
MEMORANDUM

TO: Members of Council
FROM: Tanisha R. Briley, City Manager
DATE: March 9, 2018
RE: March 12, 2018

MEETINGS & REMINDERS

Monday, March 12	-	5:00 p.m.	-	Board of Control
	-	6:15 p.m.	-	Joint Meeting with CH-UH School Board
Thursday, March 15	-	6:00 p.m.	-	Meet Your Police
	-	7:00 p.m.	-	Charter Review Commission
Friday, March 16	-	9:30 a.m.	-	Commission on Aging

LEGISLATION

1. Wage and Salary Ordinance, *Second Reading*
2. 2018 Ranked Council Priorities
3. Codified Ordinances Update
4. Public Records Training
5. Cleveland Water Reimbursement for Homestead Discount Recipients
6. Top of the Hill TIF Area
7. Updating References to Standing Committees

GENERAL INFORMATION

1. Enclosed are the Council Update and Agenda.
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 Housing Director.
7. Enclosed is an update from the Parks and Recreation Director.
8. Enclosed is the weekly activity report from the Fire Chief.
9. Enclosed is the weekly activity report from the Police Chief.
10. Enclosed is the Board of Control agenda.

TRB/jkw
Enclosures



COUNCIL UPDATE

MARCH 9, 2018

1. LEGISLATION

- **2018 Wage & Salary Ordinance, Second 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.
- **Council Priorities.** This legislation outlines additional Council priorities.
- **Codified Ordinance Update.** This legislation approves current replacement pages to the Cleveland Heights Codified Ordinances.
- **Public Records Training.** This legislation designing law department attorneys pursuant to R.C. 109.43(b)
- **Cleveland Water Reimbursement.** This legislation authorizes the payment to the City of Cleveland Water Department to reimburse homestead discount rates for the City of Cleveland transition rate for 2017. The payment amount is being calculated and that information will be available for the March 16 packet.
- **Top of the Hill TIF Area.** This legislation declares certain improvements to real property located in the City of Cleveland Heights, Ohio to be a public purpose; declares such improvements to be exempt from real property taxation; makes provision for the collection of service payments in lieu of taxes; establishes an urban redevelopment tax increment equivalent fund for the deposit of such service payments; authorizes a compensation agreement with the Cleveland Heights-University Heights City School District; and provides related authorizations pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43.
- **Updating References to Standing Committees.** This legislation updates the references to standing Council Committees in the Codified Ordinances.

2. TRANSPARENCY ENHANCEMENTS

- As previously reported, staff is reviewing proposals to upgrade the Executive Conference Room with enhanced audio capabilities. The upgrade will be very

useful in a variety of City functions and is relatively inexpensive given its multifaceted and multipurpose usage. In addition to Committee of the Whole meetings, the Executive Conference Room is used for hearings, meetings of Boards and Commissions such as Landmark Commission and Citizen Advisory Commission, and other activities that have audio conferencing and/or record keeping needs. Many of these activities have long term or permanent storage requirements for the associated audio. The new system will improve processes for these activities; have professional quality audio; as well as, enhanced storage capabilities.

TO: TANISHA R. BRILEY, CITY MANAGER

FROM: SUSANNA NIERMANN O'NEIL, ASSISTANT CITY MANAGER

RE: COMMUNITY OUTREACH UPDATE

DATE: MARCH 9, 2018

COMMUNITY RELATIONS:

- **15 residents from Lownesdale and surrounding streets of Selwyn, Greyton, Spangler came to Meet the Police. They had concerns about problem houses (with youth) , barking dogs , and trash pickup leaving things behind. Also, questions about when Selwyn and Lownesdale will be paved. The Chief , Housing and Public Works were all advised today of the various issues with addresses for each house. Followup will occur.**
- **The Cedar Fairmount Annual Trustee meeting was held this week. They are gearing up for the SID Renewal and also making plans for events over the next few months. Very excited about the Top of the Hill development.**
- **During We Are Noble weekend it is possible that there will be some kind of cultural event on the vacant lot across from Save a lot.**

CLEVELAND HEIGHTS WEBSITE:

- **The new , improved , fresh and easy to navigate Cleveland Heights website is up and running. This past week staff worked on cleaning up any internal site issues and now it is good to go. Thank you to Mary Trupo, Steve Barker , Cory Scheider and Ksenia Roschakovsky who put in their expertise , talent and hours to make it come to life !**

COMMUNICATION (Trupo):

- **Met with Smart Business representatives about potential stories and ads**
- **Met with SID Directors about possible joint marketing**
- **Webinar on building and expanding the digital presence of the City**
- **Revising the Noble Neighbors brochure (with Brenda May) . It was originally drafted cooperatively in 2016.**
- **Coordinated interview with Freshwater Cleveland regarding Top of the Hill**



To: Tanisha Briley – City Manager
From: Alex Mannarino – Public Works Director
Date: March 9, 2018
Subject: Public Works Weekly Update

Forestry:

- Tree Tracker work history from March 2, through March 7, 2018.
- YTD: Trimmed 60 trees, removed 27, and dumped 32 loads of woodchips and 12 loads of logs

Sewer:

- Sewer work history from March 2, through March 8, 2018.
- Repaired curb drain at 1015 Quilliams
- Prepped road holes for cement on Maple, Northampton, Ashton, Kingston and Norfolk
- Repaired storm and sanitary laterals at 3724 Shannon
- Unblocked sanitary laterals with the jet on South Taylor, Shannon, and Inglewood
- Cleaned sanitary mains on Woodmere, Tudor, Delamere, Roxboro and Ardleigh
- Investigated water calls
- **Sewer calls:** Stoneleigh, Sylvanhurst, Quarry, Bellfield, Inglewood, Bainbridge, Fairmount (2), Sycamore, South Taylor (2), Shannon, Monticello, Beechwood, Washington, Berkshire, Bendemeer, Helmsdale, Inglewood, Queenston

Refuse:

- Transported 228.48 tons (16 loads) of refuse to Shiloh landfill and 56.55 tons (4 loads) to Broadview Heights
- Transported 70.60 tons (6 loads) of mixed recycling to Kimble

Streets Maintenance:

- **Cold Patch:** Lownesdale (3350, 3354, 3358, 3362, 3366, 3374, 383, 3415, 3419, 3431), Berkeley (3319, 3313, 3305, 3226, 3228), E Overlook (3313, 3231), Goodnor (2123, at Washington), Meadowbrook (3261, 3355, 3362), Clarendon (3215, 3227, 3255, 3420, 3360), Woodmere (2448, 2451), Newbury (2518, 2515, 2516), Blanche (3555, 3640), Superior (14307 by apron, 14551, 14416), Cedar Hill, Ring Rd (pot holes), Coventry (at Overlook, Berkshire, North Park, Fairhill), North Park (Roxboro, Grandview), Euclid Hts (2373, at Edgehill, 2440, 2454, 2462, Woodward, 3902, 2465, 2474, 2548, at Edgehill, 2624, 2628, 2710), Taylor at Rumson, Fairmount (3405, 3026, 3640, Shelburne), Newbury (2498, 2428, 2546), Mt Vernon (1141, 1129, 1117, 1109), Chelsea (Hereford, Forest Hills), Rumson (3254), St Albans (3489)
- **Miscellaneous:** Cleaned all salt/plow trucks, bullpen, and garage
- **Hauling:** Grinding leaves, woodchips, hauling mulch (Midwest)
Tractor Trailers – 8 Dumps – 6 from Cemetery
- **Sweepers:** #870 – New side brooms, #988 – Replace angel on plow
- **Snow/Ice:**
03/01 – Plowed and salted mains, center cut side streets
03/02 – Plowed mains, plowed side streets

03/05 – Pushing salt pile

03/07 – Plowed and salted mains, plowed sides, salted hills, school zones, and stop signs

03/08 – Plowed and salted mains; plowed side streets

MEMORANDUM

To: Tanisha Briley-City Manager
From: Alex Mannarino-Director of Public Works
Date: March 9, 2018
Re: Capital Projects Weekly Update

Cedar Road Resurfacing/Cedar-Fairmount Streetscape

No new updates

Mayfield Signalization

We recently received word that the County may have inadvertently misfiled the right-of-way acquisitions and named Cleveland Heights as the sole owner of the entire parcel of land for a number of parcels that were affected. Although the Deeds that were recorded clearly show a split on the parcel, somehow the entire parcel was recorded as being transferred. The closing agent has been in contact with the county about correcting this error.

Safe Routes to Schools – ODOT PID 101112

Stage two comments have been addressed, and we are on schedule to submit the stage three plans to ODOT.

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

No new updates

Edgehill and Overlook Intersection Re-Design – ODOT PID 106749

We have responded to the comments from the Ohio Historic Preservation Office and are currently awaiting any further comments. Stage two plans are currently in the works.

2018 Street Resurfacing Program

Project is currently out for bids

2018 Surface Treating Program

Project is currently out for bids

Dominion East Ohio

Woodview and Elbon PIR-1527

The contractor continues with installation of the mainline, and has started making some of the service connections.

Hyde Park PIR-2132

The contractor continues with the installation of the mainline, and has not experienced any major set-backs.

Washington Boulevard PIR-3047

Dominion recently submitted plans for approval to abandon and replace 5,232 feet of steel gas pipeline along Washington Boulevard between Lee Road and Berkshire. This area is registered as a historic district and we are awaiting Ohio Historic Preservation Office review before any further review of the plans by this office.

MEMORANDUM

To: Tanisha Briley, City Manager
From: Richard Wong, Planning Director
Date: March 9, 2018
Subject: Weekly Update



Shaker Lakes Dam Improvements

Hoping to lessen anxiety of passersby, and Cleveland Heights resident Jeffrey Jowett said NEORSD will install project signs about rebuilding the dams at Horseshoe Lake and Lower Lake. Trees to be removed have been identified with pink ribbon and paint. Staff requested including a rendering of the finished project since Horseshoe Lake's jagged gray rock hillside will become a grassy slope and any visible rock will be a warmer-looking river rock.

project Manager

Architectural Board of Review

ABR member Erik Lund has accepted a new job in Nashville and will be moving next month. Alternate Terry Saylor's lacrosse and travel commitments prevent him from being a regular member and Jonathan Kurtz has yet to reply about becoming Erik's replacement. If Jonathan also wanted to remain an alternate, several other architects were interested in being an ABR member, too.

At Tuesday's joint meeting with Landmark Commission, cell antenna changes at St. Paul's (Coventry and Fairmount) and Church of the Saviour (Lee and East Monmouth) were continued. Sprint's radio frequency engineers need to redesign both sites with less conspicuous installations.



NOACA

An application was submitted for the new Demonstration Program to test concepts that emerge from a NOACA staff TLCI study of Taylor Road that starts next month. Planning staff offered NOACA multiple Complete Streets conceptual illustrations (right) for consideration. Not wanting to miss an opportunity,

University Heights' Community Development Coordinator Patrick Grogan-Myers jointly applied with Cleveland Heights to include both sides of Cedar Taylor.

March 9, 2018

Cleveland Heights
Economic Development



To: City Manager Tanisha Briley
From: Economic Development Director Tim Boland
Subject: Activities Report – March 9, 2018

Activities and Initiatives:

1. SID Renewals

The Cedar Lee Special Improvement District has been notified that Council returned the Service Plan without comment. They are now proceeding with securing the required approvals from the property owners representing a minimum of 60% of the front footage in the district.

The Cedar Fairmount Special Improvement District is expected to submit their Service Plan for renewal next week. That plan and legislation will be included in a future Council Packet for review.

Both SIDs are ahead of schedule in terms of timing for completion on or before the required deadlines in September. Staff will continue to work with both SIDs to hit all the appropriate steps in the process.

2. Outreach and Marketing

- The Economic Development newsletter went out to our distribution list this week. A copy is included in your packet. The newsletter is distributed to over 1,300 unique emails representing businesses, developers, real estate brokers and other stakeholders.
- The next video for the Cleveland Heights Business Channel featuring Zagara's will go live before the end of the month. Staff is working on several videos with the goal of adding at least one per quarter moving forward.
- Staff performed business outreach along the Noble Road corridor. Additionally, Economic Development and Planning staff held a meeting on a potential Storefront project. Staff also coordinated a property showing for a business interested in relocating to Cleveland Heights. Staff has followed up with the business to discuss the City's business development programs.
- Staff also had an interview with Freshwater Cleveland for a feature they are planning on the Top of the Hill.
- Staff participated in or attended the following meetings this week:
 - Noble Neighbors on Tuesday, March 6
 - Future Heights Planning & Development Committee meeting on Friday, March 9
 - Greater Cleveland Congregation meeting on Friday, March 9

3. Top of the Hill Tax Increment Finance Agreement

Legislation regarding the Top of the Hill Tax Increment Finance Agreement is included in your packet for review.

Thank you,

Tim Boland

Economic Development Director



CLEVELAND HEIGHTS

Economic Development

March 2018

City Approves Development Agreement for Top of the Hill Project



Cleveland Heights City Council has approved legislation to authorize the City Manager to enter into a development agreement with Flaherty & Collins Properties for the City's Top of the Hill Project. This important step allows this transformative project to advance into the design and construction planning stage.

The Top of the Hill Project refers to the approximately four acres of

City-owned property at the corner of Cedar Road and Euclid Heights Boulevard at the top of Cedar Hill. As a highly visible property at the gateway between the Heights and University Circle, developing this property has been a long-time goal of the City, offering many benefits to Cleveland Heights, the community and surrounding neighborhoods.

"The Top of the Hill project is a priority for Cleveland Heights," City Manager Tanisha Briley said. "A lot of work has gone into advancing this project to this milestone by both the City and our partners, and we're excited for this project to move forward into the next stage of the development process."

The projected \$75 million project is proposed to consist of market-rate luxury apartments, retail and restaurant space, a nationally branded or boutique hotel, structured parking, and the potential opportunity to include for sale townhomes and Class A office components. The development is to be designed to enhance the current Cedar Fairmount district rather than to compete with it. Many local business owners have expressed their support during this process.

Meadowbrook Lee RFQ/RFP Released: City Seeking Development Partner for Lee Road Property



Cleveland Heights has issued a Request for Qualifications and Preliminary Development Proposals (RFQ/RFP) for the redevelopment

of the Meadowbrook & Lee site, currently owned by the City. The site is located at 2223 Lee Road, in the heart of, and within easy walking distance to businesses in one of the City's most popular and vibrant commercial districts - the Cedar Lee District. This dynamic, pedestrian-oriented area is the largest commercial district within the City, extending along a one mile corridor.



The District is truly one of the Cleveland areas most vibrant shopping and dining experiences and the City believes this RFQ/RFP offers an excellent opportunity to create an amenity-filled development that will add to the unique character of the surrounding Cedar Lee neighborhood and the City.

Responses to the RFQ/RFP proposals will be accepted until Monday, April 16, 2018. More information on this exciting development opportunity, including the RFQ/RFP guidelines, is available at www.clevelandheights.com/mls.

Featured Property: 2122 South Taylor Road

Looking for a location in Cleveland Heights for a business? Check out our featured property at [2122 South Taylor Road](#). This prime 2,000 square foot retail space is located next to Melt Bar & Grilled and is ideal for a small retail business or an easy office conversion.



This and other properties can be viewed on the City's [Available Commercial Properties](#) page.



For more information on any of the available commercial properties, please contact Brian Anderson at 216-291-2617 or banderson@clvhts.com.

Business Updates



For over 40 years, [Mister Brisket](#) has been an anchor in the Cedar Taylor District as one of the top butcher shops in the Cleveland-area. They've recently added on to their existing space to provide more room for customers coming in for prepared food offerings like corned beef and pastrami sandwiches.

"Mister Brisket Next Door" offers an additional 1,000 square feet, including seating for 25 and allows

them the ability to host events. The City was able to help support this expansion with an Economic Development Loan.

Kate and Geoff Baker recently relocated [Still Point Gallery](#) to 12427 Cedar Road in the Cedar Fairmount District. In a recent interview Kate said, "The Cedar Fairmount Business District provides more gallery space and parking. We see it as a vibrant area that's being invigorated with upscale shops, restaurants and arts venues."



In late January, the City welcomed Daylight Donuts and Coffee with a grand opening of their location at 3077 Mayfield Road. This is the first Daylight Donuts in Northeast Ohio, and the only drive through option serving coffee and donuts in Cleveland Heights.

City of Cleveland Heights
Economic Development
Contact Us

Tim Boland
Economic Development Director
tboland@clvhts.com
216-291-4857

Brian Anderson
Business Development Manager
banderson@clvhts.com
216-291-2617



MEMORANDUM

TO: Tanisha Briley- City Manager
FROM: Allan Butler- Housing Programs Director
DATE: March 9, 2018
RE: Housing Update

- Thursday's First Suburbs Housing Committee meeting with Cuyahoga County's Fiscal Officer Dennis Kennedy, Tax Administrator Mike Sweeney, and Assistant Prosecutor Mike Kenny had productive discussion on the county's efforts to bring back their delinquent tax outreach programs throughout the county and increasing the office increasing the amount of tax foreclosures filings. Outreach efforts will include mailings from county offices and other partners including municipalities. The outreach will first target any homestead exemption property in an effort to keep owner occupants in their homes by getting on a payment plan.
- Friday's meeting with GCC and US Bank representatives discussed understanding the foreclosure process, improving the communication between US Bank serviced properties that are in foreclosure and the requirements that the city has for Point of Sale and vacant property registration. US Bank representatives also showed a keen interest in partnering with multiple groups present at the meeting to expand their community reinvestment efforts in Cleveland Heights and the Noble neighborhood. Participating in the discussion were Keesha Allen of HRRC, Ricardo Leon of Detroit Shoreway CDC, Brian Iorio, Brian Anderson, and Steve Holowicki of Cleveland Heights, Deana Bremer Fisher of Future Heights, Dennis Friedman of Howard Hanna, Frank Kuhar of Revived Housing Inc., CH Council member Mary Dunbar, and GCC members including Diana Woodbridge, Gary Benjamin, Kay Dunlap, and Jean Sylak.

Memorandum

To: Tanisha Briley, City Manager
From: Joseph P. McRae, Parks and Recreation Director
Subject: Parks and Recreation Department Update
Date: March 9, 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 is now open Monday – Saturdays. Passes can be purchased at the Community Center.
- 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.
- The Annual Spring Egg Hunt will take place on Saturday, March 24 at 10am sharp at Forest Hill Park. The Heights High cheerleaders will help stuff 5000 eggs.

Ice Programs Schedule

- March 8 – 11 All Pro Goalie School Camp
- March 10 Euclid Youth Hockey Shamrock Shootout Tournament games
- March 11 Pavilion Skating Club Exhibition
- March 16 – 18 It's Hockey Time Rock n Roll Shootout Tournament (25 games)
- March 17 & 18 Spring Learn to Skate weekend lessons begin

Senior Center Programs

- Senior Songwriting, a new class done in cooperation with Roots of American Music, started with a dozen enthusiastic songwriters
- The Senior Center hosted a CARE member meeting to introduce our new program coordinator, Eric McClellan
- OSHIIP staff traveled from Columbus to provide Medicare counseling and the legal expert provided legal consultations both by appointment



Cleveland Heights Fire Department

Weekly Activity Report

Total Emergency Calls Year To Date 1,303

Total Emergency Calls for Period 135

Report Date Period: 03/02/2018 - 03/09/2018

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	27	274	209	21.52 %
Emergency Structure Fire Count	1	16	15	
Emergency Non Structure Fire Count	26	257	192	
Emergency Vehicle Fire Count		1	2	

Emergency Medical Data

Total Emergency Run Count	108	1,029	986	78.48 %
Emergency Medical Run Count	105	999	960	
Automobile Accident Run Count	3	30	26	
Advanced Life Support Run Count	23	266	284	
Basic Life Support Run Count	85	755	701	
Total EMS Transports	68	702	658	
Total EMS Non Transports	32	261	288	

Mutual Aid Run Count to Date

Mutual aid received	SEFD A - 10 SHFD A - 6 ECFD A - 1 UHFD A - 10
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 - 6 ECFD A - 0 UHFD A - 0

Fire Prevention Bureau

	<u>Current</u> <u>Period</u>	<u>Year to</u> <u>Date</u>
Total Completed Fire Inspections	21	136
Company Fire Inspections		
Fire Prevention Fire Inspections		4
Fire Alarm Test Inspections		
Kitchen Supression Test Inspections		
Sprinkler Test Inspections		
Other Inspections	21	132
Smoke Detectors Distributed	3	41

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 9, 2018

Subject: Weekly Update

On Tuesday, March 6, 2018 around 1:30 pm a male reported being the victim of an aggravated robbery in the area of 4011 Northampton. According to the victim he had just finished assisting in a repossession on Quarry and pulled to the side of the road on Northampton to make a phone call when two males approached him, one of which was armed with a handgun, and stole his vehicle. Officers in the area located the suspects in the stolen vehicle but they fled at a high rate of speed and officers were unable to pursue them safely. The vehicle was recovered in Cleveland on the evening of March 8th and was returned for processing. There are no suspects at this time.

On March 3, 2018, around 4:47 am officers responded to a motor vehicle accident on Belvoir Blvd. Officers arriving on the scene discovered that the vehicle had left the roadway and struck a tree. The driver, a 46 year old male from East Cleveland, died on the scene. The Accident Investigation Unit responded and is investigating in conjunction with the Medical Examiner.

On March 6, 2018, a Missing Person's report was filed for 31 year old Miriam Johnson of 3739 Mayfield Rd. According to her mother, Miriam has not been heard from since February 26th and her family is concerned for her safety. Detectives are investigating.

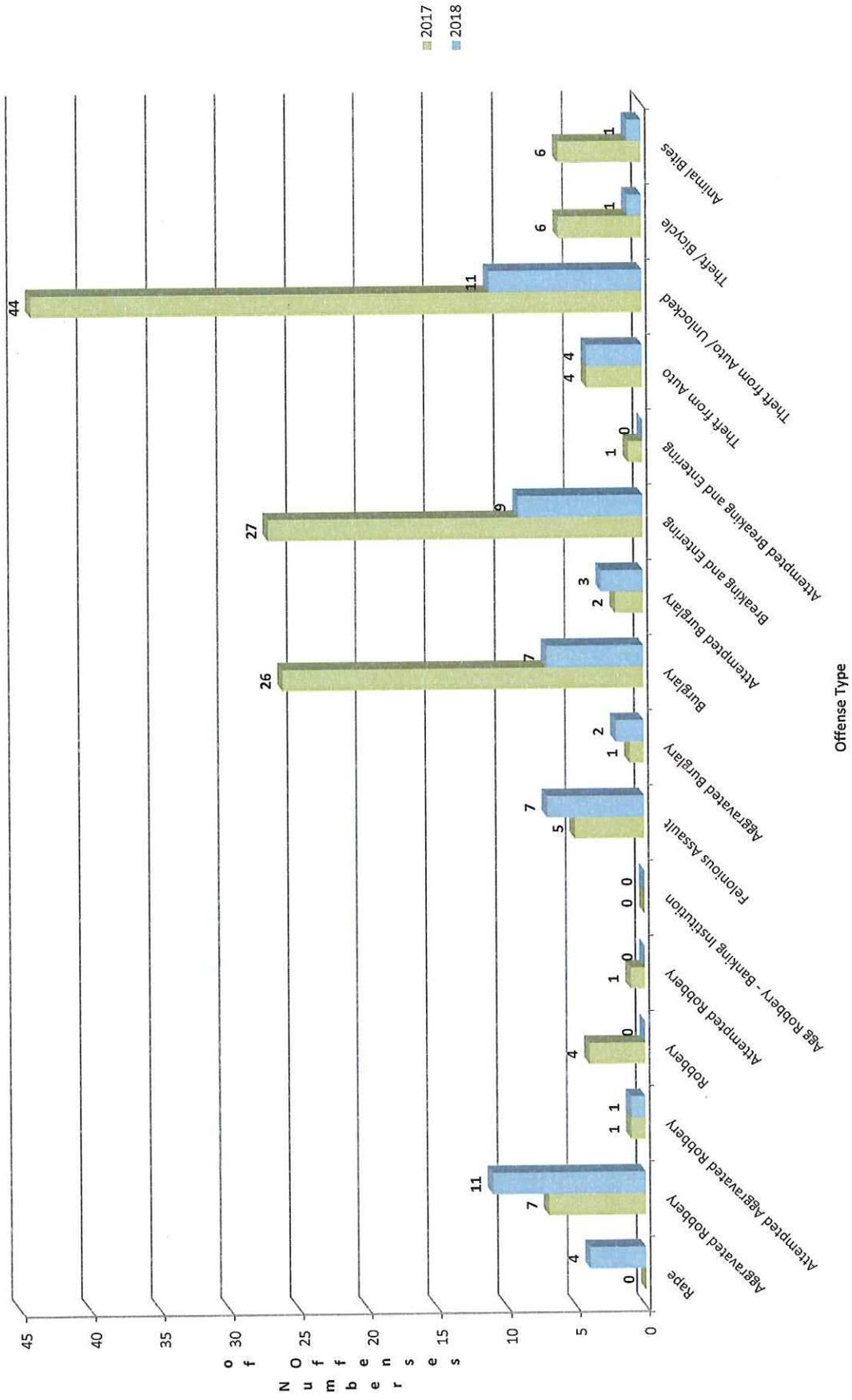
On March 23rd The Ohio Division of Liquor Control has agreed to conduct hearings on the following application for liquor permits after receiving objections from the City:

- Gas USA at 2610 Noble Rd. – Hearing on Renewal of Permit
- Family Dollar at 3070 Mayfield Rd. – Hearing for New Permit Application
- Heights Deli at 2879 Mayfield Rd. – Hearing on Transfer of Ownership Application

On the morning of March 9th I had the privilege of celebrating National School Breakfast Week with the students at Caledonia Elementary School. This was a great opportunity to bring positive attention to the school breakfast program and demonstrate support for such a wonderful program. I had a great time visiting with the kids and watching them have a nutritious breakfast to begin their day.

The End of Watch Ceremony for fallen Officer Tom Patton will be held Sunday, March 18th at 4:00 pm in the front of City Hall.

Crime Comparison:
January 1 - March 8, 2017 Compared to January 1 - March 8, 2018





CLEVELAND HEIGHTS

Board of Control
Cleveland Heights, Ohio

Notice is hereby given that the special meeting of the Board of Control of the City of Cleveland Heights will be held at **5:00 p.m. on Monday, March 12, 2018**, in Council Chambers at City Hall, 40 Severance Circle, Cleveland Heights, Ohio.

AGENDA

1. Roll Call
2. Approval of Minutes for the September 25, 2017 meeting.
3. **BOC 2018-01: The MetroHealth System, 10 Severance Circle**, variances to Code sections:
 - 1) 1163.03(c) for ID sign on west wall & north wall (sign permitted on one primary frontage only);
 - 2) 1163.04 for 401.5 s.f. ID sign (215 s.f. max. permitted);
 - 3) 1163.04 for 4 directional signs 5 s.f. to 7.5 s.f. per side (4 s.f. per side max. permitted); &
 - 4) 1163.05 for 4 directional signs 5'-11" high (4' high max. permitted).
4. **BOC 2018-02: Severance Realty LLC et al & Severance Nassim LLC**, amendment to detailed development plan for lot resubdivision to split **3456 Mayfield Road (Burger King)** from larger Severance parcel 683-25-001 per Code sections 1111, 1113, 1115, and 1143.
5. **BOC 2018-03: Severance Realty LLC et al & Severance Nassim LLC**, amendment to detailed development plan for lot resubdivision to split **3452 Mayfield Road (former IHOP)** from larger Severance parcel 683-25-001 per Code sections 1111, 1113, 1115, and 1143.
6. Old Business
7. New Business
8. Adjournment

The Board of Control administers the provisions contained in Chapters 1141 and 1143 of the Zoning Code of the City of Cleveland Heights. More specifically, the Board reviews detailed development plans and plan amendments in the areas of the City classified as "S-1" Mixed Use District.

The Board of Control is composed of five members: The Mayor; the Chairperson of the Planning and Development Committee of Council; the City Manager; the Chairperson of the Planning Commission; and the Chairperson of the Board of Zoning Appeals.



CLEVELAND HEIGHTS

AGENDA (tentative) – CH-UH BOARD OF EDUCATION AND CLEVELAND HEIGHTS CITY COUNCIL JOINT MEETING

COUNCIL CHAMBERS

Monday, March 12, 2018

Joint Meeting

6:30 p.m.

Cleveland Heights City Hall

40 Severance Circle

Cleveland Heights, Ohio

- A. Call to Order**
- B. Introductions**
- C. Joint Strategic Priorities Discussion**
- D. School Safety Plan**
- E. Other Business**
- F. Adjourn**

Proposed: 3/5/2018

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

By Council Member Stein

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 Fire Chief	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
Chief Housing Inspector Digital & Government TV Program Coordinator Senior Housing Rehabilitation Specialist Supervisor - Utility Administration	E	42	\$44,249	\$55,312	\$66,374
Graphic Designer Public Relations Specialist	E	41	\$39,508	\$49,385	\$59,262
Supervisor – Fitness Center 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

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Engineer/Inspector Housing Inspector Housing Inspector/ Housing court Representative Housing Rehabilitation Specialist Human Resources Generalist 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
		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

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Mayor		11,840.00
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SEASONAL POSITIONS:

RECREATION PROGRAMS: SWIMMING POOLS:

Assistant Supervisor	9.36/hour	15.50/hour
Aquatic Program Supervisor	9.36/hour	13.48/hour
Cashier	8.30 7.95/hour	12.36/hour
Guard (A.L.S.)	8.30 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	8.31 0/hour	10.33/hour
Pool Maintenance	8.31 0/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	8.31 0/hour	9.53/hour
Sports Assistant	8.31 0/hour	11.33/hour
Sports Coordinator	10.40/hour	23.65/hour
Sports Supervisor	8.31 0/hour	23.65/hour
Tennis Court Attendant	8.31 0/hour	9.18/hour
Tennis Lesson Instructor	10.40/hour	17.22/hour

ORDINANCE NO. 15-2018 (AS)

Tennis Program Coordinator	2,601.00/season	4,489.45/season
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:

Assistant Box Office Manager	350.00/week	550.00/week
Assistant Operations Manager	350.00/week	550.00/week
Assistant Production Manager	350.00/week	550.00/week
Assistant to General Manager	400.00/week	600.00/week
Box Office Manager	350.00/week	550.00/week
Box Office Staff	8.30/hour	12.36/hour
Carpenter	300.00/week	500.00/week
Costume Shop Manager	350.00/week	550.00/week
Electrician	350.00/week	550.00/week
Events Production Manager	400.00/week	600.00/week
General Technician	300.00/week	500.00/week
Hospitality Coordinator	300.00/week	500.00/week
House Manager	8.30/hour	12.36/hour
Maintenance	8.30/hour	12.36/hour
Operations Assistant	300.00/week	500.00/week
Operations Manager	450.00/week	650.00/week

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<u>PR/Marketing Assistant</u>	<u>400.00/week</u>	<u>650.00/week</u>
<u>PR/Marketing Coordinator</u>	<u>300.00/week</u>	<u>500.00/week</u>
<u>Sound Engineer</u>	<u>350.00/week</u>	<u>550.00/week</u>
<u>Theater Production Manager</u>	<u>400.00/week</u>	<u>650.00/week</u>
<u>Master Wardrobe Coordinator</u>	<u>300.00/week</u>	<u>500.00/week</u>
<u>Artistic Director</u>	<u>520.20/</u>	<u>1,035.00/</u>
	<u>Per biweekly pay period</u>	
<u>Arts Festival Director</u>	<u>5,202.00/year</u>	<u>9,040.00/year</u>
<u>Arts Festival Coordinator</u>	<u>3,121.20/year</u>	<u>6,460.00/year</u>
<u>Events Manager</u>	<u>520.20/</u>	<u>1,165.00/</u>
	<u>Per biweekly pay period</u>	
<u>Helper (Part-time)</u>	<u>8.10/hour</u>	<u>12.96/hour</u>
<u>Operations Manager</u>	<u>520.20/</u>	<u>1,100.00/</u>
	<u>Per biweekly pay period</u>	
<u>Park Associate</u>	<u>318.36/</u>	<u>674.00/</u>
	<u>Per biweekly pay period</u>	
<u>Park Crew / Maintenance</u>	<u>208.08/</u>	<u>775.00/</u>
	<u>Per biweekly pay period</u>	
<u>Production Manager</u>	<u>416.16/</u>	<u>905.00/</u>
	<u>Per biweekly pay period</u>	
<u>Program Coordinator</u>	<u>312.12/</u>	<u>674.00/</u>
	<u>Per biweekly pay period</u>	
<u>ICE SKATING RINK:ICE SKATING RINK:</u>		
Cashier	8.310/hour	12.36/hour
Hockey Director	2,184.84	2,300.00/season
Ice Safety Guard	8.10/hour	11.20/hour
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	

ORDINANCE NO. 15-2018 (AS)

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	8.31 0/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	8.31 0/hour 1,040.40/	13.78/hour or 2,296.00/season
Youth Baseball League Supervisor	8.31 0/hour 1,040.40/	13.78/hour or 2,870.00/season
League / Program / Camp Assistant	8.31 0/hour	9.18/hour
Sports Camp Supervisor / Instructor	8.31 0/hour 2,601.00/	13.91/hour or 1,148.00/camp
Sports Coordinator	10.40/hour	23.65/hour

ORDINANCE NO. 15-2018 (AS)

Sports Program Assistant	8. 31 0/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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Fitness Center Coordinator	9.50/hour	12.36/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. 31 0/hour	13.39/hour
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Personal Trainer	10.40/hour	12.64/hour or 70%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.
4. School Crossing Guard \$40.49 per day (based upon a 4-hour day)

ORDINANCE NO. 15-2018 (AS)

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
Chief Probation Officer	30,600.00	71,400.00

ORDINANCE NO. 15-2018 (AS)

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.

ORDINANCE NO. 15-2018 (AS)

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

Proposed: 3/5/2018

RESOLUTION NO.

By Council Member

A Resolution outlining additional Council priorities; and declaring an emergency.

WHEREAS, Council desires to outline priorities beyond the essential operations of city government; and

WHEREAS, by outlining such additional priorities Council seeks not to limit the ability of the City in any way to respond to and/or address other matters of concern to the community; and

WHEREAS, Council has identified such additional priorities as set forth herein.

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

SECTION 1. Council hereby identifies the additional priorities outlined in Exhibit A attached hereto and incorporated as if fully set forth herein. Council acknowledges that these additional priorities are beyond the priorities required to maintain essential operations of city government and that by outlining such additional priorities Council seeks not to limit the ability of the City in any way to respond to and/or address other matters of concern to the community. Council further acknowledges that these priorities may shift or be otherwise amended as the environment changes by the course of events and thus these priorities represent a snapshot as of the date of passage of this Resolution. In recognition of the fluidity of government priorities, Council reserves the right to amend the priorities set forth herein without amending this Resolution.

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 establish said additional priorities without delay. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO.

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

Exhibit A

→ **Housing**

Highest Priority:

- Assess the current state of the vacant and abandoned housing problem with supporting data/statistics and vigilant monitoring, oversight and robust updating/reporting to council. Have staff design and implement an effective reporting structure. Staff to consider engaging an outside expert on how to address and abate neighborhood blight (*e.g.* Kermit Lind).
- Pursue aggressive tax foreclosure on income residential properties and commercial properties.
- Increase the housing supply and favor home ownership.
- Provide tax abatement for Community Reinvestment Areas.

Priority:

- Council to create a Housing Committee charged with studying, exploring and communicating to Council and staff regarding strategies for attacking problems, including consideration of foreclosure bonds. Examine best practices in other cities and consider legislation based on same.

→ **CDC and Economic Development**

Highest Priority:

- Execute on Top of the Hill.
- Continue economic development focus on Noble Corridor and city owned property at Noble and Glenwood, Taylor-Tudor neighborhood and the west side of Taylor.
- Finalize agreement to establish a CDC and establish measurable goals and accountability standards.
- Address safety issues and beautification plans and development/enhancements of key commercial districts. (*e.g.* Noble, Taylor)

→ **Operations/High Performing Organization**

Highest Priority:

- Council Operating Guidelines to comport with our Charter and enhance council effectiveness and operating efficiencies and ensure solid partnering relationship with Staff.
- Digitally record all meetings.
- Evaluate Boards and Commissions to determine relevancy in addressing current needs.

RESOLUTION NO.

- Adhere to the Master Plan - updates from the City Manager to Council and the community and regular inclusion on the agenda.
- Realign selected Council Committees to be congruent with priorities and define specific tasks with time frames for completion.

→ **Collaboration and Regionalization Efforts**

Highest Priority:

- Restructure joint Council/School Board meetings to promote open and more productive dialogue.

Priority:

- Work with East Cleveland and Cleveland Metro Parks (and other potential stakeholders) to enhance and transform Forest Hill Park into a true regional community asset of the highest caliber.
- Explore the possibility of regionalization of Municipal Courts, Building Department and Animal Control.

→ **Fiscal Stability**

Highest Priority:

- Establish a policy goal for the reserve amount.
- Determine long term fiscal strategy for capital expenditures.

→ **Quality of Life/Green Initiatives**

Highest Priority:

- Continue the Complete Streets policy.

Priority:

- Study and pursue greener sustainable waste management and recycling programs.

→ **Measuring Progress and Metrics**

Priority:

- Develop SMART Goals to use in helping to evaluate delivery of services. (Specific, Measurable, Achievable, Realistic, and Time Bound)

→ **Miscellaneous/Other**

Highest Priority:

- Promote our city with more external focus on, *e.g.*, University Circle, developers, realtors, etc.

Priority:

- Explore sidewalk snow removal program

Proposed: 3/19/2018

ORDINANCE NO. (AO)

By Council Member

An Ordinance to approve current replacement pages to the Cleveland Heights Codified Ordinances; and declaring an emergency.

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, certain provisions of Part Three, Traffic Code, and Part Five, General Offenses Code should be amended to conform to changes to comparable State statutes; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council.

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

SECTION 1. The following ordinances of the City of Cleveland Heights, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2018 Replacement Pages to the Codified Ordinances, are hereby approved and adopted:

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
38-2017	4-17-17	1347.02
39-2017	4-24-17	1321.01(a)
56-2017	5-15-17	737.03
65-2017	6-5-17	911.01 to 911.07
84-2017	7-17-17	711.01 to 711.09, 711.99
105-2017	1-16-18	1103.03, 1103.04, 1109.06, 1111.06, 1115.01, 1115.02, 1115.06, 1115.07, 1115.08, 1115.09, 1115.11, 1119.01, 1119.02, 1121.04, 1121.09, 1121.12, 1123.04, 1131.02, 1131.075, 1131.08, 1133.04, 1141.02, 1143.02, 1143.07, 1143.09, 1143.10, 1153.03, 1153.05, 1155.02, 1155.03, 1155.05, 1161.03, 1161.10, 1161.103, 1161.11, 1163.07, 1166.04, 1166.05, 1166.06, 1166.07, 1166.10, 1171.02, 1175.02

ORDINANCE NO. (AO)

<u>Ordinance Number</u> Res.	<u>Date</u>	<u>Codified Ordinance Section</u>
125-2017	12-4-17	351.09
2-2018	1-16-18	158.01 to 158.26, 158.99

SECTION 2. The following sections and chapters of the Codified Ordinances shall be, and hereby are added, amended or repealed as respectively indicated in order to conform with changes in State Law. The complete text of the sections of the Codified Ordinances listed below are set forth in full in the current 2018 Replacement Pages to the Codified Ordinances. A summary of the amendments is set forth in Exhibit A which is attached to this Ordinance.

Traffic Code

303.04	Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
313.09 (Amended)	Driver's Duties Upon Approaching Ambiguous Traffic Signal.
333.01	Driving Under the Influence. (Amended)
335.09	Display of License Plates. (Amended)
337.28	Use of Sunscreening, Nontransparent and Reflectorized Materials. (Amended)
351.07	Unattended Vehicles: Duties. (Amended)

General Offenses Code

513.09	Controlled Substance or Prescription Labels. (Amended)
529.07	Open Container Prohibited. (Amended)
529.08	Hours of Sale or Consumption. (Amended)
537.15	Temporary Protection Order. (Amended)
549.04	Improperly Handling a Firearm in a Motor Vehicle. (Amended)

SECTION 3. The aforementioned amendments to the Codified Ordinances, as revised, recodified and consolidated into component codes, titles, chapters and sections within the 2018 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

SECTION 4. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

ORDINANCE NO. (AO)

SECTION 5. 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 distribute current replacement pages to the Codified Ordinances. Wherefore, provided it receives the affirmative vote of five 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.

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

ORDINANCE NO. (AO)

EXHIBITA

303.04 Road Workers, Motor Vehicles and Equipment Excepted. (Adds subsection (d) defining “engaged in the performance of official duties”).

313.09 Driver’s Duties Upon Approaching Ambiguous or Non-Working Traffic Signal. (Adds provision on “bicycles” to the first paragraph.)

333.01 Driving Under the Influence. (Extends the look back period for OVI offenses from six to ten years and modifies the provisions pertaining to ignition interlock devices.)

335.09 Display of License Plates. (Adds new subsection (b) making a violation a strict liability offense and specifying under what circumstances a citation will be issued.)

337.28 Use of Sunscreening, Nontransparent and Reflectorized Materials. (Adds sentence to subsection (a)(1)A. and (b)(4) explaining how FMVSS 205 can be obtained.)

351.07 Unattended Vehicle. (Redefines under what circumstances the requirements of the section do not apply.)

513.09 Controlled Substance or Prescription Labels. (Completely rewrites section to comply with current State law.)

529.07 Open Container Prohibited. (Rewrites subsection (c)(5) to clarify exception for an F-9 permit holder.)

529.08 Hours of Sale or Consumption. (Revises listing of permit holders if subsections (b) and (c).)

537.15 Temporary Protection Order. (Revises subsection (b)(3) and adds new subsection (d); rennumbers former subsection (d) as subsection (e).)

549.04 Improperly Handling Firearms in a Motor Vehicle. (Creates an exception to the requirements of obtaining a license to carry a concealed handgun for active duty members of the armed forces meeting the proper training requirements.)

Proposed: 3/5/2018

RESOLUTION NO. (AS)

By Council Member

A Resolution designating law department attorneys pursuant to R.C. 109.43(b); and declaring an emergency.

WHEREAS, Ohio Revised Code Section 109.43(b) requires that all elected officials or their appropriate designees attend three (3) hours of training concerning public records and open meetings laws; and

WHEREAS, this Council has determined that certain attorneys in the City Law Department are its appropriate designees to fulfill said requirement.

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

SECTION 1. Council hereby designates Assistant Law Directors Alix Nouredine and Elizabeth Wells Rothenberg to fulfill the training requirements set forth in Ohio Revised Code Section 109.43(b).

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

RESOLUTION NO. (AS)

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

Proposed: 3/19/2018

ORDINANCE NO. (SMS)

By Council Member

An Ordinance authorizing the payment of the sum of \$_____ to the City of Cleveland Water Department to reimburse homestead discount rates for the City of Cleveland transition rate for 2017, and declaring an emergency.

WHEREAS, pursuant to Ordinance No. 27-2016, adopted on May 2, 2016, this Council authorized the City Manager to execute several documents, including the Transition Agreement, effective August 9, 2016, to enable residents to receive water and water related services directly from the City of Cleveland; and

WHEREAS, the Transition Agreement sets forth the authority of the City of Cleveland as Purveyor, by and through its Director of Public Utilities on behalf of the Cleveland Water Division (“CWD”) to charge a transition recovery charge; and

WHEREAS, the City of Cleveland and CWD, pursuant to City of Cleveland Ordinance No. 1440-17, and with the cooperation of the City of Cleveland Heights, has established a discounted homestead and affordability alternate transition rate for certain qualified customers effective January 1, 2018; and

WHEREAS, this Council has determined that it is in the best interest of the residents of the City of Cleveland Heights to support the homestead affordability rate and to reimburse to CWD that amount that reflects the discounted rate for calendar year 2017.

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

SECTION 1. The City Manager shall be, and is hereby, authorized to direct the Director of Finance to reimburse the City of Cleveland, by and through the CWD, the amount of \$_____, to be paid on or before _____[deadline date], as a reimbursement for the homestead affordability rate on behalf of City residents for calendar year 2017, to be paid from the [Cleveland Heights Sewer Fund, Account Number _____].

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 the need to finish the transition to Cleveland Water for all city residents. Wherefore, provided it receives the

ORDINANCE NO. (SMS)

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:

Proposed: 3/___/2018

ORDINANCE NO. (PD) *First Reading*

By Council Member

An Ordinance declaring certain improvements to real property located in the City of Cleveland Heights, Ohio to be a public purpose; declaring such improvements to be exempt from real property taxation; making provision for the collection of service payments in lieu of taxes; establishing an urban redevelopment tax increment equivalent fund for the deposit of such service payments; authorizing a compensation agreement with the Cleveland Heights-University Heights City School District; providing related authorizations pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43, and declaring an emergency.

WHEREAS, the City of Cleveland Heights (the "City") owns certain parcels of real property located at the intersection of Cedar Road and Euclid Heights Boulevard and referred to as the "Top of the Hill Property," which parcels are described in Exhibit A hereto (collectively referred to herein as the "TIF Area," with the parcels comprising the real property within the TIF Area, as improved, referred to herein as the "Parcels"); and

WHEREAS, Ohio Revised Code ("R.C.") Section 5709.41 provides that this Council may, under certain circumstances, declare Improvements (as defined herein) to the Parcels be a public purpose, thereby exempting those Improvements from real property taxation; and

WHEREAS, pursuant to R.C. Section 5709.41, said exemption may not exceed 75% of such Improvements for up to ten (10) years without the approval of the board of education of the city, local or exempted village school district within the territory of which the Improvements are or will be located; and

WHEREAS, the City intends to enter into a Development Agreement with F & C Development, Inc. pursuant to which a development entity established by F & C Development, Inc. (such entity, "the Developer") will lease the Parcels from the City and improve the Parcels by building thereon a mixed-use development which will include construction of (a) 200 luxury market-rate apartments, (b) 15,000 square feet of first floor restaurant, retail and commercial space, (c) a public parking garage containing 525 parking spaces, (d) public gathering and green spaces, (e) 20 for-sale townhomes, (f) a nationally-branded hotel or boutique hotel, (g) all sidewalks, driveways, access ways and utility connections, and which will potentially include (h) "Class A" office space (all of the foregoing being referred to herein collectively as the "Development"); and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interests of the City to provide that the owner of the Development (initially, the Developer) be required to make service payments in lieu of real property taxes ("Service Payments," as further defined below) with respect to the Improvements located on the Parcels pursuant to R.C. Section 5709.42; and

WHEREAS, this Council has determined that it is in the City's best interests for the City to enter into a compensation agreement (the "Compensation Agreement") with the Board of

Education of the Cleveland Heights-University Heights City School District (the "School District"), which Compensation Agreement provides for the payment of compensation by the City to the School District; and

WHEREAS, in connection with the negotiation of the Compensation Agreement, the Board of Education of the School District has waived any notice periods prescribed in R.C. Section 5709.41 and 5709.83 and has approved a 100% exemption for the Improvements to the Parcels under R.C. Section 5709.41 for thirty (30) years; and

WHEREAS, R.C. Section 5709.85(A) requires the legislative authority of any municipal corporation granting an exemption from taxation under R.C. Section 5709.41 to create a tax incentive review council ("TIRC"), which TIRC is required to perform an annual review of exemptions from taxation granted pursuant to R.C. Section 5709.41, and the City has previously created a TIRC; and

WHEREAS, an emergency exists in the usual daily operations of the City in that it is immediately necessary to approve tax exemptions for the Improvements for the preservation of the public health, peace, property and safety, that preservation being related to the need to proceed with detailed design of the Development for City review and related due diligence of the Parcels;

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

SECTION 1. The Improvements (other than those Improvements, if any, to be used for residential purposes as such term is used in R.C. Section 5709.41(B)) to the Parcels on which the Developer will construct the Development are hereby declared to be a public purpose for purposes of R.C. Section 5709.41. One hundred percent (100%) of the increase in the assessed value of the Parcels (which increase in assessed value is an "Improvement" as defined in R.C. Section 5709.41) shall be exempt from real property taxation for a period of thirty (30) years.

SECTION 2. As provided in R.C. Section 5709.42, the owner of the Development (initially, the Developer) is hereby required to make annual service payments for a period of thirty (30) years in lieu of taxes to the County Fiscal Officer on or before the final dates for payment of real property taxes. Each such payment (including interest and penalties) shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable if the Improvements were not exempt from taxation (with the payments in lieu of taxes, including any penalties, interest and rollback payments, collectively referred to as "PILOTS"); provided that in accordance with the Compensation Agreement, in connection with any TIF Debt (as defined in the Compensation Agreement), the owner(s) of the Development shall be required to make minimum service payments in an amount not less than the amount of PILOTS that would be payable had the market value of the Parcels in the TIF Area been equal to the \$44 Million Fair Market Threshold (as defined in the Compensation Agreement) even though the market value of those Parcels may be less than the \$44 Million Fair Market Threshold (the "Minimum Service Payments"). The County Fiscal Officer shall remit all PILOTS and Minimum Service Payments to the City.

This Council hereby authorizes the City Manager or designee (the "City Manager") or other appropriate officers of the City to provide such information and certifications and execute and deliver, or accept delivery of such instruments as are necessary and incidental to collect

those PILOTS and/or Minimum Service Payments and to make such arrangements as are necessary and proper for payment of the PILOTS and/or Minimum Service Payments. Any late payments shall be subject to penalty and bear interest at the then current rate established under R.C. Sections 323.121 and 5703.47, as may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time.

No Owner of any portion of the Development shall, under any circumstances, be required in any tax year to both pay PILOTS or Minimum Service Payments with respect to an Improvement or reimburse local taxing authorities for the amount of real property taxes that would have been payable to local taxing authorities had the Improvements not been exempted from taxation to the extent set forth in this Ordinance.

SECTION 3. The City Manager shall make payments to the School District as described in the Compensation Agreement.

SECTION 4. This Council hereby establishes pursuant to and in accordance with the provisions of R.C. Section 5709.43, the Top of the Hill Urban Redevelopment Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited the PILOTS and Minimum Service Payments distributed to the City with respect to the Improvements on the Parcels by or on behalf of the County Fiscal Officer as provided in Section 5709.42 of the Revised Code. One hundred percent (100%) of the moneys collected shall be deposited in the Fund and shall be retained by the City and used for any or all of the following purposes:

(i) Payment of all costs associated with the construction of the Development, including costs incurred by the Cleveland-Cuyahoga County Port Authority (the "Port Authority") or other governmental entity, and including debt service and related costs or obligations or loans issued by the City, the Port Authority, the State of Ohio or other governmental entity;

(ii) Construction, operation and maintenance of public improvements and publicly-owned facilities on the Parcels, including, but not limited to, streets, storm and sanitary sewers, water treatment facilities and water transmission lines, sidewalks, curbs, street trees and furniture, transitway improvements, off-street parking facilities, street lighting and signalization, pedestrian walkways, and public parks and plazas, whether owned by the City or other governmental entity by agreement with the City, and associated land acquisition and demolition, planning and engineering costs;

(iii) Land and building acquisition, demolition, site preparation, and relocation expenses related to the Development;

(iv) Compensating the School District pursuant to the Compensation Agreement; and

(v) Any other expenditures made with respect to the Parcels in accordance with the Development Agreement or other agreements entered into in connection with development of the Parcels provided such expenditures are otherwise permitted by law.

The Fund shall remain in existence so long as such PILOTS or Minimum Service Payments are collected, after which said Fund may be dissolved in accordance with said Section 5709.43 and transferred to the General Fund or any other fund as permitted by applicable law.

SECTION 5. The Compensation Agreement between the City and the School District, substantially in the form attached to this Ordinance as Exhibit B, is hereby approved and authorized, with changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City as determined by the Director of Law and which are approved by the City Manager. The City Manager, for and in the name of the City, is hereby authorized to execute that Compensation Agreement and any amendments thereto. The approval of changes or amendments by the City Manager, and the character of the changes or amendments as not being inconsistent with this Ordinance and not being materially adverse to the City, shall be evidenced conclusively by the execution thereof by the City Manager with the concurrence of the Director of Law. This Council further hereby authorizes and directs the City Manager to make such arrangements as are necessary and proper for payments to be made to the School District pursuant to the Compensation Agreement.

SECTION 6. The City Manager is authorized and directed to sign any other documents, instruments or certificates as are necessary or appropriate to consummate or implement the actions described herein, or contemplated by this Ordinance, including an agreement or agreements with the Developer to provide for the payment of PILOTS and Minimum Service Payments described in this Ordinance and in the Compensation Agreement.

SECTION 7. Pursuant to R.C, Section 5709.41, the City Manager is hereby directed to deliver a copy of this Ordinance to the Director of Development Services of the State within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 3 hereof remains in effect, the City Manager or designee shall prepare and submit to the Director of Development Services of the State the status report required under R.C. Section 5709.41(E).

SECTION 8. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

SECTION 9. 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 10. 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 proceed with due diligence of the site and detailed design for City review. 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

EXHIBIT A

DESCRIPTION OF PARCELS INCLUDED IN TIF AREA

(Identified by Parcel Number)

685-18-008

685-18-009

685-18-010

685-18-012

685-18-013

685-18-016

685-18-018

685-18-019

EXHIBIT B

FORM OF COMPENSATION AGREEMENT

(See Attached)

**FORM OF
COMPENSATION AGREEMENT**

This Compensation Agreement (this "Agreement"), is made and entered into on this day of _____, 2018, by and between the CITY OF CLEVELAND HEIGHTS, OHIO (the "City"), a municipal corporation organized and existing under the laws of the State of Ohio, and the CLEVELAND HEIGHTS-UNIVERSITY HEIGHTS CITY SCHOOL DISTRICT (the "School District"), a city school district organized and existing under the laws of the State of Ohio.

WITNESSETH:

WHEREAS, the City owns (or may acquire) certain real property located at the intersection of Cedar Road and Euclid Heights Boulevard and sometimes referred to herein as the "Top of the Hill Property" more particularly depicted in Exhibit A attached hereto; and

WHEREAS, by Ordinance to be introduced in Cleveland Heights City Council (including any amendments thereto, the "TIF Ordinance"), the City proposes to establish a tax increment financing area with respect to the Top of the Hill Property, to exempt from real property taxation improvements to be made to the Top of the Hill Property pursuant to Section 5709.41 of the Ohio Revised Code (the "TIF Statute") and to require the development entity to be established by F & C Development, Inc. to lease from the City and improve the parcels included in the Top of the Hill Property (such entity, the "Developer"), to make Service Payments In Lieu of Taxes in an amount equal to the amount of real property taxes that would have been payable if the Improvements described below had not been exempted from taxation under the TIF Ordinance (those payments in lieu of taxes, together with any related penalties, interest and rollback payments, are collectively referred to herein as "PILOTS"), and to use such PILOTS to pay a portion of the principal of, interest on and premium, if any, with respect to bonds expected to be issued by the Cleveland-Cuyahoga County Port Authority (or any other such governmental authority as may be designated by the City) or other financing and any renewals or refunding thereof (collectively, the "TIF Debt") which may be issued or entered into to pay the cost of acquisition and construction of improvements as part of the proposed Top of the Hill Property development; and

WHEREAS, by the TIF Ordinance, the City intends to designate the parcels depicted in Exhibit A hereto (collectively referred to herein as the "TIF Area"), with the parcels comprising the real property within the TIF Area, as improved, referred to hereinafter as the "Parcels"; and

WHEREAS, the City has provided information to the School District with respect to a proposed mixed-use development of the Parcels which will include construction of (a) 200 luxury market-rate apartments, (b) 15,000 square feet of first floor restaurant, retail and commercial space, (c) a public parking garage containing 525 parking spaces, (d) public gathering and green spaces, (e) 20 for-sale townhomes, (f) a nationally-branded hotel or boutique hotel, (g) all sidewalks, driveways, access ways and utility connections, and which will potentially include (h) "Class A" office space (all of the foregoing being referred to herein collectively as the "Improvements"); and

WHEREAS, the City and the School District will derive substantial and significant benefits from the Improvements; and

WHEREAS, the City, in the TIF Ordinance, intends to declare the Improvements (other than those Improvements, if any, to be used for residential purposes as such term is used in Section 5709.41(B) of the Ohio Revised Code) to be for a "public purpose" and exempted 100% of the assessed valuation of the Improvements from real property taxation for a period not to exceed thirty (30) years in accordance with Section 5709.41 of the Ohio Revised Code; and

WHEREAS, on March [__], 2018, the Board of the School District adopted a resolution (the "School District Resolution") approving this Agreement and the exemption of the Improvements as will be provided in the TIF Ordinance (the "TIF Exemption"); and

WHEREAS, to facilitate the construction of the Improvements and to compensate the School District for a portion of the revenue that the School District would have received had the Improvements been made and not been exempted from taxation, the City and the School District have determined to enter into this Agreement, on the terms as hereinafter provided;

NOW, THEREFORE, in consideration of the premises and covenants contained herein, and to induce the Developer to proceed with the construction of the Improvements, the parties hereto agree as follows:

Section 1. Definitions. As used in this Agreement, the following terms shall have the meanings set forth below:

"Base Value" means the assessed market value of the Parcels within the TIF Area for tax year 2017.

"Exempted Value" means the assessed market value of the Parcels within the TIF Area over the Base Value that is to be exempted from real estate taxation under the TIF Ordinance and the TIF Statute.

"Exemption Year" means, for any Parcel, any calendar year in which Improvements would be taxable but for the exemption from taxation pursuant to the TIF Ordinance

"\$44 Million Fair Market Value Threshold" means, for purposes of determining School Payments under Section 2(A) hereof, that portion of the market value of the Parcels within the TIF Area that is equal to or less than \$44,000,000.

"\$50 Million Fair Market Value Threshold" means, for purposes of determining School Payments under Section 2(A) hereof, that portion of the market value of the Parcels within the TIF Area that is equal to or greater than \$50,000,000.

"New School District Levies" means any School District levies first effective on or after the date of this Agreement. New School District Levies shall not include any replacement tax levies, to the extent of the effective rate of the levy that is being replaced, or any renewal levies. For example, if an existing levy has an effective tax rate of 10 mills as of the date of the replacement levy and 5 effective new mills are approved with the replacement of the existing

levy, New School District Levies shall exclude the prior existing effective millage (10 effective mills) and include the new 5 mills. The existing levies included in the School District's Effective Millage as of the 2017 tax year are set forth in Schedule I hereto.

"PILOTS to be received at the "\$44 Million Fair Market Threshold" means the PILOTS to be received by the City in any Exemption Year determined at the \$44 Million Fair Market Value Threshold.

"PILOTS to be received at the "\$50 Million Fair Market Threshold" means the PILOTS to be received by the City determined at the \$50 Million Fair Market Value Threshold.

"School District's Effective Millage" means the rate of real property tax millage applicable to the Parcels determined for the School District pursuant to Section 319.301 of the Ohio Revised Code in effect for any particular Exemption Year; provided, however, that the School District's Effective Millage shall not include any millage related to New School District Levies.

Section 2. City Payments to School District. Unless otherwise agreed to in writing by the City and the School District, with respect to Improvements located within the TIF Area, for each Exemption Year for such Improvements, the City agrees to pay the School District the payments determined under subsection (A) of this Section 2 (referred to herein as the "School Payments"):

(A) School District Portion. The amounts calculated under the following clauses for each Exemption Year:

- (1) In any Exemption Year in which the market value of the Parcels in the TIF Area have a market value of equal to or less than the \$44 Million Fair Market Value Threshold, semi-annual payments equal to 25% of the tax revenue that the School District would have received with respect to that Exemption Year on the Exempted Value but for the TIF Exemption, based on the School District's Effective Millage.
- (2) In addition to the School Payments required by subsection (A)(1) hereof (i.e., the 25% payment calculated on the market value less than or equal to the \$44 Million Fair Market Value Threshold), in any Exemption Year in which the market value of the Parcels in the TIF Area have a market value of greater than the \$44 Million Fair Market Value Threshold but less than the \$50 Million Fair Market Value Threshold, semi-annual payments equal to 33.33% of the tax revenue that the School District would have received with respect to that Exemption Year on the Exempted Value in excess of the \$44 Million Fair Market Value Threshold but for the TIF Exemption, based on the School District's Effective Millage.
- (3) In addition to the School Payments required by subsections (A)(1) and (A)(2) hereof (i.e., the 25% payment calculated on the market value less than or equal to the \$44 Million Fair Market Value Threshold and the 33.33% payment calculated on the market value greater than the \$44 Million Fair Market Value Threshold and less than or equal to the \$50 Million Fair Market Value Threshold), in any

Exemption Year in which the market value of the Parcels in the TIF Area have a market value equal to or greater than the \$50 Million Fair Market Value Threshold, semi-annual payments equal to 50% of the tax revenue that the School District would have received with respect to that Exemption Year on the Exempted Value in excess of the \$50 Million Fair Market Value Threshold but for the TIF Exemption, based on the School District's Effective Millage.

- (4) In addition to the School Payments required by subsections (A)(1), (A)(2) and (A)(3) hereof, semi-annual payments equal to 100% of the of the tax revenue that the School District would have received with respect to that Exemption Year from the New School District Levies, if any.

(B) Timing of Payments. The City shall cause the School Payments to be made semiannually within thirty (30) days after PILOT payments are received by the City from the Treasurer of Cuyahoga County, Ohio (the "Treasurer"). Such payments due to the School District shall be made by the City solely from the PILOTs it receives from the Treasurer. The City may provide that such amounts shall be paid directly by the Treasurer to the School District and shall not be paid to the City.

(C) Bond Issuance Test. Unless the School District consents as hereinafter described, no TIF Debt shall be issued by the City, the Cleveland-Cuyahoga County Port Authority or any such other governmental authority as may be designated by the City unless at the time of authorization of the TIF Debt the projected PILOTs based on the projected market value of the Exempted Property, according to pro forma projections presented to both the City and the School District, which projections shall assume no growth in value, will result in a debt service coverage ratio of not less than 1.25:1 for all of the TIF Debt, including principal and interest then due or coming due in the next succeeding 12-month period and administrative expenses of the City and the Cleveland-Cuyahoga County Port Authority (or any such other governmental authority as may be designated by the City) with respect to the TIF Debt, including but not limited to the fees of any trustee for the TIF Debt (the "Minimum Debt Service Coverage Ratio Requirement"). If the School District consents in writing, TIF Debt may be issued by the City, the Cleveland-Cuyahoga County Port Authority or any other such governmental authority as may be designated by the City even if the Minimum Debt Service Coverage Ratio Requirement is not satisfied. Such consent by the School District is in the sole and absolute discretion of the School District. It is the intention of the parties hereto that there will always be sufficient PILOTs during any given calendar year to pay both the debt service described in Section 2(D)(1)(a) below and all School Payments as required by this Agreement.

(D) Subordination of School Payments.

- (1) The School District acknowledges and agrees that the right of the School District to receive School Payments is subordinate to the payment of the TIF Debt and that the PILOTs will be applied in the following order:
 - (a) First, to pay debt service charges on the TIF Debt, including principal, interest then due or coming due in the next succeeding 12-month period, early redemption premiums and the replenishment of any required reserve funds for the

TIF Debt, and administrative expenses of the City and the Cleveland-Cuyahoga County Port Authority (or any other such governmental authority as may be designated by the City) with respect to the TIF Debt and the PILOTs (including but not limited to the fees of any trustee for the TIF Debt).

(b) Second, to pay to the School District the School Payments currently due under Section 2(A) hereof.

(c) Third, for all other uses as authorized by law and as may be agreed upon by the City and the Developer.

In consideration of the foregoing, the City agrees that, in connection with any TIF Debt, the owners of the Improvements on the Parcels within the TIF Area (initially, the Developer) will be required to pay so-called minimum service payments in an amount not less than the amount of PILOTs that would be payable had the market value of the Parcels in the TIF Area been equal to the \$44 Million Fair Market Threshold even though the market value of those Parcels may be less than the \$44 Million Fair Market Threshold (the "Minimum Service Payments"), provided that the payment of Minimum Service Payments by the owners of the Improvements on the Parcels within the TIF Area will not entitle the School District to School Payments in amounts greater than the amounts calculated as set forth in Section 2(A) hereof.

(2) In the event that the PILOTs are not sufficient to pay the School Payments due to the School District in full, any School Payments not paid in any Tax Year shall be a deficiency (each, a "Deficiency"). Notwithstanding anything to the contrary in this Agreement, in the event that one or more Deficiencies shall exist, in any Exemption Year in which the market value of the Parcels in the TIF Area have a market value of greater than the \$44 Million Fair Market Value Threshold, the PILOTs attributable to the Exempted Value in excess of the \$44 Million Fair Market Value Threshold will be used first to pay any Deficiencies due to the School District under this Section 2(D) (beginning with the oldest then-remaining Deficiency) and then, after payment of all such Deficiency amounts, the remainder applied according to Section 2(A) hereof.

(E) Termination of Agreement. After the Director of Finance has determined that (a) all of the payments and reimbursements described in the TIF Ordinance, including those then due and those coming due in the future, have been made or provided for, (b) the TIF Debt has been paid in full or otherwise discharged, and (c) all of the School Payments then due under this Section 2 have been made or provided for, then the exemption from taxation pursuant to the TIF Ordinance and the PILOTs shall end, and this Agreement shall terminate.

Section 3. Review of Records. The School District may from time to time, with reasonable advance notice, review the records of the City relating to its receipt of PILOTs. The City and School District shall work together and communicate as to the calculation of the payment in Section 2, including exchanging information as to the valuation of the Parcels and tax rates.

Section 4. Reconciliation. The City and School District shall annually meet to review, calculate and reconcile payments to the School District and City.

Section 5. School District Consents and Waivers. In consideration of the compensation to be provided to it under this Agreement, the School District hereby:

(A) approves all TIF exemptions that may be granted under the TIF Ordinance in the TIF Area for the number of years and the percentage specified (the "TIF Exemptions");

(B) waives any notice or other requirements set forth in Sections 5709.41, 5709.82, 5709.83 and 5715.27, Revised Code, with respect to the TIF Exemptions;

(C) waives any School District rights pursuant to Section 5715.27, Revised Code; and

(D) waives any defects or irregularities relating to the exemption from taxation of any Improvement, and agrees not to challenge, directly or indirectly, the validity of the exemption from taxation of any Improvement.

Section 6. Application of Ohio Revised Code Section 5709.82. The School District acknowledges and agrees that this Agreement provides for the only compensation to be received by the School District from the City in connection with real property tax exemptions granted pursuant to the TIF Ordinance, there will be no income tax sharing in connection with those exemptions, and the compensation provided for herein is in lieu of any other compensation that may be provided for in Section 5709.82, Revised Code.

Section 7. Amendment. This Agreement may be amended or modified by the parties only in writing, signed by both parties to the Agreement.

Section 8. Entire Agreement. This Agreement is executed pursuant to Sections 5709.41, 5709.82, 5709.83 and 5715.27(D) Revised Code, and sets forth the entire agreement and understanding between the parties as to the subject matter hereof, including without limitation all forms of compensation to be paid by the City to the School District pursuant to those sections, and merges and supersedes all prior discussions, agreements, and undertakings of every kind and nature between the parties with respect to the subject matter of this Agreement. It is understood by the parties hereto that if all or a portion of the Parcels are ever deemed to be exempt from real property taxes under any other section of the Revised Code, and if as a result, the City does not receive any PILOTs, the City's payment to the School District will terminate.

Section 9. Notices. All payments, certificates and notices which are required to or may be given pursuant to the provisions of this Agreement shall be sent by the United States ordinary mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

If to the City: City of Cleveland Heights
40 Severance Circle
Cleveland Heights, OH 44118
Attention: City Manager

If to the School District: Cleveland Heights-University Heights City
School District
2155 Miramar Boulevard
University Heights, OH 44118
Attention: Scott Gainer, CFO/Treasurer

With a copy to:
David Seed, Esq.
Brindza, McIntyre & Seed LLP
1111 Superior Avenue, Suite 1025
Cleveland, OH 44114

Any party may change its address for receiving notices and reports by giving written notice of such change to the other parties.

Section 10. Change in Development. The City shall notify the School District if the Development to be constructed changes substantially after the date of this Agreement, and if requested by one of the parties, the two parties agree to meet to discuss the implications of that change.

Section 11. Severability of Provisions. The invalidity of any provision of this Agreement shall not affect the other provisions of this Agreement, and this Agreement shall be construed in all respects as if any invalid portions were omitted.

Section 12. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any party to this Agreement may execute this Agreement by signing any such counterpart.

Section 13. Extent of Covenants; Binding Effect; No Personal Liability. All covenants, stipulations, obligations and agreements of the parties contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. Each provision of the Agreement is binding upon the officer(s) or other person(s) and any body or bodies as may from time to time have the authority under law to take the actions as may be necessary to perform all or any part of the duty required by a given provision of this Agreement. Each duty of the City and its bodies, officers and employees, undertaken pursuant to the Agreement, is established as a duty with the City and of each such officer, employee or body having authority to perform that duty, specifically and enjoined by law resulting from an office, trust or station within the meaning of Section 2731.01, Revised Code, providing for enforcement by writ of mandamus. No such covenant, stipulation, obligation or agreement shall be deemed a covenant, stipulation, obligation or agreement of any present or future member, officer, agent, or employee of any of the parties in their individual capacity.

CITY OF CLEVELAND HEIGHTS, OHIO

CLEVELAND HEIGHTS-UNIVERSITY
HEIGHTS CITY SCHOOL DISTRICT

By: _____
City Manager

By: _____
Treasurer

Approved as to Form and Correctness:

By: _____
City Law Director

4817-9955-3374

FISCAL OFFICER'S CERTIFICATE

The undersigned, Director of Finance of the City of Cleveland Heights under the foregoing Agreement, certifies hereby that any moneys required to meet the obligations of the City during the year ____ under the foregoing Agreement have been appropriated lawfully for that purpose, and is in the Treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: _____, 2018

Director of Finance
City of Cleveland Heights, Ohio

FISCAL OFFICER'S CERTIFICATE

The undersigned, Treasurer of the Cleveland Heights-University Heights City School District under the foregoing Agreement, certifies hereby that the moneys required to meet any obligations of the School District during the year ____ under the foregoing Agreement have been appropriated lawfully for that purpose, and is in the Treasury of the District or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: _____, 2018

Treasurer
Cleveland Heights City School District, Ohio

EXHIBIT A

TIF AREA PARCELS

(Identified by Parcel Number)

685-18-008

685-18-009

685-18-010

685-18-011

685-18-012

685-18-013

685-18-016

685-18-018

685-18-019

SCHEDULE I

SCHOOL DISTRICT'S CURRENT TAX LEVIES

See attached DTE 515 dated 12/8/17

STATE OF OHIO
 COMPOSITE REDUCTION FACTOR REPORT FOR THE TAX YEAR 2017

COUNTY 18 CUYAHOGA

TAXING DISTRICT NUMBER: 00180
 TAXING DISTRICT: CLEV HT-CY C HT/UNIV HT CSD

LEVY YEAR / DESCRIPTION ROLL	TAX RATE	RES/AG CLASS			NON-RES/AG (OTHER)		
		REDUCTION FACTOR	COMPOSITE RATE	EFFECTIVE	REDUCTION FACTOR	COMPOSITE RATE	EFFECTIVE
CUYAHOGA COUNTY							
UNIT # 10180							
GENERAL FUND	0.500	XXXXXXXXXX	.500000	XXXXXXXXXX	.500000	Y	
DEBT SERVICE	0.950	XXXXXXXXXX	.950000	XXXXXXXXXX	.950000	Y	
2005 MENTAL HEALTH & RETARDATION	3.900	0.010786	3.857934	0.003488	3.886396	Y	
2008 HEALTH AND WELFARE	4.800	0.010786	4.748227	0.003488	4.783257	Y	
2013 HEALTH SERVICES	3.900	0.010786	3.857934	0.003488	3.886396	N	
SUB TOTAL	14.050		13.914095		14.006049		
CLEVELAND HTS-UNIVERSITY HTS C							
UNIT # 21080							
GENERAL FUND	4.450	XXXXXXXXXX	4.450000	XXXXXXXXXX	4.450000	Y	
1976 CURRENT EXPENSE	52.050	0.795615	10.638239	0.591731	21.250401	Y	
1980 CURRENT EXPENSE	6.900	0.625750	2.582325	0.502621	3.431915	Y	
1983 CURRENT EXPENSE	6.000	0.570508	2.576952	0.439338	3.363972	Y	
1985 CURRENT EXPENSE	4.500	0.570490	1.932795	0.437408	2.531664	Y	
1986 CURRENT EXPENSE	6.000	0.548395	2.709630	0.384468	3.693192	Y	
1988 CURRENT EXPENSE	9.500	0.548363	4.290551	0.384276	5.849378	Y	
1993 CURRENT EXPENSE	8.900	0.343162	5.845858	0.182853	7.272608	Y	
1996 CURRENT EXPENSE	8.900	0.246254	6.708339	0.140657	7.648152	Y	
2000 CURRENT EXPENSE	9.400	0.192589	7.589663	0.081657	8.632424	Y	
2001 BOND/LIBRARY (\$9,500,000)	0.600	XXXXXXXXXX	.600000	XXXXXXXXXX	.600000	Y	
2002 PERMANENT IMPROVEMENT-ONGOING	3.800	0.086028	3.473093	0.000000	3.800000	Y	
2004 CURRENT EXPENSE	8.500	0.000000	8.500000	0.000000	8.500000	Y	
2007 CURRENT EXPENSE	7.200	0.000000	7.200000	0.000000	7.200000	Y	
2011 CURRENT EXPENSE	6.900	0.000000	6.900000	0.000000	6.900000	Y	
2013 BOND (\$134,800,000)	6.990	XXXXXXXXXX	6.990000	XXXXXXXXXX	6.990000	N	
2016 CURRENT EXPENSE	5.500	0.000000	5.500000	0.000000	5.500000	N	
SUB TOTAL	156.090		88.487445		107.613706		
CLEVELAND HTS CITY							
UNIT # 51780							
GENERAL FUND	2.220	XXXXXXXXXX	2.220000	XXXXXXXXXX	2.220000	Y	
SINKING FUND AND BOND	1.500	XXXXXXXXXX	1.500000	XXXXXXXXXX	1.500000	Y	
1976 CHARTER/CURRENT EXPENSE	6.480	XXXXXXXXXX	6.480000	XXXXXXXXXX	6.480000	Y	
1986 CHARTER/FIREMAN'S FUND	0.300	XXXXXXXXXX	.300000	XXXXXXXXXX	.300000	Y	
1986 CHARTER/POLICE PENSION	0.300	XXXXXXXXXX	.300000	XXXXXXXXXX	.300000	Y	
2004 CHARTER/RECREATION IMPROVEMENT	0.700	XXXXXXXXXX	.700000	XXXXXXXXXX	.700000	Y	
2014 CHARTER/CURRENT EXP (HB59 INCR)	0.920	XXXXXXXXXX	.920000	XXXXXXXXXX	.920000	N	
SUB TOTAL	12.420		12.420000		12.420000		

* UNIT # 60110 CLEVELAND METRO PARKS
 * CLEVELAND METRO PARK 0.050 XXXXXXXXX .050000 Y
 * 2004 CURRENT EXPENSE 1.800 0.011740 1.77868 1.793557 Y
 * 2013 CURRENT EXPENSE 0.900 0.011740 .889434 .896778 N
 * SUB TOTAL 2.750 0.011527 2.718302 2.740335
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 * DTE515
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* TAXING DISTRICT NUMBER: 00180 (CONTINUED)
 * TAXING DISTRICT: CLEV HT-CY C HT/UNIV HT CSD

COUNTY 18 CUYAHOGA

LEVY YEAR / DESCRIPTION	TAX RATE	RES/AG CLASS	REDUCTION COMPOSITE	EFFECTIVE RATE	NON-RES/AG (OTHER)	REDUCTION COMPOSITE	EFFECTIVE RATE
ROLL							
BACK							
* UNIT # 60192 CLEVELAND HTS LIBRARY							
* 1992 CURRENT EXPENSE	4.000		0.343162	2.627352		0.182943	3.268228 Y
* 2000 CURRENT EXPENSE	1.900		0.192589	1.534080		0.081657	1.744851 Y
* 2008 CURRENT EXPENSE	1.900		0.000000	1.900000		0.000000	1.900000 Y
* 2014 CURRENT EXPENSE	2.200		0.000000	2.200000		0.000000	2.200000 N
* SUB TOTAL	10.000		0.173857	8.261432		0.088693	9.113079
* UNIT # 61156 CUYAHOGA COMMUNITY COLLEGE							
* 2006 CUYAHOGA COMMUNITY COLLEGE	1.200		0.010786	1.187056		0.003488	1.195814 Y
* 2010 CUYAHOGA COMMUNITY COLLEGE	1.900		0.010786	1.879506		0.003488	1.893372 Y
* 2014 CUYAHOGA COMMUNITY COLLEGE	0.900		0.010786	.890292		0.003488	.896860 N
* 2017 BOND (\$227,500,000)	0.500		XXXXXXX	.500000		XXXXXXX	.500000 N
* SUB TOTAL	4.500		0.009588	4.456854		0.003101	4.486046
* UNIT # 61157 CLEVELAND-CUYAHOGA PORT AUTHORITY							
* 1998 CCPA PORT AUTHORITY	0.130		0.130167	.113078		0.098914	.117141 Y
* SUB TOTAL	0.130		0.130170	.113078		0.098916	.117141
* COMPOSITE	199.940		0.347949	130.371206		0.247293	150.496356
#SARPAGE 42							

Proposed: 3/19/2018

ORDINANCE NO. (AS)

Council Member

An Ordinance updating the references to standing Council Committees in the Codified Ordinances; and declaring an emergency.

WHEREAS, this Council established standing committees of Council by passage of Resolution No. 13-2018; and

WHEREAS, certain sections of the Cleveland Heights Codified Ordinance require updating to reference the revised Council committees as set forth herein.

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

SECTION 1. Section 145.01, "Composition, Term and Vacancy," of Chapter 145, *Commission on Aging*, of the Administrative Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

145.01 COMPOSITION, TERM AND VACANCY.

(a) The Commission on Aging shall consist of thirteen members. Permanent nonvoting members shall be the City Manager or his/her designated representative, and the ~~Chairman~~ Chairperson of the Council ~~Committee on Community Relations and Recreation~~ Recreation, Community & External Relations Committee or a designated member of that Committee. All other members of the Commission shall be voting members and shall be appointed by Council. Nine members shall be City residents, at least seven of whom shall be sixty years of age or older. The remaining two members need not be City residents; however, at least one of the nonresident members shall have an expertise in some aspect of gerontology. Except in the case of mid-term vacancies, or unless otherwise provided by ordinance or resolution, all appointments to the Commission shall be for two year terms. No voting member shall be appointed to serve for more than eight consecutive years.

(b) Upon passage of this section, Council shall appoint two new members to the Commission. Both members shall be City residents age sixty or older. One member shall be appointed for a term ending June 30, 1994, and the other shall be appointed for a term ending June 30, 1995. Subsequent appointments shall be for two year terms as provided in subsection (a) hereof.

SECTION 2. Section 553.02, "Nuisance Abatement Board of Review," of Chapter 553, *Abatement of Nuisance*, of the General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

553.02 NUISANCE ABATEMENT BOARD OF REVIEW.

There is hereby created a Nuisance Abatement Board of Review ("Board"), consisting of the Chairperson of the ~~Public Safety and Health~~Housing & Transportation Committee of Council or other member of City Council appointed by the Mayor, and the City Manager or designee, and a member of the City's Community Relations Division appointed by the City Manager. The Board shall have jurisdiction to hear appeals from notices and orders issued pursuant to this Chapter. The presence of two (2) members shall constitute a quorum. Any action of the Board shall require two (2) affirmative votes.

SECTION 3. Section 701.07, "Appeals Board and Procedure," of Chapter 701, *General Provisions*, of the Business Regulation Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

701.07 APPEALS BOARD AND PROCEDURE.

Any person whose application for a license or permit has been denied by any City official so authorized, or whose license or permit has been revoked or suspended by the City Manager may appeal such denial, revocation or suspension to a Board of Appeals consisting of the Director of Law and the Director of Finance or their designated representatives and the ~~Chairman~~Chairperson of the ~~Safety and Welfare Committee of~~ Council Housing and Transportation Committee or a member of that Committee. The appeal shall be filed with the Board within ten (10) days of notice of the action being appealed. The Board shall act within ten (10) days of the filing of the notice of appeal and the Board's action in any appeal shall be final.

SECTION 4. Section 761.07, "License Revocation; Appeals," of Chapter 761, *Secondhand Dealers*, of the Business Regulation Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

761.07 LICENSE REVOCATION; APPEALS.

(a) The City Manager may at any time revoke or suspend any license granted under the authority of this chapter for failure to comply with the terms of this chapter or any law or ordinance applicable to the business so licensed.

(b) The City Manager shall revoke any license granted under the authority of this chapter if the licensee has been convicted of receiving stolen property.

(c) In case of the refusal to issue or renew a license by the Chief of Police or the revocation or suspension of a license by the City Manager, the applicant or licensee may appeal to a Board consisting of the ~~Chairman~~Chairperson of ~~the Public Safety and Health Committee of~~ Council Safety & Municipal Services Committee or his/her designee, the Finance Director or his/her designee and the Director of Law or his/her designee. Notice of such appeal shall be in writing, and shall be filed with the Law Director within ten (10) days from the date of the City Manager's

action. Within ten (10) days after the filing of such notice, the Board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. No notice of the hearing is required to be provided to adjoining property owners. The Board shall render a decision within ten (10) days of the conclusion of the hearing. The Board may sustain, disapprove or modify the action of the City Manager or Chief of Police.

(d) In the absence of conditions posing an imminent threat to health, safety or property, as determined by the Director of Law, or unless a license has been revoked by the City Manager because the licensee has been convicted of receiving stolen property as provided in subsection (b) of this section, a licensee who is lawfully operating but whose license is subject to revocation or suspension, or which the City Manager has refused to renew, may continue operating during the pendency of an appeal under this section.

SECTION 5. Section 1501.15, "Appeals," of Chapter 1501, *Adoption of Fire Code*, of the Fire Prevention Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

1501.15 APPEALS.

(a) Whenever the Fire Warden disapproves an application and/or refuses to grant a permit applied for, or when it is claimed that the provisions of this adopted Fire Code do not apply, or that the true intent or meaning of such Code has been misconstrued or wrongly interpreted, or when any person refuses to comply with any order issued to enforce this Code, such person may appeal from the decision of the Fire Warden within ten days from the date the person is notified of such Fire Warden's order or decision. An appeal shall be filed with the Fire Chief and referred to the Fire Appeals Board. Notice of such appeal shall be in writing and shall set forth the ruling or decision from which appeal is taken.

(b) The Fire Appeals Board shall consist of the City Manager and Director of Law, or their designated representatives, and the Chairperson ~~of the Public Safety and Health Committee of~~ Council Safety & Municipal Services Committee, or a member of that Committee. Such Board serving in any Fire Code appeal capacity shall hear all interested parties to such appeal and the Board may by majority vote of those present sustain, reverse or modify any decision or order of the Fire Warden.

(c) A quorum to hear any appeal shall consist of not less than two members of the Board.

SECTION 6. Section 1780.08, "Appeal," of Chapter 1780, *Clean Outdoor Air*, of the Health Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

1780.08 APPEAL.

Whenever it is claimed that the provisions of this chapter do not apply or that the true intent or meaning of such chapter have been misconstrued or wrongly interpreted, or when any person refuses to comply with any order lawfully issued and served, such person may appeal from the decision of the enforcement officer within ten (10) days from the date the person is notified of such decision. Appeals shall be filed with the ~~Director of the Health Department~~City Manager and referred to the Fire Prevention Appeals Board which shall consist of the City Manager and Director of Law, or their designated representatives, and the ~~Chairman~~Chairperson of the ~~Public Safety and Health Committee of Council~~Safety & Municipal Services Committee, or a member of that Committee. Notice of appeal shall be in writing, and the Board shall fix the time and place of hearing. All interested parties shall be afforded an opportunity to be heard, and the Board may, by majority vote, sustain, reverse or modify any decision or order, and its decision shall be final.

SECTION 7. Section 1785.03, "Environmental Review Board," of Chapter 1785, *Application of Pesticides*, of the Health Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

1785.03 ENVIRONMENTAL REVIEW BOARD.

An Environmental Review Board is hereby created to hear and determine requests for permission to apply pesticides in specific cases. The Board shall consist of the City Manager and ~~the Director of the Department of Community Services, or their representatives~~a member of the City's Community Relations Division appointed by the City Manager, and the ~~Chairman of the Public Safety and Health Committee of Council~~Chairman of the Safety & Municipal Services Committee, or a member of that Committee. The Board may grant permission for the application of pesticides under controlled and limited conditions when the Board determines that such application is necessary for the public health and safety or the preservation of property and will not pose a danger to City residents.

SECTION 8. 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 9. 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 immediate need to assign Council Committee members to these positions. 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.

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED: