directed to the appropriate parties: the distribution utility or the selected Supplier(s).

2.6.2 Responsibilities

All Aggregation Program participants shall meet all standards and responsibilities required by the PUCO, including timely payment of billings and access to essential metering and other equipment to carry out utility operations.

2.6.2.1 Taxes

The selected Supplier(s) shall include on the participating customer's bill and remit to the appropriate authority all sales, gross receipts, or excise or similar taxes imposed with respect to the consumption of electricity. Participating customers shall be responsible for all taxes (except for taxes on the Supplier's income). Participating customers shall be responsible for identifying and requesting any applicable exemption from the collection of any tax by providing appropriate documentation to the Supplier.

3.0 Organizational Structure and Governance of the Aggregation Program

3.1 Description of Organization and Management of Aggregation Program

Each NOPEC member community has one representative on the NOPEC Assembly, which serves as the legislative body for the organization. Assembly members from each county represented in the membership of NOPEC elect a member to the Board of Directors.

NOPEC acts as agent for member communities to establish the Aggregation Program in accordance with law and to provide managerial, technical, and financial resources to acquire service and financial guarantees sufficient to protect customers and the electric distribution utility. NOPEC has developed a firmly based organization and employed legal and technical assistance from experienced and highly reputable firms.

NOPEC's legal counsel, Bricker & Eckler LLP, handles the legal needs of energy producers, energy consumers in both the public and private sector, as well as new energy marketers, providing legal services ranging from representation in regulatory proceedings, to negotiating new contractual relationships, to handling the acquisition, disposition and financing of energy businesses and facilities. Bricker & Eckler LLP has advised numerous Ohio political subdivisions in connection with the deregulation of energy markets in Ohio, and developed particular expertise in issues facing governmental aggregators.

The Board of Directors of NOPEC oversees the implementation and operation of the Aggregation Program consistent with the provisions of R.C. 4928.20 and the Bylaws of the NOPEC organization. The Board of Directors, with the approval of the Assembly, may also develop additional programs for members. The organization may employ a Fiscal Agent and Executive Director and staff, if such are determined to be necessary by the Board, and sufficient budget has been provided.

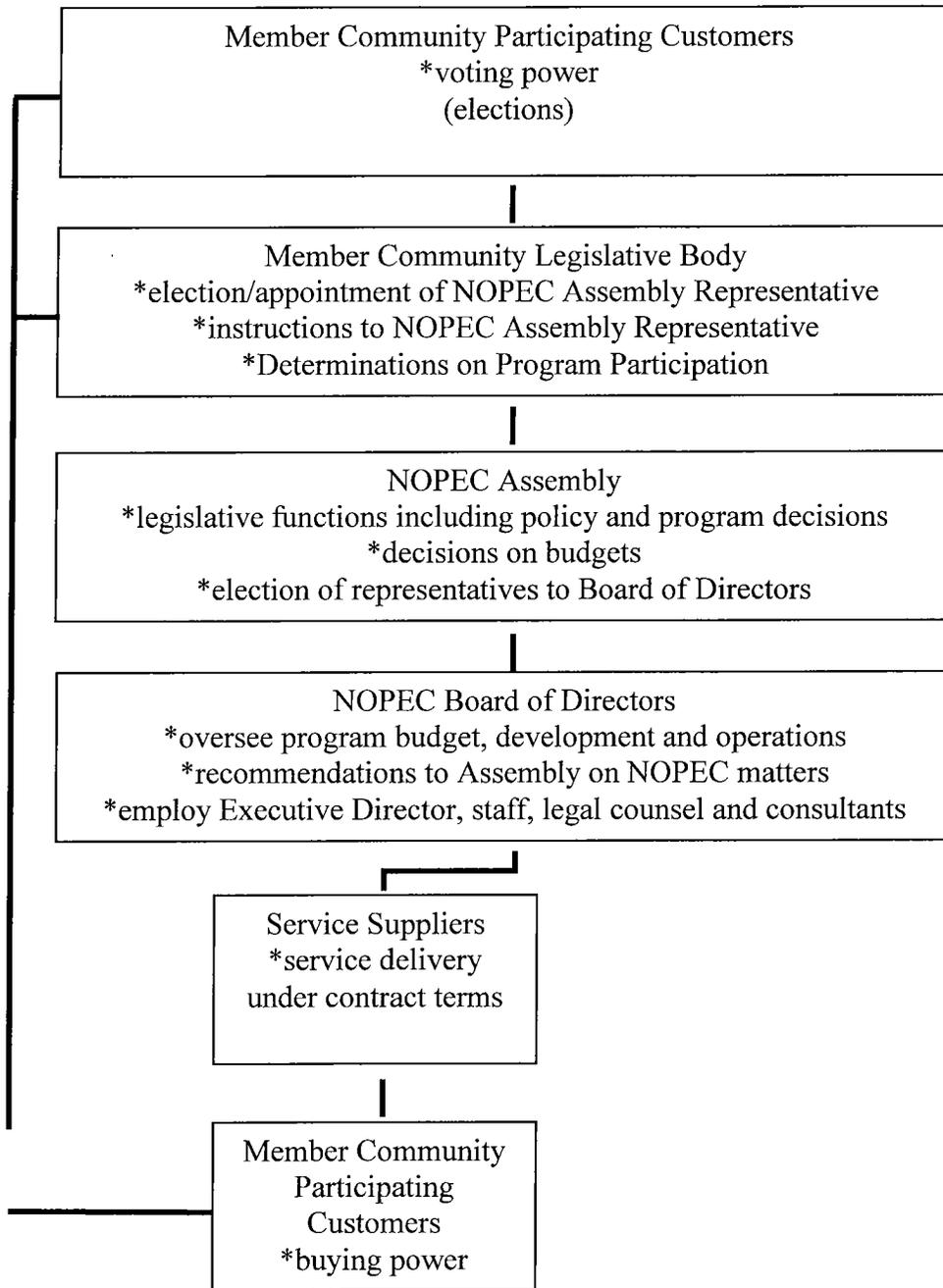
3.2 Outline of Structure

The following chart represents the organizational structure for the NOPEC Aggregation Program as indicated in the organizational chart. The function of each level is described in section 3.3.

NOPEC Member Aggregation Program Organizational Structure

NOPEC Member Aggregation Program

Organizational Structure



3.3 Description of Program Organizational Structure

Member Community Participating Customers

Customers can influence their respective community and its functions. They can elect candidates to local legislative boards who may take positions regarding the government aggregation program. They can express their views to their local elected officials. They can participate in local and state meetings and hearings regarding issues related to the member community's Aggregation Program.

Member Community Legislative Body

Local officials may act on program and policy issues. They may individually choose to participate in additional programs of NOPEC, or terminate the community's participation in NOPEC. In addition, they may provide instructions to their representative on the NOPEC Assembly regarding specific policy or program decisions. They may also raise issues directed to them by customers for the NOPEC Assembly and Board to address.

NOPEC Assembly

The NOPEC Assembly acts as the legislative body of NOPEC, including decisions on policy, budget, and other matters directed to it by the Board of Directors.

NOPEC Board of Directors

The NOPEC Board of Directors oversees the implementation and operation of all aspects of the Aggregation Program. The Board of Directors provides recommendations regarding contracts, the budget and other matters to the Assembly. It approves purchases of equipment, facilities, or services within the approved budget and employs and provides instruction to the Executive Director, staff, legal counsel and consultants.

Executive Director and Staff, Legal Counsel and Consultants

Executive Director and staff, legal counsel and consultants act upon the instructions of the Board of Directors to carry out development and implementation of programs, contract monitoring, and reporting on program status.

Service Supplier(s)

Service suppliers contract with NOPEC to provide firm all-requirements retail electric supply to participating customers in member communities, or other specified services. Contractors report to NOPEC and carry out services in adherence to contract provisions.

Member Community Participating Customers

Participating customers in member communities will benefit from the market leverage of the group, and the professional representation and consumer protections provided under the negotiated service contracts. Individual customers may opt-out of participation and may also bring issues before their local legislative body.

Proposed: 3/5/2018

ORDINANCE NO. 14-2018 (SMS)

By Council Member

An Ordinance authorizing the City Manager to convey an easement to the Northeast Ohio Regional Sewer District for the installation of the Dugway Regulators and Relief Sewers project on Superior Road at the border of Cleveland Heights; and declaring an emergency.

WHEREAS, the City owns property located on Superior Road at the border of Cleveland Heights and East Cleveland; and

WHEREAS, the Northeast Ohio Regional Sewer District has requested a permanent easement for the installation and maintenance of the Dugway Regulators and Relief Sewers project on said property; and

WHEREAS, the granting of such an easement would improve the sanitary sewer system, and thus be of benefit to the City and its residents.

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

SECTION 1. The City Manager be, and she is hereby, authorized execute an easement to convey a portion of PPN 681-39-001, which is City-owned property fronting Superior Road at the border of Cleveland Heights and East Cleveland to the Northeast Ohio Regional Sewer District ("NEORS"). The easement shall be for the purpose of the installation and maintenance of the Dugway Regulators and Relief Sewers project by the NEORS, and shall be located as shown in Exhibit A attached hereto and incorporated herein by reference. The easement shall contain such other terms as recommended by the City Manager and Director of Law and shall be approved as to form by the Director of Law.

SECTION 2. This Council hereby determines that the easement authorized herein does not interfere with the use of the City-owned property for public purposes.

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 to of the NEORS to timely proceed with its work. 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.

ORDINANCE NO. 14-2018 (SMS)

CAROL ANN ROE, Mayor
President of Council

LAURIE SABIN
Clerk of Council

PASSED:

672-28-003
CITY OF EAST CLEVELAND
V. 4924 P. 168

681-39-001
CITY OF CLEVELAND HEIGHTS
V. 4924 P. 168



SCALE: 1"=20'
SEPTEMBER, 2017

O.L. 6 TRACT 9
CITY OF EAST CLEVELAND
N01°09'05"W 85.74'

O.L. 47 TRACT 9
CITY OF CLEVELAND HEIGHTS

TEMPORARY EASEMENT
DRRS-EA-3T
0.0601 ACRE

PERMANENT EASEMENT
DRRS-EA-2P 0.0207 ACRE

SUPERIOR AVE 100'

POB
TEMPORARY EASEMENT
DRRS-EA-3T

POC
PERMANENT EASEMENT
DRRS-EA-2P

ABBREVIATIONS

- AFN AUTOMATIC FILE NUMBER
- CCMR CUYAHOGA COUNTY MAP RECORDS
- OL ORIGINAL LOT
- P PAGE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- V VOLUME

POB
PERMANENT EASEMENT
DRRS-EA-2P

**PERMANENT &
TEMPORARY EASEMENTS**

ACROSS PARCEL NO.
681-39-001
BEING PART OF ORIGINAL EUCLID
TOWNSHIP LOT NO. 47, TRACT 9
CITY OF CLEVELAND HEIGHTS
COUNTY OF CUYAHOGA
STATE OF OHIO

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	2864.11'	9.51'	00°11'25"	N52°17'58"W	9.51'
C2	2864.11'	22.66'	00°27'12"	N51°58'40"W	22.66'
C3	2864.11'	11.37'	00°13'39"	N51°38'15"W	11.37'



KS Associates, Inc.
260 Burns Road, Suite 100
Elyria, OH 44035
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F 440 365 4790
www.ksassociates.com

TREVOR A. BIXLER
PROFESSIONAL SURVEYOR, OHIO NO. 7730

ORDINANCE NO. 15-2018 (AS), *First Reading*

By Council Member

An Ordinance establishing salary schedules, position classifications and other compensation, and benefits for officers and employees of the City; and declaring an emergency.

WHEREAS, Article 5, Section 4 of the Cleveland Heights Charter requires this Council to “fix by ordinance the salary, rate, or amount of compensation of all officers and employees of the City;” and

WHEREAS, Cleveland Heights Codified Ordinance Section 139.21 generally requires this Council to “establish employees’ wages, hours of work, sick leave benefits, paid hospitalization benefits, vacations, legal holidays, and all other forms of fringe benefits and other conditions of employment by ordinance.”

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

Except as otherwise specifically provided herein, effective the date stated in the separate sections hereof, the following salary schedules and other compensation for described position classifications will be in effect for such classifications as of April 1, 2018; provided, however, that if the revenues received by the City are not sufficient to meet the foregoing salaries, all salaries shall be reduced by the City Manager to a point which will not exceed the appropriated revenues of the City.

The salary of any officer or employee may, from time to time, be reduced or increased by the City Manager or her designee, but not below or above the amounts specifically fixed herein for such classifications.

Additional temporary classifications may be established by the City Manager when, in the judgment of the City Manager, job specifications and duties differ significantly from existing classifications as herein provided when a new temporary classification is warranted.

The City Manager shall advise Council when such new classification is warranted with the salary being determined by using the hourly rate for the full-time position as a maximum rate.

ORDINANCE NO. 15-2018 (AS)

SECTION 1. The following position classifications and salary schedules are hereby established.

Position	FLSA	SG	Min	Mid	Max
City Manager	E	50	\$105,314	\$136,949	\$168,585
Assistant City Manager/ Vice	E	49	\$94,030	\$122,276	\$150,522
Police Chief Chief Fire	E	48	\$83,956	\$109,175	\$134,395
Director(s) of: Communications & Public Engagement Economic Development Finance Housing Human Resources IT Law Parks & Recreation Planning Public Works/ Capital Projects	E	47	\$74,960	\$97,478	\$119,995
Assistant Finance Director Assistant Fire Chief Assistant Law Director Assistant Public Works Director Business Manager Project Manager Utilities Commissioner	E	46	\$66,929	\$87,034	\$107,139
Facilities Superintendent Information Systems Manager	E	45	\$62,167	\$77,709	\$93,250
	E	44	\$55,506	\$69,383	\$83,259

ORDINANCE NO. 15-2018 (AS)

Position	FLSA	SG	Min	Mid	Max
CDBG Program Coordinator/ Planner Chief Housing Inspector City Planner I City Planner II Manager - Cain Park Supervisor - Forestry Supervisor - Sanitation Supervisor - Streets Supervisor - Vehicle Maintenance Supervisor - Water/Sewer	E	43	\$49,559	\$61,949	\$74,339
Senior Housing Rehabilitation Specialist Supervisor - Utility Administration Digital & Government TV Program Coordinator	E	42	\$44,249	\$55,312	\$66,374
Graphic Designer Public Relations Specialist	E	41	\$39,508	\$49,385	\$59,262
Supervisor - General Recreation Supervisor - Ice Programs Supervisor - Office on Aging Supervisor - Recreation & Aquatics Supervisor - Sport Programs	E	40	\$35,275	\$44,094	\$52,913

Position	FLSA	SG	Min	Mid	Max
	NE	20	\$27.75	\$34.69	\$41.63
Executive Assistant to City Manager	NE	19	\$24.78	\$30.98	\$37.17
Housing Program Coordinator Housing Property Investigator Paralegal	NE	18	\$22.13	\$27.66	\$33.19

ORDINANCE NO. 15-2018 (AS)

Engineer/Inspector Housing Inspector Housing Inspector/ Housing court Representative Housing Rehabilitation Specialist Human Resources Gneneralist Legal Secretary	NE	17	\$19.75	\$24.69	\$29.63
Accountant GIS Analyst Information Systems Technician Information Systems Technician - Senior Office Manager Payroll Administrator Utility Inspector	NE	16	\$17.64	\$22.05	\$26.46
Accounts Payable Coordinator Community Relations Assistant Human Resources Coordinator Secretary to Director Special Projects Coordinator Social Worker	NE	15	\$15.75	\$19.69	\$23.62
Administrative Assistant Office Assistant Office Assistant II Head Cashier	NE	14	\$14.06	\$17.58	\$21.09
Receptionist Utility Billing Clerk	NE	13	\$12.55	\$15.69	\$18.83
Supervisor - Fitness Center	NE	12	\$11.21	\$14.01	\$16.81
Building Attendant Cashier	NE	11	\$10.01	\$12.51	\$15.01
Front Desk Assistant Resident Services Supervisor Van Driver	NE	10	\$8.94	\$11.17	\$13.40

LEGISLATIVE:

Council Member

9,270.00

ORDINANCE NO. 15-2018 (AS)

Mayor		11,840.00
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RECREATION PROGRAMS: SWIMMING POOLS:

Assistant Supervisor	9.36/hour	15.50/hour
Aquatic Program Supervisor	9.36/hour	13.48/hour
Cashier	7.95/hour	12.36/hour
Guard (A.L.S.)	7.95/hour	11.59/hour
Head Guard	10.00/hour	12.36/hour
Head Cashier	8.30/hour	12.36/hour
Head Coach (Summer)	364.14/ Per biweekly pay period	573.68/
Head Coach Assistant	260.10/ Per biweekly pay period	573.68/
Learn to Swim Coordinator	260.10/per season	573.68/season
Preschool Learn to Swim Coordinator	260.10/per season	573.68/season
Pool Attendant	8.10/hour	10.33/hour
Pool Maintenance	8.10/hour	10.33/hour
Pool Manager	10.40/hour	16.07/hour
Private Instructor Fee	2/3 of private instruction; Fees charged and collected	
Security Guard	8.10/hour	9.53/hour
Sports Assistant	8.10/hour	11.33/hour
Sports Coordinator	10.40/hour	23.65/hour
Sports Supervisor	8.10/hour	23.65/hour
Tennis Court Attendant	8.10/hour	9.18/hour
Tennis Lesson Instructor	10.40/hour	17.22/hour
Tennis Program Coordinator	2,601.00/season	4,489.45/season

ORDINANCE NO. 15-2018 (AS)

Umpire	10.40/hour	23.65/hour
Water Aerobics Instructor	182.07/per session	286.84/session

PLAYGROUNDS:

Private Instructor Fee (Tennis)	2/3 of private instruction; Fees charged and collected	
Summer Basketball Coordinator	13.53/hour	20.11/hour
Summer Basketball Counselor	11.44/hour	16.55/hour

CAIN PARK THEATRE:

Artistic Director	520.20/ Per biweekly pay period	1,035.00/ Per biweekly pay period
Arts Festival Director	5,202.00/year	9,040.00/year
Arts Festival Coordinator	3,121.20/year	6,460.00/year
Events Manager	520.20/ Per biweekly pay period	1,165.00/ Per biweekly pay period
Helper (Part-time)	8.10/hour	12.96/hour
Operations Manager	520.20/ Per biweekly pay period	1,100.00/ Per biweekly pay period
Park Associate	318.36/ Per biweekly pay period	674.00/ Per biweekly pay period
Park Crew / Maintenance	208.08/ Per biweekly pay period	775.00/ Per biweekly pay period
Production Manager	416.16/ Per biweekly pay period	905.00/ Per biweekly pay period
Program Coordinator	312.12/ Per biweekly pay period	674.00/ Per biweekly pay period

ICE SKATING RINK:

Cashier	8.10/hour	12.36/hour
Hockey Director	2,184.84	2,300.00/season
Ice Safety Guard	8.10/hour	11.20/hour

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Instructor - Private 90% of private instruction fees charged and collected. Or a flat fee of \$75.00 (if instructor teaches a minimum of four Learn to Skate classes per session) or \$150.00 (if instructor does not teach or is no longer available for the minimum number of Learn to Skate classes)

Instructor – Group	16.65/hour	57.31/hour
Learn to Skate Coordinator	208.08/per week	520.00/per week
Office Assistant	8.32/hour	11.26/hour
Supervisor – Assistant	9.36/hour	14.76/hour
Supervisor – Head	10.40/hour	17.22/hour

SUMMER CAMPS:

Day Camp Counselor	8.10/hour	12.64/hour
Day Camp Assistant Coordinator	10.40/hour	14.19/hour

YOUTH SPORTS PROGRAMS:

Youth Hockey Coach	10.40/hour 2,601.00/	22.96/hour or 4,592.00/season
Youth Hockey Program Coordinator	10.40/hour 2,601.00/	22.96/hour or 4,265.00/season
Youth Hockey Skating Instructor	10.40/hour	45.92/hour
Basketball Supervisor	8.10/hour 520.20/	13.91/hour or 2,296.00/season
Basketball Coordinator	10.40/hour 2,080.80/ 2,601.00/	22.96/hour or 3,171.00/winter 4,318.00/summer
Girls Softball League Supervisor	8.10/hour 1,040.40/	13.78/hour or 2,296.00/season
Youth Baseball League Supervisor	8.10/hour 1,040.40/	13.78/hour or 2,870.00/season
League / Program / Camp Assistant	8.10/hour	9.18/hour
Sports Camp Supervisor / Instructor	8.10/hour 2,601.00/	13.91/hour or 1,148.00/camp

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Sports Coordinator	10.40/hour	23.65/hour
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Sports Program Assistant	8.10/hour	11.33/hour
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ADULT SPORTS PROGRAMS:

League / Program Supervisor	10.40/hour 1,040.40/	22.96/hour or 2,296.00/season
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Softball Umpire-In-Chief / Assistant Umpire in Chief	10.40/hour 1,040.40/	22.96/hour or 1,722.00/season
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FIELDHOUSE / FITNESS CENTER:

Community Center Attendant	8.32/hour	11.00/hour
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Fieldhouse Assistant	8.32/hour	11.07/hour
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Fieldhouse Supervisor	9.50/hour	12.36/hour
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Fieldhouse Instructor / Aerobics Instructor	10.40/hour	12.64/hour
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Front Desk Assistant	8.10/hour	13.39/hour
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Personal Trainer	10.40/hour	12.64/hour or 2/3 of rate charged by trainer
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Head of Personal Training Services	Additional 5% of total personal training program revenue (3% city portion/ 2% trainer portion) for administration of the program.	
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MISCELLANEOUS:

1. The City Manager shall also serve without additional compensation as Director of Public Safety and Director of Public Services.
2. The Director of Finance shall also serve without additional compensation as Clerk of Council.
3. In addition to the salary herein above provided, the Director of Law and the Assistant Law Directors may be compensated at an overtime rate of not to exceed \$225.00 per hour for time spent in representing the City in court appearances and special projects over and above the normal work hours as approved by the City Manager.

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4. School Crossing Guard \$40.49 per day (based upon a 4-hour day)
School Crossing Guard \$10.12 per hour

5. “Minimum” and “maximum” as used in this Section are deemed to be exclusive of provisions for longevity, sick leave and vacation conversion, health care, deferred compensation, and other forms of non-salary compensation for which express authority is provided by ordinance.

6. To reduce criminal activity and promote safe neighborhoods, the City Manager may lease or transfer City-owned property to Basic Patrol Officers and/or members of the Classified Service of the Division of Police at fair market value.

7. The City Manager shall have the authority, when deemed in the best interests of the City, to issue a monetary car allowance in lieu of issuing a City-owned vehicle to an employee.

8. The City Manager shall have the authority, when deemed in the best interests of the City, to issue a cost of living adjustment in the form of a one-time lump sum payment to an employee.

BOARD AND COMMISSION MEMBERS:

1. Architectural Board of Review, \$75.00/meeting attended
Three members, each

2. Architectural Board of Review, \$75.00/meeting attended
Two Alternate Members, each (at request of ABR Secretary)

3. Board of Zoning Appeals, \$90.00/meeting attended
Five Members, each
One Alternate Member (at request of Planning and Development Director)

4. Civil Service Commission, \$90.00/meeting attended
Three Members, each

5. Planning Commission, \$90.00/month
Seven Members, each (provided the member attends at least one meeting, either
regular or special during the month)

SECTION 2. POLICE

Sworn members of the Police Department who are members of the police bargaining units shall have the terms, conditions, and benefits of employment as described in the labor agreement and other related documents between the City of Cleveland Heights and the Northern

ORDINANCE NO. 15-2018 (AS)

Ohio Patrolmen’s Benevolent Association. The agreement covers the period commencing April 1, 2015 through March 31, 2018 and may be extended by agreement of the parties. The fire arms proficiency, gun upon retirement, educational incentive bonus, and the clothing maintenance allowance shall apply to all sworn members of the Department. A copy of the labor agreement and related documents are on file in the Office of the City Manager.

SECTION 3. FIRE

Sworn members of the Fire Department who are represented by the International Association of Fire Fighters shall have the terms, conditions, and benefits of employment as described in the labor agreement and other related documents between the City of Cleveland Heights and the International Association of Fire Fighters. The agreement covers the period commencing April 1, 2015 through March 31, 2018 and may be extended by agreement of the parties. The paramedic compensation, academic achievement bonus, and the clothing maintenance allowance shall apply to all sworn members of the Department. A copy of the labor agreement and other related documents are on file in the Office of the City Manager.

SECTION 4. PUBLIC WORKS Employees in the bargaining unit as described in the memorandum of understanding and other related documents between the City of Cleveland Heights and National Production Workers Union Local 707 of Cleveland representing Service Employees shall have the terms, conditions, and benefits of employment as described in said memorandum of understanding and other related documents. That agreement covers the time period commencing January 1, 2015 through December 31, 2017 and may be extended by agreement of the parties. A copy of the memorandum of understanding and other related documents are on file in the Office of the City Manager.

SECTION 5. MUNICIPAL COURT

Judge: Base pay according to the Ohio Revised Code 1901.11 is \$61,750.00

Administrative Judge compensation: \$1,500.00

Total salary: \$63,250.00

	<u>Minimum</u>	<u>Maximum</u>
Acting Clerk of Court	51,000.00	65,402.00
Bailiff	31,518.00	81,600.00
Chief Deputy Clerk	35,700.00	66,300.00
Clerk of Court	45,900.00	91,800.00
Chief Accounting Clerk	25,500.00	40,800.00

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Chief Probation Officer	30,600.00	71,400.00
Court Administrator	31,518.00	81,600.00
Deputy Bailiff	23,460.00	51,000.00
Deputy Clerk	23,460.00	44,800.00
Housing Specialist	30,600.00	61,900.00
Information Systems Technician	25,500.00	40,800.00
Law Clerk	10.30/hour	16.75/hour
Magistrate	35,700.00	96,645.00
Probation Officer	30,600.00	60,710.00
Secretary	23,460.00	44,166.00
Security	17.34/hour	25.50/hour

The compensation herein provided for and approved shall be payable in the manner and from the sources as provided for by applicable provisions of the Ohio Revised Code.

SECTION 6. VACATION

(a) All full-time permanent city employees shall accrue vacation leave according to the following schedule:

ALL FULL-TIME PERMANENT CITY EMPLOYEES

<u>Length of Service</u>	<u>Accrual Per Pay Period</u>
Up to and including the sixth year	3.08 hours
7 up to and including 12 years	4.60 hours
13 up to and including 18 years	6.20 hours
19 years or more	7.70 hours

Accrual of vacation days shall be by pay period and begin in the pay period in which the employee's first day of employment occurs. Vacation leave requests will be granted by the department heads in line with the needs of the department. To accommodate scheduling needs, vacation leave may be taken before actually accrued upon approval of the City Manager. When an employee terminates his employment with the city, the City Manager shall deduct from the employee's final pay periods the number of hours of vacation leave taken but not yet accrued. No more than the amount of vacation accrued in the previous twelve-month period may be carried forward into the next calendar year.

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Employees shall be paid for vacation leave accrued, but unused, at the time of separation provided the paid vacation does not exceed the employee's eligible annual accrual and further provided that such employee has worked six (6) months or more. Permanent part-time employees after one year of employment are entitled to one week of vacation a year on a prorate basis. After fourth year as a permanent part-time employee, the schedule will follow permanent full-time employee vacation schedules on a prorate basis.

All other full-time employees who transfer from any public agency in the State of Ohio to the City of Cleveland Heights may receive credit for the length of their consecutive service in the former public agency, in accordance with the provisions of the Administrative Code, for purposes of determining accrual of vacation leave during their employment with the City of Cleveland Heights. Accrual of vacation for transfer employees shall be determined according to the schedule set out in subsection (a). Employees who wish to receive credit for their prior public service shall obtain a certified copy of their employment record from their prior employer.

Vacation leave granted under this Section shall be administered pursuant to rules adopted by the City Manager.

(b) For purposes of this Section, the hourly rate of payment for accrued vacation leave shall be determined by the following formula: annual base pay at the time of employee separation divided by 2,080 hours.

SECTION 7. SICK LEAVE

(a) Full-time permanent employees may be eligible for paid sick leave. Sick leave will be accrued at the rate of 4.6 hours per pay period. Approved sick leave taken shall be charged against the employee's accumulated sick leave.

The amount of unused sick leave accumulated as of December 17, 1976 by permanent full-time employees shall be determined under the applicable terms of the Ordinances of the City of Cleveland Heights.

Employees who transfer from any public agency in the State of Ohio to the City of Cleveland Heights may receive credit for unused sick leave accrued during such prior public employment, in accordance with the provisions of the Administrative Code. Credit for accrued sick leave shall not exceed the limits specified for all other employees in subsection (a). Employees who wish to receive credit for accrued sick leave under this subsection shall obtain a certified copy of their sick leave record from their former employer.

All full-time, permanent employees who are in the employ of the City and who have been in the employ of the City for over ten (10) consecutive years may be eligible for payment for accrued unused sick leave earned at the City of Cleveland Heights, accumulated from January 1, 1969 upon termination of their employment for other than disciplinary reasons. The aforesaid

ORDINANCE NO. 15-2018 (AS)

requirement that the sick leave be earned at the City of Cleveland Heights shall apply only to employees hired after April 1, 1990. An employee shall be paid out one-quarter (.25) or 25% of sick time accumulated with a maximum of 960 hours for payout purposes. Therefore, the maximum payout that could be achieved is 240 hours.

Accrued Sick Leave	Conversion Ratio
0 - 960 Hours	1/4
961+ Hours	Not Eligible

For purposes of this Section, the hourly rate of payment for accrued sick leave shall be determined by the following formula: annual base pay at the time of termination of employment divided by 2,080 hours.

No employee shall be entitled to sick leave compensation in the event of injury, occupational disease or sickness resulting directly and proximately from the performance of any gainful employment or self-employment other than with the City of Cleveland Heights. A determination not to provide sick leave compensation under this Section shall be made by the City Manager, who shall adopt rules relating to the making of such determination.

Sick leave granted under this Section shall be administered pursuant to rules adopted by the City Manager.

SECTION 8. LEGAL HOLIDAYS

(a) The following-named days shall be deemed paid holidays for all employees. No employee shall be required to work on such holidays unless it is determined by the City Manager that public necessity requires his or her services.

1. The first day of January;
2. The third Monday in January;
3. The third Monday in February;
4. The last Monday in May;
5. The fourth day of July;
6. The first Monday in September;
7. The eleventh day of November;
8. The fourth Thursday in November;
9. The fourth Friday in November;
10. The twenty-fifth day of December;
11. Personal Day;
12. Personal Day

(b) If any such day falls upon a Sunday, the Monday following shall be deemed to be the holiday. If any such day falls upon a Saturday, the Friday immediately preceding shall be deemed to be the holiday.

ORDINANCE NO. 15-2018 (AS)

(c) Employees paid by the day or hour may be granted leaves of absence with full pay on any holiday named herein when, in the judgment of the City Manager, the public service will not be impaired by their absence.

(d) The foregoing notwithstanding, officers and employees who are exempt employees under the Fair Labor Standards Act shall receive no extra compensation if required to work on any holiday named herein.

SECTION 9. DEFERRED COMPENSATION PLANS

(a) The City shall sponsor a 457(b) Plan through payroll deductions, through one or more vendors subject to Council approval.

(b) The administration of the Deferred Compensation Plans shall be under the direction of a committee of three (3) members which shall include the Director of Finance, the City Manager or her designee, and one other employee who shall be appointed by the City Manager and shall be a participating member of the Plan. Payroll deductions shall be made in each instance by the Director of Finance.

(c) The Deferred Compensation Plans hereby authorized shall exist and serve in addition to retirement, pension or benefit systems established for the benefit of employees of the City and no deferral of income under the Deferred Compensation Plans shall effect a reduction of any retirement, pension or other benefit provided by law. However, any sum deferred under a Deferred Compensation Plan shall not be included for the purposes of any taxes withheld on behalf of any such employee, except municipal income tax.

(d) In order to encourage and reward extraordinary employee dedication and performance, the City Manager may award a particular employee additional non-salary compensation through contributions to an employee's deferred compensation account.

SECTION 10. WORK DAYS AND WORK HOURS

(a) City Hall shall be open from 8:30 a.m. to 5:00 p.m., Monday through Friday. Scheduling of employees to meet the needs of such hours of business shall be conducted through the City Manager.

(b) The normal work hours for employees of the following designated classifications shall be as follows:

1. Employees working in jobs classifications defined as exempt by the Fair Labor Standards Act, as determined by the City Manager after consultation with the Director of Law, shall work such hours as determined by the City Manager.

2. Employees working in jobs defined as non-exempt by the Fair Labor Standards Act, as determined by the City Manager after consultation with the Director of

Law, shall work thirty eight (38) hours to forty (40) hours per week as determined by the City Manager. Days of the week and work hours shall be in accordance with the needs of the city, which shall be determined by the City Manager.

3. The Clerk of Courts office shall be open from 8:30 a.m. through 5:00 p.m. or as otherwise determined by the Municipal Court Judge. Employees shall work such hours as established by the Municipal Court Judge.

SECTION 11. HEALTH CARE INSURANCE AND ANCILLARY BENEFITS

(a) The City shall purchase or subscribe to and maintain in full force and effect for each full-time employee of the City a health care insurance plan, including medical-surgical protection, covering hospital and surgical benefits and related coverage, through one or more vendors subject to Council approval. Such health care insurance plan shall be maintained so long as such employee remains in the employ of the City. The City shall contribute ninety percent (90%) of the cost of the plan elected by the employee and the employee shall be responsible for any costs above the amount of established employer contribution, *i.e.*, ten percent (10%) of the cost for coverage.

(b) All full-time employees shall be offered participation in a prescription plan through one or more vendors subject to Council approval.

(c) The City shall offer dental coverage for each full-time employee from one or more vendors subject to Council approval. Such coverage shall have a maximum benefit of \$1,500 per person. Coverage shall include two (2) yearly cleanings and check-up exams and coverage of eighty percent (80%) of basic and major services, less deductibles. Orthodontia benefits for dependents age 19 or younger also shall be offered with a \$1,000 maximum benefit per dependent.

(d) The City shall offer a vision plan for each full-time employee from one or more vendors subject to Council approval. Such coverage shall have a maximum reimbursement of \$150 per person.

(e) The City shall offer a Flexible Spending Account for qualified medical or dependent care expenses to be funded with employee gross earnings through one or more vendors subject to Council approval.

(f) The City shall offer all employees access to an Employee Assistance Program which offers short-term counseling; assistance with locating reliable childcare, general and special educational needs, and resources for the elderly; no cost attorney consultations with discount if retained; no cost financial consultations; nutritional coaching; and fitness coaching.

(g) The availability of health care insurance and ancillary benefits described in this Section to individual, part-time employees may be determined by City Manager pursuant to Codified Ordinance Section 139.20.

SECTION 12. LIFE INSURANCE

(a) The City shall purchase or subscribe for and maintain in full force and effect life insurance of \$10,000.00 for each full-time employee until the employee reaches age 70; at age 70, benefits will be reduced by thirty-five percent (35%); and at age 75, benefits will be reduced an additional twenty percent (20%) through one or more vendors subject to Council approval.

(b) The City shall purchase or subscribe for and maintain in full force and effect for each full-time employee accidental death and dismemberment insurance at no cost to employee through one or more vendors subject to Council approval.

(c) Each employee shall be provided the option to buy additional term insurance through payroll deductions through one or more vendors subject to City Council approval.

SECTION 13. LONGEVITY

In addition to their regular salary, all full-time, permanent employees covered by this Ordinance shall be paid for each biweekly pay period additional compensation for length of service, as follows:

	<u>April 1, 2014</u>
1 st through 5 th year of service	No entitlement
6 th through 10 th year of service, inclusive	16.92
11 th through 15 th year of service, inclusive	33.85
16 th through 20 th year of service, inclusive	51.24
21 st through 25 th year of service, inclusive	69.23
26 th year and thereafter	76.93

The longevity compensation shall take effect for the entire pay period following the employee's anniversary. All service on a full-time basis with the City shall be considered in applying this section and such service need not be continuous. For the purpose of determining credit for prior periods of employment, only full months of service shall be considered; credit shall be given for employment during authorized leaves of absence for military duty.

All permanent, part-time employees who have served an equivalent of five (5) years of full-time employment with the city will be eligible on a prorata basis for longevity bonus payable on an annual basis on or about January 31. Entitlement will be effected during the first full year, after the employee meets the five-year threshold. The permanent, part-time employee will follow the same longevity schedule as the permanent full-time employee on a prorata basis.

SECTION 14. OVERTIME

All employees working in job classifications defined as non-exempt by the Fair Labor Standards Act, as determined by the City Manager after consultation with the Director of Law, shall be compensated for overtime at a rate of one and one-half (1.5) times their regular hourly

ORDINANCE NO. 15-2018 (AS)

rate of pay. Overtime as used herein shall mean time actually worked over and above forty (40) hours per week when ordered to do so by the City Manager or her designee.

The City Manager shall have the authority, when deemed in the best interests of the City, to pay overtime to those individuals defined as exempt by the Fair Labor Standards Act, as determined by the City Manager in consultation with the Director of Law, at a rate not to exceed one and one-half (1.5) times their regular rate of pay.

SECTION 15. EMPLOYEE INDEMNIFICATION

The City shall comply with Chapter 2744 of the Ohio Revised Code relating to employee indemnification.

SECTION 16. PENSION

All employees shall be covered as required by law under the Public Employees Retirement System of Ohio unless covered by Ohio Police & Fire Pension Fund. The City shall make all contributions required by law.

SECTION 17.

To the extent that a provision in this Ordinance is covered by a separate labor agreement described in Sections 2, 3, 4 5, or 6 herein, the labor agreement shall supersede the provision of this Ordinance.

SECTION 18.

The provisions of this Ordinance shall be deemed to be in effect as of midnight, April 1, 2018. Effective midnight, April 1, 2018, Ordinance No. 20-2017 (AS) and all amendments thereto and provisions of all other ordinances heretofore adopted are repealed to the extent inconsistent herewith.

SECTION 19.

Notice of 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.

SECTION 20.

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and welfare of the inhabitants of the City of Cleveland Heights, such emergency being to provide a schedule of adequate compensation for various officers and employees of the City, in order that satisfactory personnel may be retained in the City employ. 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

ORDINANCE NO. 15-2018 (AS)

immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED: March __, 2018

City Council for the City of Cleveland Heights, Ohio, held a Committee Meeting of the Whole on the above date at 6:19 p.m. to discuss the contents of the City Manager's memo.

Council Members present: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Staff present: Boland, Briley, Butler, Clinkscale, Freeman, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Rothenberg, Sabin, Smith, Trupo, Wong

Vice Mayor Yasinow moved to begin Executive Session to discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim. Councilman Ungar seconded the motion. Executive Session began at 7:06 p.m.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Nays: None

Vice Mayor Yasinow moved to end Executive Session and Councilwoman Ungar seconded.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Nays: None

Executive Session ended at 7:20 p.m.

Vice Mayor Yasinow moved to begin a second Executive Session to discuss appointment of a public official. Councilman Ungar seconded the motion. The second Executive Session began at 7:20 p.m.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Nays: None

Councilwoman Dunbar moved to end Executive Session and Vice Mayor Yasinow seconded.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Nays: None

The second Executive Session ended at 7:25 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:33 p.m., Mayor Roe presiding.

Roll Call: Present: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Staff present: Boland, Briley, Butler, Clinkscale, Freeman, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Rothenberg, Sabin, Smith, Trupo, Wong

Mayor Roe stated, "Good evening, everyone. Welcome to the Cleveland Heights City Council meeting on Tuesday, February 20, 2018. Would the Clerk please call the roll?"

Roll Call: Present: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Laurie Sabin stated, "Seven present, Your Honor."

Mayor Roe stated, "Thank you very much. Everyone's here. Now we have minutes to approve from the regular Council meeting, Monday, February 5 and the Democracy Day held Thursday, January 25. I know I reviewed them and had no corrections. Did anyone else look at the minutes?"

Councilwoman Dunbar stated, "I handed in mine already."

Mayor Roe stated, "Okay. All right, so those will be approved with no corrections other than maybe Mary had some corrections. Okay, so they'll be approved with those corrections. Personal communications from citizens – if you are wanting to share something with us, this would be the time to come to the podium, introduce yourself with your address please and please limit yourself if you can to three minutes."

Melody Hart stated, "No problem. Melody Hart, 2976 Monmouth Road. I'm here on behalf of the Greater Cleveland Congregations from Cleveland Heights and we have two issues I wanted to raise. One issue I wanted to raise is we understand that we've had some trouble keeping our home inspectors employed here and so we wondered if there was some competitiveness study that could be done of the salary ranges of our housing inspectors to make sure that we're able to keep the best ones here in Cleveland Heights. The second issue was we wanted to encourage you as well to continue to look at the foreclosure bond. We really feel that that's an important move for the city. It will help keep these houses from deteriorating when they're being foreclosed upon. That's all. Thank you."

Carol Roe stated, "So, did you want to respond, Tanisha, to anything?"

Tanisha Briley stated, "Well, I was looking for Allan Butler. He's probably in the back, but I'm pretty sure we've had the two inspectors that have left over the last couple of years have retired. So, they didn't resign for other positions. They retired from service with the city after 25 plus years of service. I believe there was a recent retirement, but I can confirm that for you later, Melody, yes."

Mayor Roe stated, "Okay, thank you. Next. Anyone else?"

Susan Berger stated, "I usually leave this to my husband to do. My name is Susan Berger. I live on Hampshire Road and I wanted to speak to the current Charter Review Commission process and some observations. I went to last Thursday's Charter Review Commission meeting and when I got home, I felt pretty sad, pretty demoralized and discouraged, and as my husband would tell you, if it was up to me, we'd be considering whether this is the community we would stay in. So, I listened and I observed intently and I want to tell you what my takeaways were from my observations. One – there doesn't seem to be the sense of urgency of now. All indications seemed to point to the sense that the process can take as long as it needs, as long as they like, and that meeting any ballot deadlines aren't any

consequence. There also seemed, in the lines of questioning, limited appreciation that our Cleveland Heights realities are far different today than they were at the charter's first writing nearly a century ago and at its last review almost four decades ago. This is reinforced by the message delivered by four of the seven Council members who did report back and respond to the survey and said that they felt that the current system is fine and also reinforced by former Councilperson Dennis Wilcox, but to listen to the majority of questions being asked by the commission, sounded far more like a deposition defending the current Council Manager form of government than one that demonstrated curiosity about what else might work. I was also really troubled to find out that three of the seven Council people have yet to respond to the survey at the deadline requested and I'm trying to understand why that would be. The only conclusion I come to is disinterest, but I want to presume that I'm wrong. What I really think this process deserves from all of us is true curiosity about what different forms of government can do and appreciation that today's world is far different for a city like Cleveland Heights and that this Charter Review process deserves a robust, intentional system to engage community voice. The last point was made by many community members who waited until after 9:00 to speak and stay until 9:45 at night and kudos to the commission members that stayed and listened, but really saying, 'We need there to be a community process; a community voice.' And I would say there's only maybe one or two members of that commission that echoed that belief. So, here's what I want to ask of you, if I'm going to make an ask, is that all of you choose to engage fully in heart and mind, open to the possibilities of new and different ways of doing business here. We may land where we started, but at least this community will see everybody leading with openness and curiosity. Right now, that's not the image we're receiving. My ask of those of you who have yet to reply with your feedback, please do. Please make your voices heard. I ask that you also make clear to this commission that you expect robust community engagement in this process, not just a report-out at the end where community members can come listen, but a real thoughtful way that we hear from our community members. And I ask that you appreciate the urgency of now. The pace of change in this city is painfully slow. We need to find ways to be more agile, facile and bold, more open to change and far less risk averse. It is my opinion that this process and our current government's structure are not made to help us move in these directions. I can't ask that you agree with me as to what the decision ought to be, but I feel well within my rights as a citizen to ask that you demonstrate that you appreciate the passion and voice of our community, understanding their frustrations with current systems and that you help shift the energy of this process to one that demonstrates greater curiosity, greater engagement and greater openness to change."

Mayor Roe stated, "Do any Council members want to respond?"

Councilman Ungar stated, "Well, I'll just say the charge to the Charter Review Commission was to be independent, open-minded and conduct the precise, robust dialogue that was suggested very articulately by Sue Berger, so I think the entire Council, we all voted unanimously to endorse the process and that's to say, I think we put in place – I don't mean to sound defensive – I think the Council put together an excellent Charter Review Commission that truly does care deeply and passionately about the community and is doing its best to keep an open mind and explore all possibilities of governance for our community going forward. So, that's what I've seen going on and the fact that some of us have responded to the questionnaires and the way we did means we gave our genuinely held honest belief in

response to the questions that were asked. We didn't craft those questions. They crafted those questions and Emailed then to us and then we answered them. It was as simple as that. There's no end game in mind when we did that. We have members of the Charter Review Commission in the room this evening who I think can attest to that and the fact that, and I can speak only for myself in this regard, the fact that I answered those questions the way I answered them does not mean for a nanosecond that I'm not open to ideas for different forms for governance whether suggested by this Charter Review Commission or otherwise. I've said so many times publicly and I continue to be of that mindset. I am looking forward to – and in terms of the timing, I am keenly aware that there are some including some on this Council that Charter Review Commission should be done with its inquiry by now and there are others that believe that the Charter Review Commission should take the amount of time in its sole discretion it believes it needs to address the issues and the majority view that prevailed was that they would do exactly that, that they would take as long, or as little frankly, recognizing that possibility, time as they needed to get to a point where they are comfortable. We left that solely in their discretion. Council considered, but determined not to set specific deadlines on either issue by issue or on the whole; probably leaving a few of our deliberative processes out in responding, but I very much... look, Sue Berger and her husband, Bob Brown, are exactly the kinds of citizens that this community wants and needs and it bothers me greatly when she stands up and says anything is going on in the city that causes her to think about leaving because that would be a disaster for the city to lose people like Sue and Bob. In full disclosure, they happen to be very good friends of mine too. So, I mean I'd cry if they left the city and I'm disappointed to hear that that's the takeaway from last week's Charter Review Commission meeting. I wasn't there. I didn't see it. I watched some of it, but not all of it, on video and I don't mean to... if I sounded defensive of the committee, I don't mean to be. I'm trying to be slightly defensive of the process that lead to the formation and construction of the committee. That part I'm partly responsible for. I'm not responsible for how the committee is currently running itself and everybody's entitled to their opinions to, whether they're doing it well or poorly or somewhere in between. That's all I have to say about that and thank you very much for being here and for expressing your opinion."

Mayor Roe stated, "Jason."

Councilman Stein stated, "I agree with what Mike said about the process. I agree 100% with that, but as one of them that did not respond to the questionnaire, I have been conflicted about whether to respond or not. The simplistic reason is that I wanted this entire process to be very citizens driven. The Charter Review is going to review the entire charter and then make recommendations as it sees fit to Council to consider to put on the ballot. That means I'm going to be considering it. This entire body will consider it, whatever the Charter Review considers to be appropriate. So, I did not... I chose not to respond because I did not want to sway in any way the Charter Review's objectivity. Those members are looking at me not as a sitting elected official, but as a citizen of the city and I really wanted to keep as much as an open mind for myself and for the participants so that when I receive it, I can really make a determination based on what they presented in front of me instead of me giving a recommendation for some pretty big potential changes to our city involving the form of government

that we have. I did not want to sway the Charter Review members in any way with my recommendations or my personal views.”

Councilwoman Dunbar stated, “I was just going to say, I mean, what I put in the responses I provided are what I think so I don’t think I need to repeat them for anybody that’s read them, but I also said that I’m open to what they come up with. It’s up to them at this point.”

Mayor Roe stated, “Melissa.”

Vice Mayor Yasinow stated, “One thing I just would like to add. I’ve seen the Charter Review. I’ve submitted by questionnaire response. I spoke before the Commission. I would just like to take a moment and, I think, I frankly applaud their level of engagement. I found them to be thorough. I applaud the fact that they’ve been, although they can take as long or as little as they would like within their own discretion as they’re a self-guided body, they’re really... they’re meeting every other week as I understand and, you know, for some of those commission members, I understand it’s a real sacrifice. Not everybody has significant amounts of time and yet, they’re making this a priority. I also want to applaud the commission on its transparency. I think they worked very hard on that. They have their meetings in here every other week. They’re videotaped for anybody who wants to see. Anybody can come and speak with the commission. Anybody. And I encourage people to do so. I encourage people to send their thoughts, questions, concerns to the Commission Chair Larry Keller. He does take those and reports it on the commission and I just invite anybody who’s interested in the process to come on in.”

Mayor Roe stated, “Kahlil.”

Councilman Seren stated, “Thank you. Ms. Berger, I wanted to thank you for your words tonight. I think these days, maybe it’s just my experience, but it feels like it’s easier now than it used to be to feel disengaged or disheartened and I’m not immune to that. So, you know, sometimes it feels like what you mentioned tonight feels like an uphill battle sometimes and I know that I’ve felt a little discouraged, but what you said tonight is something that is helping to get me a little bit more encouragement and so I, at this point, I want to encourage you that it’s not disinterest and sort of creating an optimum system here in Cleveland Heights or as close to optimum as we can get and that I will take your words to heart and see what I can do to contribute to this process. I know that we all have... we use the charter and we operate within it and so, our perspective, I think, is valuable in terms of the experience that we have with it and it provides maybe some, you know, real world kind of experience that they wouldn’t necessarily get otherwise. So, I definitely applaud my colleagues who have spoken with them for providing their perspective to this commission and so, I do intend to do the same. It is a little tough for me. Their meetings are Thursday night and I teach a course on Thursday night. So, attending has been difficult, but I will find a way. So, thank you very much for speaking with us tonight.”

Councilwoman Stephens stated, “He said what I would say.”

Liz Rothenberg stated, “Mayor, can I, as the attorney for the commission, I just want to make sure that it’s known to whatever audience is in the room and is watching at home that in addition, as Melissa said, to there being public comment taken at the end of every Charter Review Commission,

that's every two weeks, the first and the third Thursday at 7:00 p.m. they're held. They take public comment at the end of every meeting, They've also already voted and decided as a commission they will take extensive public comment before making a final recommendation to Council and the suggestion that there be a public comment heard prior to that period of time was heard by the commission just a few days ago, last Thursday, and they haven't decided yet when or where and whether or not they're going to do that. So, I just wanted to be clear on the record about the public comment that is available already."

Mayor Roe stated, "Thank you for your comments. I don't know that I have anything in addition to say. So, thank you. Okay."

Barbara Sestowski stated, "I'm Barbara Sestowski, 3863 Northhampton and I wish to that Mayor Carol Roe and Vice Mayor Melissa Yasinow and Council persons Michael Ungar and Cheryl Stephens for their attendance at the most recent Noble Neighbors meeting on February 6, now celebrating our four year anniversary for working in our North Cleveland Heights community. It especially made my day since, as a beautification team head, and we are coming up to our fourth Noble Neighbors festivity in the spring and this year it's in May and hopefully it won't snow. I received this overwhelming support for the efforts in the guise of Councilman Michael Ungar who would be my point person with Public Works and so, I just wanted to let you that I have two envelopes; one for the City Council to see the plan that I've written up with the team and also one for Public Works as a special copy that I'll do at the cessation of today's meeting. Thank you very much."

Mayor Roe stated, "Thank you, Barb. Anyone else to share anything with Council this evening? All right. Again, thank you very much for being here. Report of the City Manager."

Report of the City Manager

Tanisha Briley stated, "Thank you, Your Honor. I have two items to report this evening. The first is I would like to request permission to solicit qualifications to developers to develop the Meadowbrook and Lee site and I'd like to make this a Matter of Record."

Matter of Record

Mayor Roe stated, "And so that will be referred to the Planning and Development Committee of Council and Councilwoman Dunbar will address that in her report."

Tanisha Briley stated, "Or now if you choose to do so."

Mayor Roe stated, "Or now? Okay."

Councilwoman Dunbar stated, "All right. I move that we grant permission to the City Manager to solicit qualifications to develop the Meadowbrook and Lee site. Is there a second?"

Vice Mayor Melissa Yasinow stated, "Second."

Mayor Roe, "Been moved and seconded that we solicit qualifications to develop the Meadowbrook and Lee site."

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Nays: None

Motion Passed

Laurie Sabin stated, "Seven ayes, Your Honor."

Mayor Roe stated, "Okay, thank you. So, we're very excited to move ahead with another potential development project in Cleveland Heights."

Tanisha Briley stated, "Thank you. The next item is – I would like to notify Council that sealed Bids were received for the 2018 Refuse Disposal Contract #18-02. Base Bids for Landfill Service have been tabulated and reviewed and Rumpke of Northern Ohio, Incorporated's 3 year average Base Bid price of \$15.32 per ton is the lowest and best responsible bid. Alternate A-1 Bids for Transfer Station Relay Service have been tabulated and reviewed and Rumpke of Northern Ohio, Incorporated's 3 year average Alternate A-1 Bid price of \$32.05 per ton is the lowest and best responsible bid. Alternate A-2 Bids for Yard Waste Disposal Service have been rejected due to lack of responsiveness from Bidders; and I would like to make this a Matter of Record. There's no vote on this; just a report."

Matter of Record

Mayor Roe stated, "Thank you. Do you have any other business to report to us?"

Tanisha Briley stated, "Nothing further, Your Honor. Thank you."

Mayor Roe stated, "The Director of Finance/Clerk of Council Report."

Report of the Director of Finance/Clerk of Council

Laurie Sabin stated, "Nothing to report."

Mayor Roe stated, "No business this evening. Public Safety Report – we are going to have Annual Reports by our Chiefs. I'm not sure. Chief Freeman is going first."

Tanisha Briley stated, "I think you won the thumb wrestle contest."

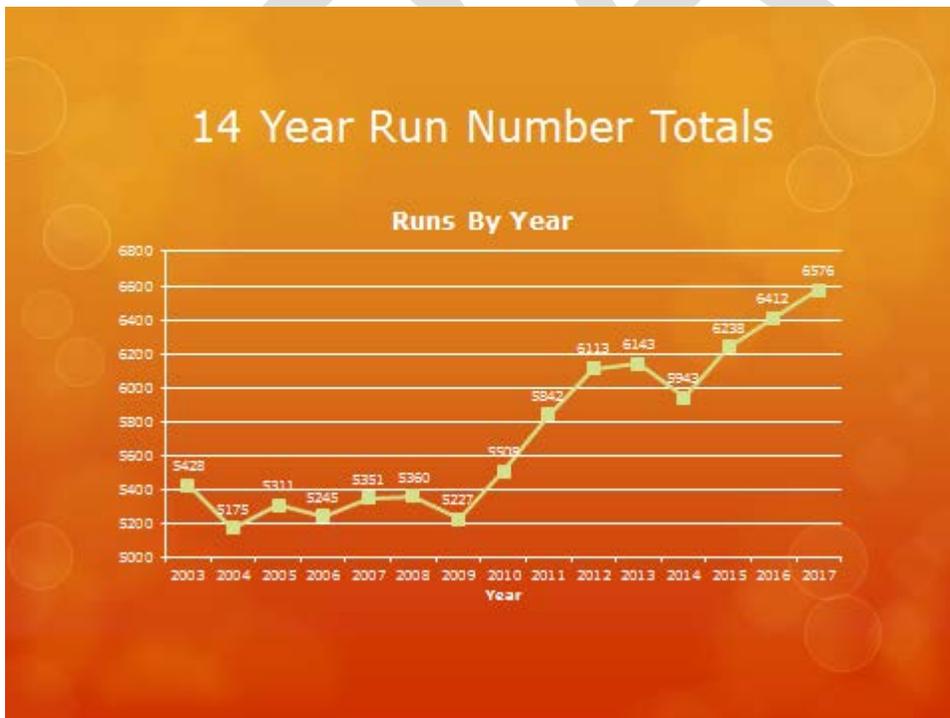
Chief Freeman stated, "What was that?"

Tanisha Briley stated, "Did you win the thumb wrestling?"

Chief Freeman stated, "No, I'm good. He set me up with that, so we're good."

Public Safety Reports

Chief Freeman gave the following report. "Good evening, Mayor, members of Council, City Manager and staff. I'm here to present our 2017 report. I'm Chief Dave Freeman from the Fire Department. So, we'll move right through it."





2017 Call Statistics



- FIRE DATA
 - Emergency Fire Run Count: 1,231 (19% of volume)
 - Emergency Structure Fire Count: 64
 - Emergency Vehicle Fire Count: 8

- MEDICAL EMERGENCY DATA
 - Total: 5335 (81% of volume)
 - Medical Calls: 5184
 - Automobile Accidents: 151
 - Advanced Life Support: 1,368
 - Basic Life Support: 3,942
 - Hospital Transports: 3,508



Fire Prevention Bureau



- Total Completed Fire Inspections: 2061
- Smoke Detectors Distributed: 182
- Classes in fire safety for K-7th Grade
- Senior safety classes taught at senior apartments
- Participated in Public Safety Night Out with CHPD
- Taught "Hands Only" CPR at Block Parties

Opioids and overdose information

- Very difficult to accurately track
 - Narcan is given for multiple conditions
 - We can't assume opiate use
 - Hospitals test but we don't see results
- We estimate as many as 50 but only 12 are clearly due to opiates by admission or evidence
- 84 doses of Narcan were administered
- Typical opiate overdose requires multiple doses due to potency of product and inclusion of fentanyl and other drugs
- In perspective, the Cuyahoga County Medical Examiner lists 822 deaths in 2017, 1 from Cleveland Heights

Special Projects

- Completed merger of Hilltech and HASRT (Heights Area Special Rescue Team) into Eastech rescue team
- Completed transition to Heights Hillcrest Communications Center, merging public safety communications for Cleveland Heights, Shaker Heights, South Euclid and University Heights Police and Fire into a single space at Metro Facility on Severance Circle
- Participating in area group to discuss common protocols, operating/response procedures for Heights/Hillcrest area fire departments
- Completed testing process for new Lieutenants and Fire Inspector



Notable Achievements



- Millions in property saved due to quick response and cutting edge tactics used by our firefighting teams
- Numerous saves by our squad crews
- Received a grant from Ohio Bureau of Workers Compensation to purchase new technology fire hoods which filter cancer causing
- Entered agreement with Horton Ambulance to purchase new ambulance, delivery in March 2018
- Completed bid process to purchase new fire hose and nozzles to replace aging equipment, delivery in early 2018.
- Partnership with CCC started a new vocational education program with Heights High focusing on fire and EMS training



Future Plans



- Continue to evaluate use of common protocols and operating procedures with area fire/EMS departments
- Continue to refine department training to increase cross shift consistency
- Investigate possibility of new reporting software for fire and EMS
- Finish process of becoming Cuyahoga County Ready Certified
- Develop new automatic aid districts to increase response with joint dispatch partners
- Give tests for Battalion Chief in anticipation of openings
- Continue to deliver high level service with increased efficiency
- Evaluate calls for service to form strategies to reduce the same
 - For example, fall prevention program



Conclusion



- The level of service provided by the members of the department is second to none.
- Our partnership with city administration and the residents has been very valuable and the feedback we receive is used to make improvements.
- Thank You for allowing us to serve the city!

Mayor Roe stated, "Thank you for your report. Do any Council people have questions other than me? So, thank you Chief. I want to just follow up on an issue that we've talked about in the past relating to the diversity of our firefighters and firepersons and do you have anything to share with us in terms of...?"

Chief Freeman stated, "We've actually increased the diversity quite a bit in the last few years with females and with ethnicities. So, it's kind of happened by accident. I can't claim any credit for it. The truth of the matter is that I've studied it extensively. I actually have a binder that's like three inches thick on Civil Service and I'm going to talk more about that with them. The problem we run into is that the programs are not turning out diversity. So, we're limited by those programs as they come out of paramedic school and out of fire school. It's a problem and I don't really know what the answer is. I had a college professor and I did a Master's Degree assignment and I told him I was going to look at the diversity issue and he told me if I solved it, we'd both be rich. So, that's how widespread it is. It's really nationwide and it's actually, if you look at it, it's becoming a little bit worse because we don't even have the numbers implying that we used to."

Mayor Roe stated, "It is a concern in all health professions and the Institute of Medicine has addressed it in terms of it is a problem nationwide that our care force does not reflect our population. So, it continues to be a goal."

Chief Freeman stated, "Yeah, absolutely."

Mayor Roe stated, "Oh, Mary, you wanted to say?"

Councilwoman Dunbar stated, "I just wanted to say I had occasion to call EMS a couple of times several months ago and they did an excellent job. So, you can feel very happy to be living in this community close to hospitals and excellent EMS provider."

Chief Freeman stated, "Thank you, ma'am, appreciate it."

Mayor Roe stated, "And my second question had to do with the fall prevention program. I was intrigued by that and wondered if you had adequate resources in terms of?"

Chief Freeman stated, "I'm looking at the hospitals for partnerships because I have connections through every hospital system that we use – University, Cleveland Clinic and Metro – so I'm trying to get those resources together and I actually had someone reach out to me coincidentally involving the same subject just recently."

Mayor Roe stated, "Yeah, because almost every acute care institution is under the gun now to develop some kind of fall prevention program. So, is that something that you're working with the people that we see on a regular basis at our Senior Center?"

Chief Freeman stated, "That's the intent of focus."

Mayor Roe stated, "That's the intent. Okay."

Chief Freeman stated, "Exactly. Them and also their families. So, that's a big part of it and that was actually a suggestion by the City Manager when we talked about it. So, I'd like to develop, you know, not only some programs that we can go out and present, but also some literature that we can give out when we go to a home where there's been a fall. We can give it to the family and to the person involved."

Mayor Roe stated, "Okay, thank you very much."

Chief Freeman stated, "Thank you."

Mayor Roe stated, "Chief Mecklenburg."

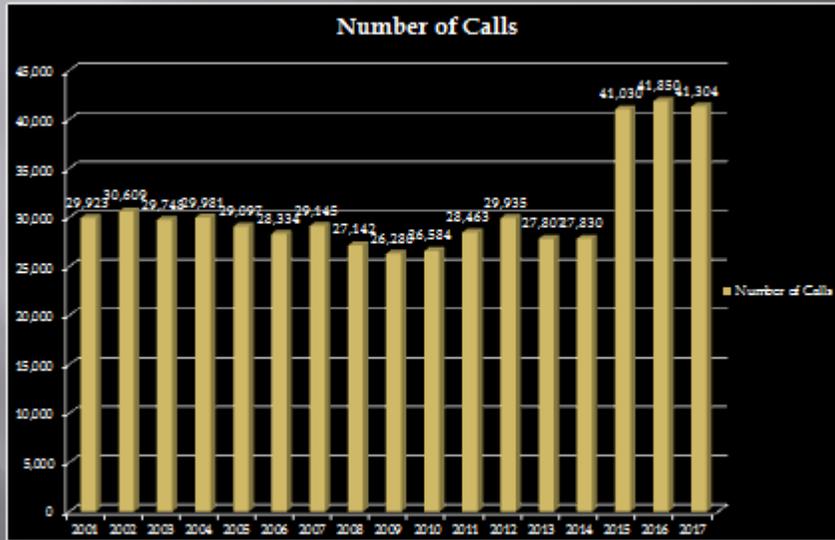
Chief Mecklenburg stated, "Mayor, members of Council, City Manager Ms. Briley, thank you for allowing me to speak tonight and give you some updates over what happened with the Police Department in 2017." Chief Mecklenburg gave the following presentation.

CLEVELAND HEIGHTS POLICE DEPARTMENT

2017 ANNUAL REPORT

2017 POLICE DEPARTMENT ROSTER

▣ Chief	1
▣ Captain	4
▣ Lieutenant	4
▣ Sergeant	9
▣ Patrol Officer	54
▣ Basic Patrol Officer	33
▣ Frozen Positions	4
▣ Total	109



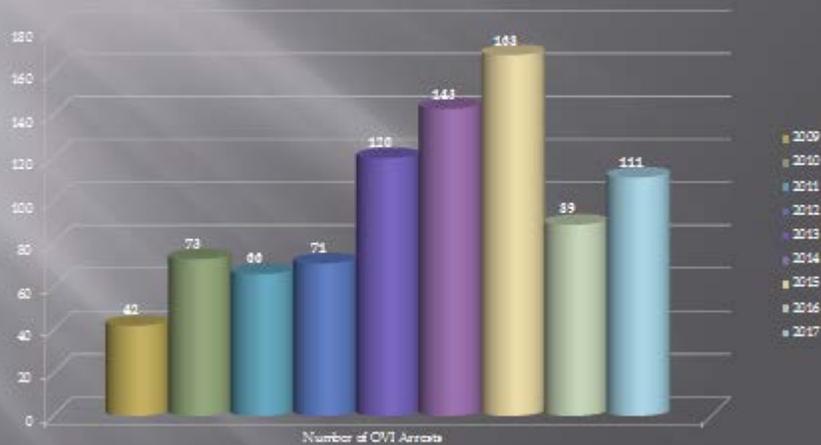
ANIMAL CALLS FOR SERVICE

ANIMAL AT LARGE	513
ANIMAL BITES	28
ANIMAL COMPLAINT/MISC	277
BARKING DOG	123

MOTOR VEHICLE ACCIDENTS

Year	<u>Motor Vehicle Accidents</u>	<u>MVA-Bicycle Involved</u>	<u>MVA-Pedestrian Involved</u>
2012	1187	3	22
2013	1210	4	22
2014	1044	13	23
2015	1345	8	18
2016	1393	7	19
2017	978	10	10

OVI ARRESTS



CRIME RATES FOR CLEVELAND HEIGHTS

	MURDER	RAPE	ROBBERY	AGG. ASSAULT	BURGLARY	THEFT	AUTO THEFT	ARSON
2011	1	7	102	33	318	1051	100	0
2012	0	14	113	50	320	1359	83	7
2013	2	6	97	42	255	1236	78	4
2014	2	10	55	37	187	923	116	2
2015	3	8	53	33	128	826	90	1
2016	3	9	83	55	117	782	98	4
2017	2	16	79	34	125	657	99	1

ARRESTS

- 2017 ARRESTS
 - 1489 PHYSICAL ARRESTS
 - 2159 BOOKED INTO JAIL

- 2016 ARRESTS
 - 1411 PHYSICAL ARRESTS
 - 2067 BOOKED INTO JAIL

COMMUNITY RESPONSE TEAM

- ❑ WEEKLY MEET YOUR POLICE MEETINGS
- ❑ NEIGHBORHOOD MEETINGS
- ❑ SAFETY TOWN
- ❑ BICYCLE SAFETY PROGRAMS
- ❑ ALICE TRAINING
- ❑ POLICE NAVIDAD
- ❑ 3 ON 3 BASKETBALL TOURNAMENT
- ❑ NATIONAL NIGHT OUT
- ❑ SEMINARS AT SENIOR CENTER

CRIME SUPPRESSION TEAM

- ❑ STAFFED BY ONE SERGEANT / THREE DETECTIVES / ONE BPO
- ❑ WORK IN PLAIN CLOTHES
- ❑ UTILIZE COMMAND CENTRAL FOR CRIME ANALYSIS
- ❑ SINCE JANUARY 2012, OVER 140 SEARCH WARRANTS EXECUTED
- ❑ 85 ARRESTS IN 2017

REGIONALIZATION

- ❑ EASTSIDE DEPARTMENTS GROUP ENFORCEMENT - SWAT TEAM
- ❑ MOBILE FIELD FORCE
- ❑ HEIGHTS HILLCREST COMMUNICATION CENTER (HHCC)
- ❑ ACCIDENT INVESTIGATION UNIT (2018)

JUVENILE DIVERSION

- ❑ MISSION STATEMENT
- ❑ OUR MISSION, IN CONJUNCTION WITH THE CUYAHOGA COUNTY COURT OF COMMON PLEAS-JUVENILE DIVISION IS TO PROVIDE AN EFFECTIVE COMPREHENSIVE ALTERNATIVE TO STATUS/UNRULY AND FIRST TIME OFFENDERS. THE PROGRAM WILL PROVIDE AN OPPORTUNITY FOR THE CHILD ALONG WITH HIS/HER FAMILY TO CORRECT SELF-DEFEATING, LIFE ALTERING BEHAVIORS IN LIEU OF AN OFFICIAL REFERRAL TO THE JUVENILE COURT SYSTEM.

JUVENILE DIVERSION

- ▣ INV. FALISA BERRY
- ▣ ASST. LAW DIRECTOR TIFFANY HILL
- ▣ 42 REFERRALS FROM JUVENILE COURT IN 2017 (101 referrals in 2016)
- ▣ FIRST TIME OFFENDER
- ▣ NON-VIOLENT OFFENDER
- ▣ TAKE FULL RESPONSIBILITY FOR OFFENSE
- ▣ PARENT/GUARDIAN PARTICIPATION
- ▣ SIGNED CONSENT FORM

CLEVELAND HEIGHTS POLICE ACADEMY

- ▣ COMPLETED 44TH YEAR OF OPERATION
- ▣ BI-ANNUAL CCW TRAINING FOR CIVILIANS
- ▣ CITIZEN'S POLICE ACADEMY
 - 4TH GRADUATING CLASS
 - 5th CLASS FALL OF 2018
 - RECEIVE INSTRUCTION IN A WIDE ARRAY OF LAW ENFORCEMENT SKILL AREAS
 - ALUMNI ASSOCIATION
 - PROVIDES INVALUABLE ASSISTANCE TO PD

2016 HIGHLIGHTS

- ❑ PRECINCT 3 – CRT BUILDING
- ❑ 1ST YEAR PARTICIPATION IN PILOT PROGRAM – DOG WATCHERS WATCH
- ❑ AFIS TRAINING – ADDED 4TH OFFICER
- ❑ FACEBOOK/NEXT DOOR
- ❑ 4TH ANNUAL SAFETY FORCES NIGHT
- ❑ CONTINUING PROFESSIONAL TRAINING
 - IN 2016 – 11 HOURS REQUIRED
 - IN 2017 – 20 HOURS REQUIRED
 - IN 2018 – NO HOURS REQUIRED

2017 HIGHLIGHTS

- ❑ PURCHASE OF DASH CAMS/PORTABLES
- ❑ AAA PLATINUM TRAFFIC SAFETY AWARD
- ❑ MADD AWARD OF EXCELLENCE
- ❑ OHIO COLLABORATIVE
 - USE OF FORCE (2017)
 - EMPLOYEE RECRUITMENT AND HIRING (2017)
 - BODY WORN CAMERAS (2018)
 - COMMUNITY ENGAGEMENT (2018)
 - TELECOMMUNICATIONS(2018)

Mayor Roe stated, “So, what, tell me more about the standards in terms of employee recruitment and hiring. What kinds of things does that address?”

Chief Mecklenburg stated, “It addresses kind of the way that we do it, what steps we take for hiring, you know, the interview process, the background, the psychological assessment, the physical

assessment. It does all that and then it also looks at our recruiting. So, we kind of report to them the different places that we've done recruiting. So, we'll go to college campuses. We'll go to Police Academies. We're always looking for places where we can go to recruit officers for our Police Department."

Mayor Roe stated, "And I would imagine you have the same kind of challenges that Chief Freeman eluded to in terms of places to recruit that would help us in terms of diversity."

Chief Mecklenburg stated, "Yes. I mean, obviously, overall the applicant pool is down, but our minority applicant pool is down. I think that's something that a lot of departments are dealing with. So, we're always looking for ways and again, we're in the process of reviewing that to see what we can do to make ourselves more attractive or what we can do to get more people to apply. So, we are reviewing our current policies and procedures for hiring and our requirements to see if some things may need to be revised."

Councilwoman Dunbar stated, "I was going to say I was asked to go sort of judge the technical training programs at the Heights High which are collaborative between Cleveland Heights, Shaker Heights and I think Warrensville Heights; University Heights of course, and they did have a police component to that, learning the basics. Are you involved with that at all?"

Chief Mecklenburg stated, "We haven't had a lot of involvement. You know, Heights High does have a Criminal Justice program. It's run by Johnnie Lemons and I have talked to him and I have expressed interest too as far as having his students even do, I don't know if they do internships or like a senior project, and I've encouraged him and I will reach out to him again this year to consider us for that, you know, to have them. There's things that they can come here at the Police Department, come and meet us. We'll show them what we do and they can learn about it while gaining some more knowledge about the law enforcement field. So, that is something that we're exploring and we'll see how that goes."

Mayor Roe stated, "Any other questions or comments for the Chief? Kahlil."

Councilman Seren stated, "Just jumping back to something you said about the Juvenile Diversion Program. So, I know that correlation doesn't equal causation and I don't know necessarily the individuals involved in the referral process, but you mentioned that the referral process shifted from being initiated by intake officers and to now being done by prosecutors and that corresponded with a 60% drop in referrals. I'm wondering – is there something concerning there? Is there a conflict of philosophy maybe? I'm just curious about that."

Chief Mecklenburg stated, "You know, it was something that I just discovered as I was putting this all together. So, I was talking to Investigator Berry and it's something that we are going to look into because we don't necessarily think that there is a... might not be a correlation. It just might be what occurred; maybe it's the, you know, the types of crimes that qualify. Again, you know, there's only certain crimes that qualify. Maybe we didn't have enough. The prosecutors look and they see is this something that should be prosecuted or something that should be referred to the diversion level. So,

you know, we only deal with only the kids here in Cleveland Heights. So, it might be just it's a slower year or the crimes, but when she did bring me the stats, it was something that we are going to look into further."

Councilman Seren stated, "Thanks."

Mayor Roe stated, "Any other questions, comments from Councilmembers? Thank you very much, Chief."

Chief Mecklenburg stated, "Thank you. Should you have any questions after reading that, please feel free."

Mayor Roe stated, "We appreciate the good work that your department does as well as the Fire Department. So, moving to committee reports, first is Community Relations and Recreation Committee. Councilman Stein, I understand that you are yielding to Councilwoman Yasinow."

Report of the Community Relations and Recreation Committee

Councilman Stein stated, "Yes, the Vice Mayor."

Vice Mayor Yasinow stated, "Thank you very much. This is Resolution Number 8-2018; a Resolution supporting the Ohio Fairness Act; and declaring an emergency. Whereas, the Ohio House of Representatives is currently considering House Bill 160, the Ohio Fairness Act; and this Ohio Fairness Act would amend Ohio's anti-discrimination laws to include sexual orientation, gender identity, and gender expression as protected classes, expanding legal protections in housing, employment, and access to public services; and whereas, the City of Cleveland Heights historically has been a community that values and seeks diversity in its residents and is committed to anti-discrimination laws; and frankly has been for quite a long history including but not limited to establishing the first domestic partner registry in the State of Ohio; I hereby proffer Resolution Number 8-2018 for consideration this night in support of the Ohio Fairness Act."

Councilwoman Dunbar stated, "Second."

Mayor Roe stated, "It's been moved and seconded. Is there any discussion?"

Vice Mayor Yasinow stated, "I just wanted to first off thank Councilman Stein for letting me introduce this resolution. What happened was – the other week I was approached by Equality Ohio to join other communities in support of HB 160. One thing that Cleveland Heights has always valued is its diversity, but what we're also really seeing for the first time ever is that protecting LGBT Ohioans is not just good for who we are as a community, but it's also good for business. One thing that makes this Ohio Fairness Act different from legislation that's been previously introduced is that it is being backed by the Ohio Chamber of Commerce and it is being backed by the business, basically the Greater Cleveland Partnership, the business associations and Ohio's major three cities, Cleveland, Columbus and Cincinnati and we are urging our state representatives to do what is right for Ohio; to do what we can to make

Ohio competitive across the nation for all these companies to say, 'Yes, we do want to move here.' So, I urge the passage of Resolution Number 8-2018 tonight in support of the Ohio Fairness Act."

Mayor Roe stated, "Any other discussion? Kahlil?"

Councilman Seren stated, "I just want to thank all of you for considering this. You know, back in 2015 as I was with my mom and my step-mom celebrating the Obergefell decision, I was carrying a sign. We were down there celebrating by Cleveland City Hall and I was carrying a sign that said, 'You can still be fired in Ohio for being gay,' and so I... this is a fight that we just keep fighting and I just want to express my appreciation to this Council for supporting House Bill 160. I assume, I hope we'll be voting to support House Bill 160. So, that's all I wanted to say. Thank you."

Mayor Roe stated, "Okay, so could the...?"

Laurie Sabin stated, "Yes, ma'am."

Roll Call: Ayes: Roe, Seren, Stein, Stephens, Ungar, Yasinow, Dunbar

Nays: None

Resolution Passed

Laurie Sabin stated, "Seven ayes, Your Honor."

Mayor Roe stated, "Thank you. Did you have anything else to share with us, Councilman Stein?"

Councilman Stein stated, "No, it's late. Continue."

Mayor Roe stated, "Okay, Finance Committee. Do you have anything for us?"

Report of the Finance Committee

Councilman Stein stated, "I do. On first reading for Council to consider the issue further is Resolution Number 9-2018; a resolution that acknowledges receipt from the Cedar Lee SID of a Plan for public services and improvements, and returning said Plan to the Board of Directors without comments or recommendations for changes; and declaring an emergency. And this is first reading, so there is no vote."

Mayor Roe stated, "Okay, thank you very much. Municipal Services. Councilwoman Yasinow."

Report of the Municipal Services Committee

Vice Mayor Yasinow stated, "Thank you very much. First I have Resolution Number 10-2018 this evening. This is a resolution authorizing the Ohio Department of Transportation to replace the existing signals on Mayfield Road from Warrensville Center Road to Kenilworth; and declaring an emergency. Yeah, I put this forth for passage this evening."

Mayor Roe stated, "Is there a second?"

Councilman Ungar stated, "Second."

Mayor Roe stated, "It's been moved and seconded. Could we... any discussion? Could we have the roll call please?"

Laurie Sabin stated, "Yes, ma'am."

Roll Call: Ayes: Seren, Stein, Stephens, Ungar, Yasinow, Dunbar, Roe

Nays: None

Resolution Passed

Laurie Sabin stated, "Seven ayes, Your Honor."

Mayor Roe stated, "The motion has passed. Moving on to the next item."

Vice Mayor Yasinow stated, "Mayor, I move to substitute the previously circulated Number 11-2018 with Ordinance Number 11-2018 which was circulated at the Committee of the Whole meeting tonight."

Councilman Ungar stated, "I second the motion to substitute."

Mayor Roe stated, "Any discussion? It's been moved and seconded that we substitute. Would you call the roll please?"

Roll Call: Ayes: Stein, Stephens, Ungar, Yasinow, Dunbar, Roe, Seren

Nays: None

Motion Passed

Laurie Sabin stated, "Seven ayes, Your Honor."

Mayor Roe stated, "Thank you. Councilwoman Yasinow."

Vice Mayor Yasinow stated, "Thank you very much. I have Ordinance Number 11-2018 for first reading only. This is an ordinance approving the plan of operation and governance for the Northeast Ohio Public Energy Council Electricity Aggregation Program for the purpose of jointly establishing and implementing an electricity aggregation program; and declaring an emergency. First reading only."

Mayor Roe stated, "Thank you very much. Do you have anything else to share with us?"

Vice Mayor Yasinow stated, "Two things. One happy, one not so happy. Just to move things along, first I will be participating in a giant Bananagrams tournament this Saturday to raise funds for Lake Erie Ink. For all who can attend, please do so. It promises to be a fun time and although this might

be mentioned in the Mayor's Report, I would be remiss if I did not mention yet another mass shooting in the United States that happened between our last public meeting and this one in which 17 individuals lost their lives needlessly to gun violence. This is unfortunately something that is happening with horrifying frequency. I remember when we had the Democracy Day meeting frankly not long ago. We were at that Democracy Day meeting being told from citizens their concerns about the last public school shooting that took place in Kentucky and there's apparently already a new one for us to consider and grieve. So, I just want us to be very well aware of what is happening in our society and our country. That is all."

Mayor Roe stated, "Thank you. Councilperson Seren."

Report of the Public Safety and Health Committee

Councilman Seren stated, "Thank you, Madam President. You know, this is related to Vice President Yasinow's statement about the mass shooting. I know this is something that is weighing on our entire country and us no less than anyone else I guess and I wanted to... each of these mass shootings is a tragedy and I just, I feel the need to point out that the mass shootings are punctuations on sort of a gun culture that we have in this country that is not replicated anywhere else, not really. And, you know something, we don't often focus on these things in the same ways, but people are dying all the time in gun violence. Just recently, you know, and this actually struck me in particular, I mean, you know, a Cleveland.com article about a shoot-out and this is involving an AK-47 apparently, you know, an actual automatic rifle, and this is 2,500 feet from our border around the corner of Euclid and Superior. This is not something that is so distant. This is happening all the time and we got these mass shootings that we are refusing to deal with and we got gun violence in this country that we are refusing to deal with and it is more than frustrating that we don't have the collective will to find solutions that other nations have found. And I just want to point out that, you know, everybody will point to the fact that yes, AK-47s, automatic rifles are already illegal. No new laws will blah, blah, blah, but I want to point out that there are no gun manufacturing facilities in East Cleveland. These things are made somewhere. Most of the guns that are being used in violent crimes are legally created. These things aren't create in some black market facility somewhere. They're created in manufacturing facilities that are operating legally and we don't have sufficient regulation on the creation, sale, transport or ownership of firearms to protect us. Our regulations aren't doing a good job. So, I just felt the need to say that and I have nothing else to report."

Mayor Roe stated, "Thank you."

Councilwoman Stephens stated, "Could I speak? I don't have a committee."

Mayor Roe stated, "Yes, I know. I was going to get to you at the end, but go ahead."

Councilwoman Stephens stated, "I'll wait until then."

Mayor Roe stated, "Okay."

Report of the Planning and Development Committee

Councilwoman Dunbar stated, "Is it my turn?"

Mayor Roe stated, "Yes, I was going to call on the City Manager before I called on you to introduce our guest this evening."

Tanisha Briley stated, "Thank you, Your Honor. Tonight we have with us Darren Kitner who's General Counsel with Flaherty & Collins and Flaherty & Collins, as you know, is the developer that we partnered with to develop the amazing and catalytic project to be built hopefully starting later this year at the Top of the Hill site. So, Darren is with us in the audience."

Mayor Roe stated, "Thank you for coming all the way from Indianapolis to be with us this evening. You can stay there. You're good. So, Councilwoman Dunbar."

Councilwoman Dunbar stated, "Yes, okay, so tonight I have two pieces of legislation and the first one is on second reading. So, we will be voting on this tonight. It's Ordinance Number 7-2018 and this is an ordinance authorizing the City Manager to enter into a development agreement with F & C Development, Inc.; and declaring an emergency. And this is basically Top of the Hill development agreement that we have with Flaherty & Collins and are looking forward to moving forward on development of the plan for Top of the Hill. So, I encourage my fellow Councilmembers to join me in voting for this legislation."

Mayor Roe stated, "Do we have a second?"

Councilman Ungar stated, "Second."

Mayor Roe stated, "Is there any discussion other than we're thrilled?"

Councilman Ungar stated, "So, if I might, I'm thrilled, but I think our City Manager captured very well when she referred to this as an amazing opportunity and I think you said catalytic opportunity for our city. I'm incredibly enthusiastically in favor. I do want to mention, however, that which was mentioned in the Committee of the Whole meeting which is, and I have the commitment of our staff and I very much appreciate that, that in response to some concerns from folks in the Cedar Fairmount business district that our staff working with Mr. Kitner and his team at Flaherty & Collins and the merchants and in our beloved Cedar Fairmount business district. We are going to come up with a specific parking plan during what will understandably be a very disruptive process as construction takes place; come up with a plan that's acceptable to all in addressing parking issues during that disruptive phase. And I also, I just want to mention I know there are a number of people who attended that community forum back in October, some leaving very happy, but some leaving a little bit frustrated that the design professionals who were up there weren't able to really let it go and let it flow in terms of what they are thinking about as this project evolves and I know I have heard from a number of those constituents and I know a number of those people have. So, I'm looking forward to the open community process where there's an exchange and I know that was referenced during the Committee of the Whole

meeting and I'm very much appreciative of the iterative process that is going to happen as a consequence of that. I'm deeply grateful to you and your colleagues for your enthusiastic support of Cleveland Heights. I look forward to get it going."

Mayor Roe stated, "So, does anybody have anything different to say than what Councilman Mike summarized for us just now?"

Vice Mayor Yasinow stated, "I have one very fast comment. Some people have said that – expressed concern about Cleveland Heights – that we're not moving forward; that we're not fast enough; that we can't handle doing two things; that we can't walk and chew gum at the same time. I would say that I've always disagreed with that, but I think that what you seeing here tonight, what we're considering tonight – we already authorized our City Manager with our Economic Development team to issue, to solicit qualifications for the development of the Lee Meadowbrook site. Tonight you're seeing us authorizing the City Manager to enter into a development agreement with F&C Development for the rebirth, the renaissance of the Top of the Hill. You're going to be seeing us at our next resolution about entering into a loan agreement with a beloved local business and its expansion and that is just one of many such legislation that has been before us in the past few months. Cleveland Heights is moving. It is developing. It is progressing with, I believe, just a phenomenal staff headed by Tim Boland, head of our Economic Development, our City Manager Tanisha Briley, our Vice City Manager Susanna Niermann O'Neil. You're seeing everybody working real hard together as a team to move this city forward and I look forward to continuing to show the world how Cleveland Heights can indeed walk and chew gum."

Mayor Roe stated, "So, I would ask the Clerk to call the roll."

Roll Call: Ayes: Stephens, Ungar, Yasinow, Dunbar, Roe, Seren, Stein

Nays: None

Ordinance Passed

Laurie Sabin stated, "Seven ayes, Your Honor."

Mayor Roe stated, "Thank you. It's passed. It's moving. Move on."

Councilwoman Dunbar stated, "It's come a long way. We've still got a lot of work to do, but it's going to be wonderful."

Mayor Roe stated, "So, go on to our next."

Councilwoman Dunbar stated, "Yes, so Melissa has already presaged my announcement, but anyway, I have Resolution Number 12-2018. This is a resolution authorizing the City Manager to enter into an agreement with Mr. Brisket, Inc., for a commercial revolving loan under the City's Economic Development Loan Fund Program for expansion and renovations; and declaring an emergency. And basically, what's going on here is that Mr. Brisket has been a very successful business for many years providing meat products and recently have expanded now to offer sandwiches and an expanded line of

food products. So, they need more space to accommodate that business and their growth. So, we're going to try to help. We're going to help them with a loan to move ahead. So, I encourage my fellow City Councilmembers to join me for voting for this resolution."

Mayor Roe stated, "Is there a second?"

Councilman Stein stated, "Second."

Mayor Roe stated, "It has been moved and seconded. Is there any other discussion? Would the Clerk call the roll please?"

Roll Call: Ayes: Ungar, Yasinow, Dunbar, Roe, Seren, Stein, Stephens

Nays: None

Ordinance Passed

Laurie Sabin stated, "Seven ayes, Your Honor."

Mayor Roe stated, "The motion has passed. Do you have anything else to share with us?"

Councilwoman Dunbar stated, "I do. You know, there's always a lot of meetings going on in our city. There's going to be the State of the Schools on tomorrow night actually. The Police Academy graduates, the Citizens Police Academy graduates are working with the Police on an end of watch to recognize one of our Police officers who long ago gave his life in service of this community. The swim cadets at the high school are getting out there and swimming night after night, but the one I would really like to encourage people to consider going to if they can and if they have the interest is on Tuesday night, February 27 at, well, you can arrive at 5:00, but presentation starts at 5:30. It's a discussion of the Mayfield Corridor multi-modal plan and I think it's important that people go to that meeting to encourage NOACA and the communities involved in that study which basically goes to the communities east of us on Mayfield to incorporate alternative modes of transportation into their planning so that there's accommodation for bicyclists, pedestrians, buses and so on and those voices need to be heard. So, I would encourage people to attend that if they possibly can and are interested."

Mayor Roe stated, "Okay, thank you. I just want to reinforce the State of the School Address tomorrow evening. I think that as we look at what is happening with our schools and what to carry forward in terms of collaboration, this is a good opportunity for our citizens. So, Councilperson Ungar."

Report of the Administrative Services Committee

Councilman Ungar stated, "Yes, so I've got a couple of things for Administrative Services this evening. The first thing is, and it's a matter of personal privilege that I move that we appoint Alex Pesta, whom a number of us know, terrific guy, long-time resident of Cleveland Heights, to the Recreation Advisory Board. We have all of his biographical information in the packets and anybody in the audience can see it, you know. We all have it here."

Mayor Roe stated, "So, you have several appointments. Can we do one motion?"

Councilman Ungar stated, "I was just told. I was just checking and talking and I was told that I have to do that one first and then I will do both CACs together."

Mayor Roe stated, "Okay, thank you. Is there a second?"

Councilman Ungar stated, "So, I move the appointment of Alex Pesta to the Recreation Advisory Board."

Councilwoman Stephens stated, "Second."

Mayor Roe stated, "It's been moved and seconded. Could we call the roll please?"

Roll Call: Ayes: Yasinow, Dunbar, Roe, Seren, Stein, Stephens, Ungar

Nays: None

Motion Passed

Laurie Sabin stated, "Seven ayes, Your Honor."

Mayor Roe stated, "Okay, so we have appointed someone to the Recreation Board. Now you have a motion about CAC I understand."

Councilman Ungar stated, "I have two individuals who I would move to that we appoint to the CAC; one of whom I have the privilege of knowing personally and Andre Witt, the other Brittany Rabb whom I do not know, but others on Council speak very, very highly of her. So, I hereby move the appointment of Andre Witt and Brittany Rabb to the CAC."

Councilwoman Stephens stated, "Second."

Mayor Roe stated, "It's been moved and seconded that we appoint these two individuals to the CAC. Would you call the roll please?"

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Nays: None

Motion Passed

Mayor Roe stated, "Okay, the motion has passed. We have appointment all these people and you have a piece of... you have a resolution."

Councilman Ungar stated, "Right, last, but certainly not least, I have Resolution Number 13-2018. This is a resolution establishing standing committees of Council and outlining each committee's general responsibilities by subject matter; and declaring an emergency. Those that know me know I usually do not read from what I call the pink sheets which are the full resolution materials. However,

because this represents a bit of modification in the constitution of the Council Committees, I thought I would just briefly go over what the committee structures' going to look like from here on out, at least in this City Council. First we have the Administrative Services Committee which will be responsible for the following areas: Administrative Code, Affirmative Action & Equal Employment Opportunity Policy, Board & Commission Appointments, Charter Review, Salaries & Benefits, and those otherwise assigned by Mayor/President of Council. Second is Recreation, Community & External Relations Committee. That will include Community Relations, Heights Community Congress, Office on Aging, Public Relations, Recreation Programs, School Relationships, Workforce Development, and again, otherwise assigned by Mayor/President of Council. I'll dispense that last part. It applies to all of these. I won't continue to read it. Finance Committee includes Appropriations, Assessment Programs, Bond Issues, Budget, Contractual Service Agreements, Levies, Municipal Court Budget Review, Notes, Equipment & Capital Improvements, Parking Rates & Regulations. Housing & Transportation Committee includes Building & Commercial Code, Housing Code Enforcement, Housing Inspections, Housing Programs, Signs & Signals, Traffic & Transportation. Safety & Municipal Services Committee includes Forestry, Public Properties, Refuse & Leaf Collection, Solid Waste Disposal, Streets, Sewers, Lighting, Animal Control, Health Services, Police & Fire Protection, and Safety Education. And last but not least, Planning and Development Committee – our CDBG Program through our CAC, Economic Development, Physical Planning, Public Construction, and Zoning Code. Those are the newly constituted committees assuming this resolution passes and I applaud the effort on behalf of the Mayor and our staff in coming up with these and hopefully, I move approval and look forward to having these approved."

Mayor Roe stated, "Is there a second?"

Vice Mayor Yasinow stated, "Second."

Mayor Roe stated, "It's been move and seconded. We pass this resolution. Would the Clerk call the roll?"

Roll Call: Ayes: Roe, Seren, Stein, Stephens, Ungar, Yasinow, Dunbar

Nays: None

Resolution Passed

Laurie Sabin stated, "Seven ayes, Your Honor."

Mayor Roe stated, "Thank you. The Chair would like to recognize Councilperson Stephens."

Councilwoman Stephens stated, "I listened as my colleagues briefly a few minutes ago talked about gun violence in this country. It is time for Americans to step up and tell our federal legislators that we want control of how guns are allowed to be purchase and how the materials such as the stocks and the bullets, thank you, bump stocks. Obviously, I don't do anything with guns. So, the reality is that we must control these things, that not only the sale of the gun, but the sale of the amenities that go with it must be controlled. We have lost far too many children in a sacrifice for an amendment that wasn't

meant to cover every form of gun in this country. Just today, in Ohio, a child took a gun to school in Jackson, Ohio. He fired it in the bathroom by mistake, shot himself in the foot or the leg. This is a community just south of Akron. The reality is it could have been in the classroom because it was in a bag that nobody checked and there could have been several children shot by that. We must have better control of these dangerous arms. I applaud the children in Florida who have gone to Tallahassee to tell their legislators that the State of Florida must do better and the young people who went on television beginning Sunday and communicated with other forms of media from that town in Florida to tell everyone we must pay better attention and we must stop now. Talk to your conservative Republican legislators who have been part of the process which continues to support this and talk to your Democratic legislators and make them more forceful about the opinion that will protect us and our children as we move forward. Thank you, Mayor Roe.”

Mayor Roe stated, “Does any other... does anyone else on Council want to? Okay, Councilperson Dunbar.”

Councilwoman Dunbar stated, “So, every year when the Raymond Robinson memorial hockey tournament, youth hockey tournament comes around, I have really mixed feelings. My youngest son was on Raymond’s hockey team and I went to the funeral for Raymond and that was an example of gun violence long ago. Raymond’s older brother got a hold of his father’s gun while his parents were out and was playing around and I don’t think he realized the gun was loaded and he shot Raymond and so, this has been going on for a long time and we definitely need better, something better to do with it. I have to say – our ice skating rinks are wonderful. The tournament was wonderful. If you ever get a chance to go over there and look at all the things that are going on on the ice skating rinks, it’s really a great joy, but when I think back to how this started, I always feel sad. Always.”

Mayor’s Report

Mayor Roe stated, “Thank you all. So, to conclude with some of my thoughts, I have been in communication with the City Manager, the Superintendent and the President of the School Board for the last week around the school shooting in Florida and I have asked, and we have all agreed, this issue of school shootings will be something that we talk about in our Joint Meeting with the School Board which is scheduled for March 12. So, this is indeed an issue that we believe we should be collaborating together in terms of making sure we’ve done everything we can do within our power as a municipality. Secondly, I would just like to share with people that last week I had the first two days of an experience called Prism which I signed up for recently. It’s a racial equity leadership program. It was driven in part by other things that are going on in our country and in terms of my desire to be more effective personally in addressing the issue of racism. The purpose of Prism is to empower, to equip and to connect people with the will to treat racism and its impact. So, this is an intensive, five-day deep dive thing and I hope that as I gain insights, I will be free to share them with my colleagues in terms of what implications I see in terms of things that I would like to suggest if there are any things we can address. So, with that, thank you all for being here this evening and this meeting is adjourned.”

The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Carol Roe, Mayor

Laurie Sabin, Clerk of Council

/jkw

DRAFT