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## **MEMORANDUM**

TO: Members of Council  
FROM: Tanisha R. Briley, City Manager  
DATE: January 11, 2019  
RE: January 14, 2019

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## **MEETINGS & REMINDERS**

Monday, January 14	-	6:15 p.m.	-	Committee of the Whole
Tuesday, January 15	-	7:00 p.m.	-	Architectural Board of Review
	-	7:30 p.m.	-	Citizens Advisory Committee
Wednesday, January 16	-	7:00 p.m.	-	Board of Zoning Appeals
Thursday, January 17	-	6:00 p.m.	-	Meet Your Police
	-	7:00 p.m.	-	Democracy Day Public Hearing
Friday, January 18	-	9:30 a.m.	-	Commission on Aging
Monday, January 21	-	City Hall and the Community Center will be closed in observation of Dr. Martin Luther King, Jr. Day		
Tuesday, January 22	-	6:15 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council

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## **LEGISLATION**

1. 2019 Codified Ordinances Update
2. Amending Section 1341.15 Family
3. Family Connections Parent Café (CDBG Program)
4. Open Doors Academy (CDBG Program)
5. Ordinance Amending Chapter 749 Fair Practices to Include Age
6. Refuse and Recycling Task Force Committee
7. Repealing Health Code Renumbering Remaining Relevant Sections

## **GENERAL INFORMATION**

1. Enclosed are the Agenda and Council Update.
2. Enclosed is the Immigration Task Force Report from the Mayor.
3. Enclosed is a Community Outreach update from the Vice City Manager.
4. Enclosed are updates from the Public Works Director.
5. Enclosed is an update from the Planning Director.
6. Enclosed is an update from the Economic Development Director.

7. Enclosed is an update from the Housing Director.
8. Enclosed is an update from the Parks and Recreation Director.
9. Enclosed is the weekly activity report from the Fire Chief.
10. Enclosed is the weekly activity report from the Police Chief.
11. Enclosed are minutes for the Architectural Board of Review.
12. Enclosed is the agenda for Board of Zoning Appeals.

TRB/jkw  
Enclosures



## COUNCIL UPDATE

JANUARY 11, 2019

### 1. LEGISLATION

- 2019 Codified Ordinances Update. This legislation approves current replacement pages to the Cleveland Heights Codified Ordinances.
- Amending Section 1341.15 Family. This legislation amends Section 1341.15, "Family," of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights.
- Family Connections Parent Café. This legislation authorizes the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Parent Café Program; providing compensation therefor.
- Open Door Academy. This legislation authorizes the City Manager to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization's Pathways to Independence Program at Cleveland Heights High School; providing compensation therefor.
- Fair Practices. This legislation amends Chapter 749, "Fair Practices," of the Codified Ordinances of Cleveland Heights to add "age" as a protected class within the City.
- Refuse and Recycling Task Force Committee. This legislation establishes a Refuse and Recycling Task Force and prescribes the composition, duration, and purpose and duties of such Task Force.
- Repealing Health Code renumbering. This legislation repeals Part Seventeen, *Health Code*, of the Codified Ordinances of Cleveland Heights and renumbering Section 1715.10 to Section 737.06, Chapter 1753 to Chapter 763, Chapter 1779 to Chapter 555; amending Subsection 1553.01(a)(3).



# CLEVELAND HEIGHTS

## Committee of the Whole

January 14, 2019

### Agenda

1. Report of City Council Members 6:15 p.m. – 6:25 p.m.  
*Goal: Mayor and City Council members will provide updates on items of interest*
2. Legislation Overview 6:25 p.m. – 6:35 p.m.  
*Goal: Discuss proposed legislation*
3. Discussion of Staff Reports 6:35 p.m. – 6:45 p.m.  
*Goal: Council members will ask staff questions about their reports and/or activities*
4. Boards & Commissions Membership Review 6:45 p.m. – 7:00 p.m.  
*Goal: Staff will present a report on the expired terms/vacancies of boards & commissions*
5. Job Creation Grant Program 7:00 p.m. – 7:15 p.m.  
*Goal: Staff will discuss a proposed new economic development tool/program*
6. Refuse & Recycling Task Force Discussion 7:15 p.m. – 7:30 p.m.  
*Goal: Council members will discuss the composition of the proposed Refuse & Recycling Task Force*
7. Immigration Task Force Report 7:30 p.m. – 7:50 p.m.  
*Goal: Mayor Roe will present the final report of the Immigration Task Force*
8. Executive Session 7:50 p.m. – 8:20 p.m.  
*To discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim*

## **Report Immigration Task Force (January 9, 2018)**

Submitted by Mayor Carol Roe, Task Force Chairperson

### Recommendation:

That the policy of Cleveland Heights City Council regarding the welcoming of immigrants in the City of Cleveland Heights is that no immigrant or refugee shall be subject to any adverse discrimination or treatment because of the immigrant or refugee status by law enforcement officials or in any public Departments include directives to that effect and ensure said policies are available to the citizens of Cleveland Heights.

In support of the Policy Statement the Task Force recommends:

- 1) Support for the 3 proposed policies reviewed by the Task Force ((a)) Immigration Enforcement Policy drafted by Police Chief Annette Mecklenburg ((b)) Bias Free Policing Policy drafted by Police Chief Annette Mecklenburg ((c)) Immigration Policy Sample drafted by Human Resources Director Anna Smith. (Attachments A, B, C) Please note that the Immigration Enforcement Policy is incorporating requested changes that are currently under review by the Law Department.
- 2) Support of the CAC recommendation of funding for the proposed Bhutanese Community Center
- 3) Support the development of the Memorandum of Understanding between the City, Library Board, and School Board to assure coordination, communication, and collaboration around activities and programs for immigrants and refugees and publicize in the City's Focus magazine
- 4) Support the establishment of the Bhutanese Garden.

### Background:

The Task Force was formed under Resolution No. 32-2018 (AS) (Attachment D) for the purpose of identification and examination of immigration issues. Members of the Task Force were: Chief of Police; City Manager or designee; Mayor; Council Member; member of Ohio Patrolmen's Benevolent Association classified service captain, lieutenant, or sergeant; member of Ohio Patrolmen's Benevolent Association who is a classified police officer or unclassified service basic patrol officer; Cleveland Heights citizen who is member of immigration advocacy group; Cleveland Heights citizen concerned about immigration issues; Cleveland Heights citizen familiar with immigration and/or constitutional law.

One impetus for the formation of the Task Force was a resolution proposed by Council Person Seren, No.15-2017 (Attachment E) meant to address a concern that more specificity was needed regarding the enforcement of federal immigration policy by the City of Cleveland Heights.

During the course of its deliberations, the Task Force reviewed policies addressed above. The Task Force heard a presentation by representatives of the Library Board about activities in place and contemplated by the Library Board. Members also discussed extensively Proposed Resolution 15-2017 and attempted to reach consensus which was not successful. [REDACTED]

[REDACTED]

[REDACTED] Disappointment was registered by at least two members as noted in Attachment F. (Kermit Lind's email.)



## IMMIGRATION ENFORCEMENT

Date of Issue: TBD  
General Order: 2018  
Subject: Immigration Enforcement Policy  
Issued By: Annette M. Mecklenburg, Chief of Police

**PURPOSE:** The purpose of this General Order is to establish a policy for the Cleveland Heights Police Department's participation in the enforcement of immigration laws.

The City of Cleveland Heights and its Police Department recognize and value the diversity of the community it serves. Many Cleveland Heights residents have emigrated to this community from other countries and some may not be citizens or legal residents of the United States. The City and the Cleveland Heights Police Department are committed to promoting safety and providing proactive community policing services to all who are located in our community. In furtherance of the Police Department's community policing philosophy, all community members and stakeholders should know that they are encouraged to seek and obtain police assistance and protection regardless of their specific immigration and/or documentation status.

The CHPD relies upon the cooperation of all persons, documented citizens and residents as well as those without a specific documentation status, to achieve our important goals of protecting life and property, investigating and preventing crime, as well as resolving neighborhood issues. Assistance from various immigrant populations is especially important when an immigrant, whether documented or undocumented, is the victim or witness to a crime. It is absolutely essential that these individuals do not feel uncomfortable or intimidated in coming forward with requisite information and general firsthand knowledge to aid in investigating a particular crime. This type of mutual trust and cooperation is absolutely crucial in preventing and solving criminal activity, as well as maintaining public order, as well as safety and security in the entire community.

The Cleveland Heights Police Department is committed to unbiased, equitable treatment of all persons in enforcing the law and providing police services. The Police Department is dedicated to the safety and welfare of all persons found within the territorial jurisdiction of the City of Cleveland Heights. Thus, detection of criminal behavior is of primary interest and concern in dealing with any individual suspected of violating the law. The actual or perceived race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or expression, immigration status or distinction pertaining to any specific individual have no bearing on any decision for a Cleveland Heights Police Officer to effectuate a stop or detention of an individual or make an arrest.

**POLICY:** The enforcement of the nation's civil immigration laws are the primary responsibility of the federal government. Accordingly, the Cleveland Heights Police Department shall not undertake immigration-related investigations and shall not routinely inquire into the specific immigration status of any person(s) encountered during normal police operations.

This prohibition does not preclude the Cleveland Heights Police Department from cooperating and assisting with federal immigration officials from the Department of Homeland Security's Immigration and Customs Enforcement (ICE) Agency when formally requested as part of an on-going criminal investigation, or from a supervisor notifying those federal officials in serious situations where a potential threat to public safety or national security is perceived.

**DEFINITIONS:**

- A. Undocumented Immigrant – any person of another country who has entered or remained in the United States without permission and without legal status.
- B. ICE – U.S. Department of Homeland Security's bureau of Immigration and Customs Enforcement.
- C. Foreign National – a person who is not a permanent United States resident.

**Procedures:**

- A. Inquiries into Immigration Status
  - 1. A person's right to file a police report, participate in police-community activities, or otherwise benefit from general police services shall not be contingent upon the individual providing proof of citizenship or any type of documented immigration status.
  - 2. Consequently, officers shall not inquire into the citizenship or immigration status of an individual except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law. The mere fact that an individual is suspected of being undocumented shall not be the basis for contact, detention, or arrest.

3. Officers shall not request passports, visas, resident alien cards (i.e., green cards or travel documents in lieu of, or in addition to, driver's licenses and other standard forms of identification. Such documents shall only be requested when standard forms of identification are unavailable or when the officer is proceeding under Section B below.

## B. Notification to Federal Immigration Authorities

1. Officers encountering persons wishing to report immigration violations should be referred to the U.S. Immigration and Customs Enforcement (ICE). Cleveland Heights Police Officers shall not independently conduct sweeps or other concentrated efforts to detain suspected undocumented immigrants, or violate this policy.

2. In accordance with the Police department's community policing philosophy, Officers shall not participate in any federal civil immigration related inquiries or investigations, or make notification to the U.S. Immigration and Customs Enforcement of the arrest of any undocumented immigrant or foreign national except under the following conditions:

a. Authorization to do so is expressly given by the Chief of Police.

b. When the CHPD acquires reliable information that the individual in police custody has been convicted in competent jurisdiction of any violent felony.

c. Is arrested for any terrorism-related offense, or is otherwise reasonably suspected of involvement in any terrorist activities

d. Is arrested for any offense involving human trafficking or is otherwise reasonably suspected of involvement in human trafficking.

e. Is suspected, based on probable cause, of participating in criminal street gang activity involving violence and/or distribution of illegal drugs.

3. Whenever any supervisor of the Cleveland Heights Police Department receives an ICE detainer, the supervisor shall immediately inform the Chief of Police and the Cleveland Heights Municipal Court, or if applicable the Cuyahoga County Court of Common Pleas, about the existence of the federal ICE detainer. If the Judge orders the arrestee to be held at the Cleveland Height Jail pending transfer to federal custody, federal law provides that the individual cannot be held on a Detainer for longer than 48 hours, excluding weekends and holidays. At the end of the 48 hour period, the Detainer shall expire.

### C. Immigration and Customs Enforcement (ICE) Requests for Assistance

1. The U.S. Immigration and Customs Agency/U.S. Border Patrol have primary jurisdiction for enforcement of the provisions to Title 8, U.S. Code dealing with illegal entry into the United States by foreign nationals.

2. Cleveland Heights Police Officers shall not directly participate in any ICE tactical operations solely for the civil enforcement of federal immigration laws as part of any detention or arrest team, unless:

- It is in direct response to a request for assistance on a temporary basis for “Officer Safety” purposes; or
- For the assistance in the apprehension of any individual who is also wanted on a felony warrant which remains in full force and effect at the time of the request.

3. Any detention by a member of the Cleveland Heights Police Department during the request for assistance by ICE should be based upon a reasonable belief that the detained individual is either involved in criminal activity other than a civil violation of federal immigration laws or is wanted by the State of Ohio on a felony or violent misdemeanor active warrant.

4. Unless acting pursuant to a court order or a legitimate law enforcement purpose that is unrelated to the enforcement of civil immigration law, no Cleveland Heights Police Officer shall permit U.S. immigration and Customs Enforcement agents access to City facilities or any person in custody for investigative interviews or other investigative purposes.

To the extent U.S. Immigration and Customs Enforcement has been granted access to City facilities, individuals with whom U.S. Immigration and Customs Enforcement engages will be notified that they are speaking with U.S. Immigration and Customs Enforcement and such agents shall be required to wear and make visible at all times proper identification/badges while in City facilities.

### D. Training

1. All Officers are required to receive training on this policy upon their initial hiring and annually thereafter, as prescribed by the Chief of Police.

Approved by the order of

\_\_\_\_\_  
Annette M. Mecklenburg, Chief of Police

\_\_\_\_\_  
Date

**(GENERAL ORDER #)**

DRAFT



## BIAS-FREE POLICING

Date of Issue: November 27, 2018  
General Order: 01-2018  
Subject: Bias-Free Policing Policy  
Issued By: Annette M. Mecklenburg, Chief of Police

**PURPOSE:** To emphasize the Police Department's commitment to unbiased, equitable treatment of all persons in enforcing the law and providing police services and clarify the circumstances in which race or affiliation can be used as a factor to establish reasonable suspicion or probable cause.

**POLICY:** It is the policy of the Police Department to preserve the peace and maintain order by practicing bias-free policing and treating all citizens in a nonpartisan, fair, equitable and objective manner in accordance with law, and without consideration of their actual or perceived race, color, religion, sex, familial status national origin, disability, sexual orientation, gender identity or expression, immigration status or other individual characteristics or distinctions as defined in this policy.

**DEFINITIONS:** Biased Based Policing – The practice of stopping, detaining, or searching a person based solely upon a common trait or a group that includes but not limited to their actual or perceived race, color, religion, sex, familial status national origin, disability, sexual orientation, gender identity or expression, immigration status or other individual characteristics or distinctions as defined in this policy.

Equal Treatment – Persons, irrespective of their actual or perceived race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or expression, immigration status or other distinction, shall be treated in the same manner under the same similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically in all cases. Reasonable accommodations may be, and sometimes should be, made when dealing with individuals with physical or mental disabilities, injury, illness, infirmity, or similar conditions, or when information about them necessitates different treatment.

Police Service Functions – Actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as assistance at traffic accidents,

medical emergencies, preventive patrol, traffic control, public assistance, and similar activities.

## **Procedures:**

### **1. Fair and Equal Treatment**

- A. Bias-based policing is prohibited both in enforcement of the law and the delivery of police services. All investigative detentions, traffic stops, arrests, searches and seizures or forfeiture of property by Officers will be based upon a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U. S. Constitution.
- B. Officers may not use actual or perceived race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or expression, immigration status or other individual characteristics or distinctions as the sole criteria for determining when or how to take enforcement action or provide police services.
- C. Officers shall not authorize or engage in surveillance of a person or group based solely or primarily upon a person or group's actual or perceived race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or expression, or immigration status.
- D. Officers shall not inquire into race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or expression, or immigration status, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.
- E. Officers must be able to articulate specific facts and inferences drawn from those facts that establish reasonable suspicion or probable cause to take any enforcement action.
- F. Officers shall provide equal treatment and take equivalent enforcement actions and provide equivalent services to all persons in the same or similar circumstances.
- G. Unless exigent circumstances exist, Officers shall not engage in a law enforcement matter when it involves a family member, friend, or relative such that the Officer's objectivity may be, or may appear to be, compromised.

- H. Nothing in this policy prohibits Officers from using the traits and characteristics of persons, such as race, ethnicity, or national origin in combination with other facts to assist in establishing reasonable suspicion or probable cause in the same manner that Officers would use hair color, height, weight or gender for such purposes.
- I. No party, including officers from federal and state law enforcement agencies, shall be permitted access to persons detained in the City Jail without proper identification. Any law enforcement personnel who is granted such access shall be required to have their agency identification visible while speaking to the detainee.

2. Complaints

- A. Officers who witness or who are aware of instances of bias-based policing shall report the incident to their supervisor.
- B. The Police Department takes seriously allegations of bias-based policing. All such complaints shall be forward to the Police Chief's Office for investigation.

3. Training

All Officers will receive basic and in-service training, and, where deemed necessary, remedial training as defined by the training authority on subjects related to police ethics, cultural diversity, police-citizen interaction, standards of conduct, conducting motor vehicle stops and related topics suitable for preventing incidents of biased policing.

Approved by the order of

\_\_\_\_\_  
Annette M. Mecklenburg, Chief of Police

\_\_\_\_\_  
Date

**(GENERAL ORDER #01-2018)**

The City of Cleveland Heights recognizes and values the diversity of the community it serves. Many Cleveland Heights residents have emigrated to this community from other countries and some may not be citizens or legal residents of the United States. All community members and stakeholders should know that they are encouraged to seek and obtain City services regardless of their specific immigration and/or documentation status.

## DEFINITIONS

- "Citizenship, immigration, or residency status": All matters regarding questions of citizenship of the United States or any other country, questions of authority from the Department of Homeland Security to reside or otherwise be present in the United States, and the time or manner of a person's entry into the United States. The use in this policy of the term "residency" shall not mean street address or location of residence in the City of Cleveland Heights or elsewhere.
- "City agency": Any and each entity directly controlled by the city.
- "City agents": Any and each employee, including those who work in public safety, employed directly by the city.
- "Confidential information": Any information obtained and maintained by a City agency relating to an individual's sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, receipt of public assistance, or immigration status, and shall include all information contained in any individual's income tax records.
- "General city services": All services except those specifically listed as public safety services.
  - o Medical services, such as general medical care and emergency medical assistance, including labor and delivery.
  - o Mental health services such as crisis intervention.
  - o Public health services for immunization and for the testing and treatment of symptoms of communicable diseases.
  - o Public benefits programs. (i.e. state or federally funded public benefits that may be partially administered by a city such as Temporary Assistance for Needy Families (TANF), General Assistance, Medical Assistance, and Food Stamps.)
    - o Nutrition programs such as school lunch and breakfast programs.
    - o Children's protective services.
    - o Programs for children with special needs.
    - o Programs for the disabled.
    - o Services involving real estate tax payments or water/sewer bills.
    - o Labor and employment enforcement.
    - o Access to information on financial aid/community development programs.
    - o Access to the courts.
    - o Access to the schools.
    - o Transportation services.
    - o Shelter services.
    - o Emergency disaster relief.
- "Illegal activity": Unlawful, criminal activity but shall not include mere status as an undocumented immigrant.
- "Immigrant": Any person who is not a citizen or a national of the United States.
- "Law enforcement entities": Police department.
- "Public safety services": Police and fire departments, Emergency Medical Service (EMS) authorities, City Attorney's office.
- "Undocumented immigrant": A noncitizen who does not have lawful immigration status, in violation of federal civil immigration laws.

## CITY SERVICES

No general city service or public safety service shall be denied on the basis of citizenship. City agents shall

not inquire into the immigration status of any individual, nor shall city agents enforce federal civil immigration laws.

Exempting city services that require immigration information for eligibility purposes. City agents shall follow general city, state, and federal guidelines to assess eligibility for services. A city agent shall not inquire about a person's immigration status unless: (1) such person's immigration status is necessary for the determination of program, service or benefit eligibility or the provision of city services; or (2) such agent is required by law to inquire about an individual's immigration status.

U.S. citizen children of undocumented parents shall have the same rights to public benefits as all other U.S. citizens. Undocumented parents shall be permitted to apply on behalf of their citizen children for any benefits for which their children are eligible, and such parents shall not be discriminated against or in any way treated differently by city agents.

The presentation of a photo identity document issued by the person's country of origin, such as a foreign driver's license, passport, or matricula consular (consulate-issued document) shall be accepted and shall not subject the individual to a higher level of scrutiny or different treatment than if the person had provided an Ohio driver's license. This paragraph does not apply to I-9 forms.

## LAW ENFORCEMENT

Unless otherwise required by law or court order, city agents shall refrain from the enforcement of federal immigration laws. No city agents, including agents of law enforcement entities, shall use city monies, resources, or personnel solely for the purpose of detecting or apprehending persons whose only violation of law is or may be a civil immigration violation.

Police officers are exempted from the above limitations, with respect to a person whom the officer has reasonable suspicion to believe: (1) has been convicted of a felony criminal law violation; (2) was deported or left the United States after the conviction; and (3) is again present in the United States.

City agents shall not single out individuals for legal scrutiny or enforcement activity based solely on their country of origin, religion, ethnicity or immigration status.

## VICTIM AND WITNESS PROTECTION

It shall be the policy of public safety services departments not to inquire about the immigration status of crime victims, witnesses, or others who call or approach city agents seeking assistance.

A city agent who provides public safety services shall not request specific documents for the sole purpose of determining an individual's civil immigration status. However, if offered by the individual and not specifically requested by the agent, it is permissible to rely on immigration documents only to establish that individual's identity in response to a general request for identification.

## CONFIDENTIALITY OF INFORMATION

No city officer or employee shall disclose confidential information, unless:

- (1) Such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or
- (2) Such disclosure is required by law; or

- (3) Such disclosure is to another city officer or employee and is necessary to fulfill the purpose or achieve the mission of any City agency; or
- (4) In the case of confidential information other than information relating to immigration status, such disclosure is necessary to fulfill the purpose or achieve the mission of any city agency; or
- (5) In the case of information relating to immigration status, (a) the dissemination of such information is necessary to apprehend a person suspected of engaging in illegal activity, or (b) such disclosure is necessary in furtherance of an investigation.

#### COOPERATION UNDER FEDERAL LAW NOT PROHIBITED

Nothing in this policy shall be construed to prohibit any city agent from cooperating with federal immigration authorities, when required under federal law.

#### COMPLAINTS AND DISCIPLINE

Complaints of a violation of this chapter shall be subject to disciplinary action under the City personnel rules, appropriate union contract, civil service commission rules, department work rules, or any other city or department rules and/or regulations.

Complaints of a violation of this policy shall be received and investigated by The City of Cleveland Heights Human Resources Dept. The results of the investigation shall be provided to the Complainant in writing and in a timely manner. Complainants and witnesses shall not be asked to provide their immigration status at any point during the complaint process, and no investigation of the immigration status of the complainant and witnesses shall be made by any City agent in the investigation of such a complaint or thereafter.

It shall not be a violation of this policy to require the completion of I-9 forms or to inquire into or disclose the immigration status of the complainant or witnesses if necessary as part of the investigation of a complaint of a violation of this policy, or if deemed necessary by the appointing authority in order to administer discipline for such violations.



RESOLUTION NO. 32-2018 (AS )

By Council Member Ungar

A Resolution establishing an Immigration Task Force; prescribing the composition, purpose, and term of such task force; and declaring an emergency.

WHEREAS, pursuant to Resolution No. 15-2017, this Council declared the City of Cleveland Heights, Ohio to be a “Welcoming City;” and

WHEREAS, in the course of passing said Resolution, this Council recognized that Cleveland Heights always has been and continues to be a welcoming city to everyone, including immigrants who contribute economically and culturally to making our city a better place, and that immigrants and refugees are a vital part of this City; and

WHEREAS, immigration issues including, but not limited to, issues relating to civil immigration enforcement, continue to dominate the national dialogue; and

WHEREAS, this Council recognizes a need to create a task force to identify and examine said issues and make recommendations to Council, if appropriate, about future City action.

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

SECTION 1. An Immigration Task Force is hereby established. The Committee shall consist of nine (9) members. The members shall include: the Chief of Police, the City Manager or designee, and the Mayor. The members additionally shall include the following, all of whom shall be appointed by the Mayor: a member of Council; a member of the Ohio Patrolmen’s Benevolent Association who is a classified service captain, lieutenant, or sergeant for the City of Cleveland Heights; a member of the Ohio Patrolmen’s Benevolent Association who is a classified police officer or unclassified service basic patrol officer for the City of Cleveland Heights; a Cleveland Heights resident who is a member of an immigration advocacy group, or other similar group; a Cleveland Heights resident who is concerned about immigration issues; and a Cleveland Heights resident who is intimately familiar with immigration and/or constitutional law. Appointed membership shall be until July 31, 2018. In the event of a vacancy, the vacancy shall be filled by mayoral appointment. No compensation shall be paid to any member of said task force for services performed.

SECTION 2. The purpose of said Immigration Task Force shall be to identify and examine immigration issues including, but not limited to, issues relating to the civil immigration enforcement that affect the City of Cleveland Heights and its residents and employees. Said task force should further examine any possible future actions to be taken by the City in response to the issues identified. Said Task Force shall, in writing, summarize its findings and recommendations, if any, to City Council by no later than July 31, 2018.

RESOLUTION NO. 32-2018 (AS)

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely address issues to be examined by said task force. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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CAROL ANN ROE, Mayor  
President of the Council

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LAURIE SABIN  
Clerk of Council

PASSED: April 2, 2018

RESOLUTION NO. 15-2017 (CRR)

By Council Member Stein

A Resolution strongly objecting to the recent Presidential Executive Order temporarily banning entry into the United States for migrants from seven Muslim-majority countries and refugees from around the world and joining with all Americans who believe that the Executive Order is unlawful and un-American; declaring the City of Cleveland Heights to be a “Welcoming City” and calling upon the people of Cleveland Heights to join together to building a stronger, united community; and declaring an emergency.

WHEREAS, on January 25, 2017, the President of the United States issued Executive Order No. 13768, banning entry into the U.S. for migrants and U.S. legal residents from Iraq, Iran, Sudan, Somalia, Syria, Libya and Yemen, and for migrants from across the globe (hereafter, the “Executive Order”); and

WHEREAS, the Executive Order has banned entry to the U.S. of persons who risked their lives to assist American service members, including English-Arabic translators; and

WHEREAS, the Executive Order has directly impacted Cleveland Heights, as at least one (1) known resident of our City, Dr. Suha Abushamma of the Cleveland Clinic, has been denied re-entry to the United States; and

WHEREAS, this Executive Order is anathema to our shared values as a nation of immigrants, a nation that grants relief and safe haven to people from war-torn countries and from religious, ethnic, and all other forms of persecution; and

WHEREAS, this ban enflames U.S. relations with Muslim-majority countries, indeed with all Muslims, and will surely make the United States less safe from acts of terrorism; and

WHEREAS, in the United States, as in Cleveland Heights, our success depends on making sure that all residents feel welcome; and

WHEREAS, Cleveland Heights always has been and continues to be a welcoming city to everyone, including immigrants who contribute economically and culturally to making our city a better place; and

WHEREAS, immigrants and refugees are a vital part of this City: bringing fresh perspectives and new ideas; starting businesses; and contributing to Cleveland Heights’ treasured and vibrant diversity; and

WHEREAS, this Council honors the spirit of unity that brings neighbors together and makes our community the kind of place where diverse people from around the world feel valued and want to put down roots; and

RESOLUTION NO. 15-2017 (CRR)

WHEREAS, regardless of where we are born or what we look like, we are Cleveland Heights residents united in our efforts to build a stronger community; and

WHEREAS, this Council understands that by recognizing the contributions that all of us make to create a vibrant culture and a growing economy, we make our City, and our country, more prosperous and inclusive; and

WHEREAS, the Executive Order violates the principles of the U.S. Constitution and promotes dangerous public policy, eroding the trust between public safety agencies and the communities they serve, which ultimately undermine safety in the City of Cleveland Heights and across our country.

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

SECTION 1. That this Council strongly objects to the Presidential Executive Order No. 13768, temporarily banning entry into the United States for migrants from Iraq, Syria, Iran, Libya, Somalia, Sudan and Yemen, seven (7) Muslim-majority countries and refugees from around the world and joins with all Americans who believe that this Executive Order is unlawful and un-American. Further, this Council declares the City of Cleveland Heights, Ohio to be a “Welcoming City” and calls upon the people of Cleveland Heights to join together to build a stronger, united community.

SECTION 2. The Clerk of Council is hereby directed to transmit a copy of this Resolution to the President of the United States, Ohio Senators Rob Portman and Sherrod Brown, and Congresswoman Marcia Fudge.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely object to the President’s Executive Order which enflames U.S. relations with Muslim-majority countries, indeed with all Muslims, and will surely make the United States less safe from acts of terrorism. 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. 15-2017 (CRR)

---

CHERYL L. STEPHENS, Mayor  
President of Council

---

MITCH MICHALEC  
Acting Clerk of Council

PASSED: February 6, 2017

## Jennifer Williams

---

**From:** Carol Roe  
**Sent:** Wednesday, January 9, 2019 10:47 AM  
**To:** Jennifer Williams  
**Subject:** Fwd: A Haitian Asylum-Seeker Did Everything Right. ICE Sent Him to a Windowless Jail Cell. – Mother Jones  
**Attachments:** 20181206\_ansly\_master-2.jpeg; Geauga-Jail.jpeg; Ansly-Letter-Adjusted.jpeg; lanardnoah-900px.jpg; mj\_cover\_201901\_250x219.png; vip-powered-light-small.png

This is the attachment that came from Kermit Lind.

Sent from Carol Roe



**Carol Roe**  
Mayor  
City of Cleveland Heights  
40 Severance Circle  
Cleveland Heights, OH 44118  
P: 216-291-3737  
mayorro@clvhts.com  
www.ClevelandHeights.com



Begin forwarded message:

**From:** robin koslen <[robinkoslen@gmail.com](mailto:robinkoslen@gmail.com)>  
**Date:** December 13, 2018 at 4:14:12 PM EST  
**To:** Kermit Lind <[kermitlind@gmail.com](mailto:kermitlind@gmail.com)>  
**Cc:** Carol Roe <[mayorro@clvhts.com](mailto:mayorro@clvhts.com)>, Kahlil Seren <[kseren@cuyahogacounty.us](mailto:kseren@cuyahogacounty.us)>  
**Subject:** Re: A Haitian Asylum-Seeker Did Everything Right. ICE Sent Him to a Windowless Jail Cell. – Mother Jones

I certainly second all that Kermit said. Please add my name to those who find it inexplicable that the reasonable policies we care up with were not seen as sufficiently pro police.

Sent from my iPhone

On Dec 12, 2018, at 11:02 PM, Kermit Lind <[kermitlind@gmail.com](mailto:kermitlind@gmail.com)> wrote:

Dear Mayor Roe:

I hope your injury is healing on schedule and that you are back on your feet.

The attached article tells the news about Ansly Damus, who I brought up in our Immigration Task Force meetings. The conduct of ICE in this matter

demonstrates why I believe the City of Cleveland Heights, and its police department in particular, would be serving itself and the community well by a clear policy with procedures that show it will not be complicit with the denial of constitutional due process to asylum applicants who are following the law or to undocumented immigrants and their families who are not engaged in criminal activities.

I remain mystified and unhappy with the lack of reasons the Police Department had for not confirming what was previously drafted with its agreement in our Task Force proceedings. The interest in reserving the option of cooperating with ICE regarding persons arrested for non-felony offenses for undisclosed reasons is, unsettling to me . I admire and applaud the work of our police department and the Chief's leadership, except in this failure to align itself with the moral values in our community and, I believe, in the City Council as a body. As our municipal government is now constituted, it appears that there is nothing council or residents (voters) can do against the secret motivations of the employed administration. If you choose to mention in your report my protest on the failure of the administration officials to disclose or discuss their reason for refusing to agree to regulate its relationship with ICE, I will not object to it.

Sincerely,

—Kermit

<https://www.motherjones.com/politics/2018/12/a-haitian-asylum-seeker-did-everything-right-ice-sent-him-to-a-windowless-jail-cell/>

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<bauerleinmonika-web.jpg>

**Dear Reader,**

*Mother Jones* is a nonprofit, and December is our most important fundraising month. We need to raise \$400,000. I hope you'll take a moment to [read why](#) that number is so important and learn about our priorities heading into 2019. We'll be pushing back hard against the threats to media

and our democracy, and I hope you'll join us with a tax-deductible, year-end donation.

Monika Bauerlein, CEO [DONATE](#)

## A Haitian Asylum-Seeker Did Everything Right. ICE Sent Him to a Windowless Jail Cell.

*“I have not been outside for more than a year. I have not even glimpsed natural light.”*

**NOAH LANARD** DECEMBER 7, 2018 2:00 PM

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Melody Hart speaks to Ansly Damus via webcam at the Geauga County Safety Center. [Courtesy of Gary Benjamin and Melody Hart](#)

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**Somewhere in an Ohio jail**, Ansly Damus was listening to Melody Hart and Gary Benjamin. It was late October, and they were telling Damus that the trees were changing colors. Damus, a 42-year-old asylum-seeker from Haiti, had not been allowed outside in two years.

Hart and Benjamin, a local married couple in their sixties who had become Damus' biggest allies and advocates in the United States, didn't know exactly where Damus was. They'd been making the hour-long drive from Cleveland to visit Damus in the small town of Chardon nearly every week for the past nine months, but they'd never actually seen him face to face. Inmates in the Geauga County jail must speak to friends and family through webcams and small monitors. Hart and Benjamin were sitting in a narrow room with 10 screens. As they talked to Damus, a timer on

Benjamin's cell phone counted down from 30 minutes, after which the video line would be cut.

## ADVERTISING

Damus mentioned that his eight-year-old daughter back in Haiti had asked him for a tablet. Damus, of course, had no way to send one; he couldn't even call her or mail her letters. But Hart and Benjamin said they had an extra tablet and promised to send it to her. As on all their visits, their goal was to lift his spirits. It was not an easy task. He lived in a windowless room from which he could not see the sun or the moon. As the visit wrapped up, they reassured Damus that they would pray for him and his quick release.

Back in July 2016, when he started his journey to America, he imagined that upon arriving at the border, he would spend three days in government custody before being released. Instead, he was sent to a county jail in Ohio, a state he had no connection to or intention to visit. In Haiti, Damus had taught ethics at a professional school and math and physics to middle schoolers but said he fled in 2014 after a local gang beat him for criticizing a corrupt politician. He first traveled to Brazil and later began a robbery-plagued, three-month trek across the Americas before finally arriving at the border in California in late 2016.

There, he did exactly what US immigration officials have consistently told asylum-seekers to do: He came to an official port of entry and asked for protection from the persecution he'd faced back home, and a judge granted him asylum. What's happened to him since is an extreme illustration of the distortion of the asylum process under President Donald Trump. US Immigration and Customs Enforcement, under its new Trump-appointed leadership, appealed Damus' asylum decision, and while the case was being heard, ICE kept him locked up in Chardon. After the judge upheld his asylum grant, ICE again appealed, and Damus remained at the jail. The prolonged incarceration was emblematic of an administration that does everything in its power to keep asylum-seekers in jail, rather than releasing them with ankle monitors or other forms of supervision.

And so Damus languished in the jail, a mild-mannered former teacher among criminals, for three months, then six. For one year, then two. All the while, he was never allowed to step outside for recreation. Criminals in the jail were sometimes allowed to leave for work, but Damus, as an ICE detainee, was not. Until he started using an elaborate system, he couldn't even communicate with his family.

When Hart and Benjamin left the jail, Damus returned to his cell, where he faced the prospect of many more weeks or months in confinement—if he wasn't deported first.

**Damus arrived** at the Calexico, California, border crossing two weeks before Trump was elected president. It was the end of a two-year journey from Haiti. He initially lived in a refugee camp in Brazil before finding short-term work as an electrician and construction worker. After about 18 months, he traveled overland to Peru and Colombia, where he was robbed for the first time. He journeyed through Central America with a group of about 50 migrants from Cuba, Benin, Nepal, and elsewhere. In Nicaragua, he was robbed again during a three-week trek through the mountains. In Guatemala, he had to bribe the police to continue north.

In October 2016, he arrived at the California border and went to the port of entry in Calexico, a small town more than 100 miles east of San Diego. US and international law protect migrants' right to request asylum, and Trump administration officials have repeatedly urged asylum-seekers to go to ports of entry. Once in the United States, Damus was quickly transferred to the Geauga County jail to await his asylum hearing.



The entrance to the Geauga County jail in Chardon, Ohio.

**Noah Lanard**

Shortly before Trump took office, ICE denied Damus' first parole request, on the grounds that he was a flight risk because he lacked sufficient community ties. For the next year, Damus was on his own, aside from assistance from his Ohio immigration lawyer, Elizabeth Ford. Convicted criminals came and went as he lived in the windowless room that held 20 prisoners and, to him, felt saturated with carbon dioxide. Each day brought the same routine: Lights on at 6, head count, breakfast at 7, dinner at 5, head count, lights out at 11. He was humiliated, ashamed, and cut off from his wife and two young children in Haiti. International calls and letters were not allowed. For hope, he returned to a passage of the of Book of Hebrews that assures that "discipline always seems painful...at the time, but later it yields the peaceful fruit of righteousness." For strength, he turned to Job, who bore burdens even greater than his.

Eighty-six percent of Haitians were denied asylum between 2012 and 2017. Yet in April 2017, Cleveland immigration judge Alison Brown granted Damus asylum. ICE made the rare decision to appeal Damus' asylum grant and kept him in jail while the case was considered by the Board of Immigration Appeals, a division of the Justice Department. The appeals board sided with ICE and ordered Brown to reconsider parts of her decision. She granted Damus asylum for the second time in January 2018. ICE appealed again. Damus had now been in jail for 14 months, and there was no end in sight. Damus compared his experience to showing up at someone's home and asking for help. America let him in and then treated him like a robber, he said.

Damus languished in the jail, a mild-mannered former teacher among criminals, for one year, then two. He was never allowed to step outside.

ICE has long detained more people than its detention centers can hold, but under Trump, the number of detainees has shot up to record highs. ICE has let far fewer asylum-seekers out of detention, while also targeting long-settled undocumented immigrants who spend more time in detention because they have strong cases for remaining in the United States and are less likely to be deported quickly. As a result, it has expanded its capacity at both dedicated immigration detention centers and local jails it pays to hold immigrants. The Geauga County jail gets \$70 per day per immigrant from ICE, or more than \$25,000 per year, according to ICE records from 2017. The average number of immigrants at the jail more than doubled between 2014 and 2018, from 28 to 76 in a facility with a total capacity of 182. Nationally, ICE held roughly 14,500 migrants at more than 170 city and county jails in 2018—more than a third of the agency's inmates. All across the country were people like Damus who'd followed the legal procedures to

seek asylum and ended up isolated in jail cells in places where they'd never planned to be.

**Ford, working pro bono**, put together a second parole application after Damus was awarded asylum a second time in January and ICE again appealed. She tried to head off ICE's claim that Damus lacked community ties by getting a local family to offer to house him. Through Anne Hill, an immigration activist, Ford got in touch with Hart and Benjamin. They immediately agreed to sponsor Damus, even though they had never met him. "We are empty nesters and have a large home," they wrote in a letter to ICE, in which they listed their professional qualifications: Benjamin was a lawyer and Hart was an accountant.

Later that month, Damus heard an announcement over the jail's intercom: "Damus Visit." He thought it was a mistake and didn't respond. Then he heard it again. He went over to the monitors and saw what he described as two white faces. He couldn't communicate much with Hart and Benjamin during that first visit. He barely spoke English, and Benjamin knew only rudimentary French, but they eventually found ways to understand each other. Hart and Benjamin wrote Damus three letters a week in French, with the help of Google Translate, and mapped out uplifting conversations in advance of their weekly Sunday visits. Damus was often on the verge of giving up and voluntarily allowing himself to be deported back to Haiti. Their goal was to keep him fighting. Chantal Doherty, a doctor who had moved to Ohio from Belgium, visited him on Friday nights after hearing about his case from Hill.



An excerpt of a letter Damus sent to Benjamin and Hart with the help of a fellow migrant at the jail.

ICE policy requires the agency to assess each parole request individually and consider the facts of the case. ICE denied Damus' parole request one day after Ford sent in the paperwork, even though he'd been granted asylum and ICE's appeal was pending. Government data later showed that ICE's Detroit field office, which covers Ohio, denied almost every asylum-seeker's parole application in the first months of the Trump administration. This was happening across the country, in a trend that started in the Obama administration but accelerated dramatically under Trump. In five field offices including Detroit, the average rate of parole approvals dropped from 92 percent between 2011 and 2013 to less than 4 percent between February and September 2017, even though ICE claimed its parole policy had not changed.

In early February, Damus met with Freda Levenson, the legal director for the American Civil Liberties Union of Ohio, about a potential lawsuit. Along with Damus' charm and character, Levenson was struck by the food he was served. "It was this pallid, pale, indistinguishable, undefinable gunk with this thin mush over it," she said.

"He did everything according to the law," Levenson later said. "Every single thing right. The person that broke the law here was the government. He was the innocent party." In March, the ACLU, Human Rights First, and the Center for Gender and Refugee Studies filed a class-action lawsuit challenging ICE's blanket parole denials, with Damus as the named plaintiff.

“I have not been outside for more than a year,” Damus said in a March court declaration. “I have not even glimpsed natural light. I have not breathed fresh air or felt the sun on my face, and I never know if it is cold or hot outside, if the sun is out, and if the seasons are changing.” Since his detention, Damus said, he had been “unbearably sad, uncomfortable and totally lacking in privacy.”

Damus’ case applies specifically to asylum-seekers who enter the United States legally. Currently, asylum-seekers who enter the United States without authorization have an easier path to getting out of confinement. They can be granted bond by immigration judges, who are generally more willing to release them than ICE, which makes the determination for people who come to official ports of entry. The Justice Department is expected to announce a change imminently that will require all immigrants to get parole from ICE, which would place all asylum-seekers in Damus’ position.

Since his detention, Damus said, he had been “unbearably sad, uncomfortable, and totally lacking privacy.”

As Damus’ cases inched forward, Hart and Benjamin contrived an improbable line of communication between Damus and his family in Haiti. Their bishop got in touch with his church’s national headquarters and learned of an upcoming trip to Haiti. Damus wrote a letter to his wife, Adeline, and a church member hand-delivered it. A slightly simpler process emerged after Dothey found Damus’ wife on Facebook. Damus wrote letters and mailed them to Hart, who scanned and emailed them to Adeline. Hart would then print and mail the response to Damus. She saved Damus’ original letters in the hopes of giving them to him if he got out.

The jail didn’t allow Damus to make international calls, but Coralie Saint-Louis, a volunteer interpreter for the nonprofit Institute for Justice and Democracy in Haiti, made it possible by having Damus call her and patching him through to his wife back home. Hart and Benjamin tried to give Damus books in French, but the jail said donations for individual inmates were not allowed. They settled on photocopying books and mailing them 20 pages at a time, the maximum length for a letter. Damus asked for a French version of Karl Marx’s *Das Kapital*.

**Damus’ best hope** of being released came over the summer, when the federal judge hearing the class-action case ruled that ICE had to follow its parole guidelines and give due consideration to each application. Ford put together a third parole application, this time with letters from a dozen community members including a local judge, a city councilwoman, and clergy. ICE sent an official to meet with Damus, then denied him parole a third time. Ford didn’t hesitate when asked if ICE had made a good-faith effort to evaluate Damus’ request. “Oh, no, they’re not seriously considering this,” she told me, adding, “That’s ridiculous.”

<Melody-and-Gary-Adjusted-Letter.png>

An excerpt of Benjamin and Hart’s second letter to ICE offering to sponsor Damus.

The ACLU focuses on forcing systemic changes and rarely takes individual cases. It made an exception for Damus. Two ACLU attorneys demanded Damus’ release in a September letter to ICE and made clear that he was willing to wear an ankle monitor. After ICE ignored the letter, the ACLU

brought a lawsuit to demand that a federal judge release Damus. It was the first time Ford had ever had such a lawsuit filed on behalf of one of her clients, and she thought it was a longshot.

Then came another setback: Brown, the immigration judge, denied Damus asylum at his third hearing after the Board of Immigration Appeals overturned his second asylum grant. Now Damus was the one who had to appeal. But he had lost hope and planned to go back to Haiti. Saint-Louis, who provided moral support along with language interpretation, persuaded him to keep going. After the call with her, he cried.

ICE's Detroit field office, which covers Ohio, denied almost every asylum-seeker's parole application in the first months of the Trump administration.

Damus had grown wary of life in the United States when we first spoke in October. Back in Haiti, an American doctor had told him the United States needed professionals like him, and he took it to heart. Now he said that if he were ever released, he would be afraid of Americans he encountered in the outside world. One of his cellmates had problems with drugs and frequently talked in his sleep. "It's inexplicable, it's unacceptable, and intolerable," Damus said about his incarceration. He felt that the years he had lost to jail were his biggest failure in life.

Outside the jail, Hart, Benjamin, and dozens of Ohioans, who called themselves Ansly's Army, were protesting ICE's decision to keep Damus incarcerated. They held rallies and prayer vigils with ministers outside ICE's Cleveland office on Thursdays, on one occasion attracting nearly 60 people. The police once observed them with a German Shepherd in tow, though there was no need for it. "We're all geriatrics," Benjamin joked. Each person carried a different letter of a sign that read "Free Ansly."

Later in October, Dothey drove out past the strip malls and country roads that lead to the Geauga County jail. As usual, she slid her ID under a two-way mirror and told an invisible official she was there to visit Damus. Inside the visitation room, Damus' features were washed out on the monitor beneath a webcam encased in the beige plastic of outdated electronics, although his striped prison uniform was clearly visible. Damus did most of the talking, in French, while Dothey listened. She was his first visitor since he had reached two years of incarceration earlier that week. "Two years in the US," he told me dejectedly in English. "Two years in the US." He added that he felt bad all the time these days. His hearing in the ACLU's suit to get him released was still three months away, and there was little to look forward to. The screen flashed off for a second to warn that the visit was almost over. One minute later, it read, "No Signal."

<Anslys-Room.jpg>

The empty room Benjamin and Hart kept ready for Damus.

### Noah Lanard

Two days after Dothey's visit, Hart and Benjamin were tabling in support of Damus at church. Hart told a church group about a meeting of Ansly's Army later that day and then headed to the jail to visit Damus. The meeting of his supporters took place at Hart and Benjamin's Cleveland Heights home, a seven-bedroom 1915 Tudor. Molly Brudnick, a 82-year-old retired social worker, captured the mood in the room. "No matter what we do," she said, "no matter what the ACLU does, no matter what his attorney does, we still

have Ansly in jail for no reason other than the absolute power of ICE.” Most of the half-dozen people in the room had not been involved in immigration activism before Trump took office. The meeting pointed to what may be one of Trump’s most lasting and unintentional legacies: an organized progressive base attuned to the injustices of modern immigration enforcement.

**The next day**, a federal judge moved up Damus’ January hearing to November 28. The judge, Judith Levy, ordered that Damus appear at the hearing. The government asked if a video conference would suffice, but Levy responded that no, he would need to come in person. Damus would be wearing civilian clothes for the first time since getting to the border. Levenson, the ACLU attorney, was feeling increasingly optimistic. But Ford, who had been with Damus through all his disappointments, thought there was no way Levy would rule in Damus’ favor.

On November 28, Hart, Benjamin, and about 30 others piled onto a chartered bus for the three-hour drive from Cleveland Heights to the federal courthouse in Ann Arbor, Michigan. Damus showed up in the courtroom shackled at the legs, and Levy immediately ordered that the shackles be removed. During a recess, Hart and Benjamin hugged Damus for the first time. Levy decided she needed more information to make a ruling and ordered a follow-up call the next day. Damus spent the night in jail in Detroit. He couldn’t sleep and decided that if the court declined to release him, he would give up and go back to Haiti.

Before the call, the government told the ACLU it was willing to settle. It would release Damus if he agreed to wear an ankle monitor and live with his sponsors, the same conditions the ACLU and Damus had agreed to in September. Ford got a call from an ICE officer asking her to arrange for someone to pick up Damus at the Cleveland ICE office in one hour. She called Hart and Benjamin. “Call me when he’s in the car,” she told them. “When you have him in the car, then I’ll know it’s true.”

Last Friday, 768 days after he was first detained, Damus walked out of the Cleveland ICE office as a free man. He wore a dark suit and a white shirt buttoned to the top without a tie, and he beamed. “I want go to church,” Damus told reporters in English. “Tell God, ‘Thank you.’ He give me my life.” That night, Damus and Ansly’s Army celebrated at the Hart-Benjamin house with steak and champagne. On Saturday, Hart and Benjamin got him set up with a phone, email address, and a library card. Sunday was church—two masses and many more hugs—and a tour of downtown Cleveland. And throughout it all, many calls home. Since leaving for Brazil, Damus had missed his son’s first, second, third, and fourth birthdays. Had ICE not appealed his asylum grant, he would have already been able to apply for his family to join him in the United States.

<Damus-Speaking.jpg>

Damus speaks to members of Ansly’s Army at the party celebrating his release.

**Courtesy of Benjamin and Hart**

Damus had his first quiet morning on Tuesday. He’d been surprised to see how often Americans eat in restaurants and was still looking forward to a home-cooked Haitian meal of rice, beans, and chicken. He was happier and more spirited than I’d ever heard him.

But his prospects are still daunting. Now that he is out of detention, his case will likely be a lower priority for the Board of Immigration Appeals. Hart and Benjamin have been told to be prepared to have Damus living with them for two years. The Board of Immigration Appeals has ruled against him twice, and there is reason to believe it will do so again. That would force him either to appeal to a federal court or to accept deportation.

But after so much hardship, everyone is enjoying a rare period of respite, even if it is mixed with the sadness of knowing that Damus lost two years of his life. “When you think about it, it’s just kind of sick that we can be happy about this,” Levenson said. “Because it’s misery ending.”

Unlike so many people who have been incarcerated by ICE, Damus is still in America. He plans to put his experience in jail to good use. On Tuesday, he spoke to an immigrant advocacy group about his time in Geauga County. He had received cards from the group but thought they came from an individual and expected to talk to one person. When he arrived and saw the night’s program, he was surprised to find that he was speaking to a crowd of about 30. As at every turn in his saga, he had more support behind him than he could have foreseen.

<IMG\_5295.jpg>

Damus at a dinner at Hart’s son’s home after his release from jail. Courtesy of Benjamin and Hart

## FACT:

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## NOAH LANARD

Noah Lanard is a reporter at *Mother Jones*. Reach him at [nlanard@motherjones.com](mailto:nlanard@motherjones.com).

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**TO: TANISHA R. BRILEY , CITY MANAGER**

**FROM: SUSANNA NIERMANN O'NEIL, ASSISTANT CITY MANAGER**

**RE: COMMUNITY OUTREACH UPDATE**

**DATE: JANUARY 11, 2019**

**COUNCIL APPLICATION UPDATE:**

As of today there are 27 applications for the Council vacancy. Staff is reviewing voter registration and taxes. Also, staff is working with the League of Women Voters to coordinate the video interviews. Hopefully those will go smoothly and be kept to ten minutes.

**BOARDS AND COMMISSIONS:**

See attached the list of residents to be reappointed to various Boards and Commissions because their term has expired. There are still openings on some of the City Boards and we will post a notice and application on Wednesday January 16<sup>th</sup> encouraging them to apply.

**COMMUNITY RELATIONS:**

Staff delivered MLK ceremony entry forms to the schools and of course encouraged participation in the ceremony. The event will be held on Wednesday, January 23<sup>rd</sup> at the Community Center at 7:00pm.

CR staff attended the monthly Noble Neighbors meeting. There will be a meeting next week to discuss the possibility of a parade on We Are Noble weekend.

**COMMUNICATION INITIATIVES (Trupo and her team):**

- Advertising opportunities: 1.) Cleveland Magazine ads and supplement 2.) NPR sound bites 3.) Heights Observer ad placements for 2019.
- Branding initiative development ongoing with meetings and discussions
- Recruitment for the Arts Festival and beginning layout of *Spring Focus*.

### **SOCIAL MEDIA/ OUTREACH:**

- **Staff continues to be very active using Facebook and Twitter, i.e. Meeting notices- Noble Road corridor, Democracy Day, MLK ceremony; Businesses- Stems Fleur, Grand Judaica ;Honors-Kelce brothers ; Census 2020 .**
- **All Charter Review Commission materials are posted online in anticipation of the Community meeting on January 24<sup>th</sup> at the Community Center at 7:00pm.**

## **BOARDS AND COMMISSIONS:REAPPOINTMENTS**

### **CITIZEN ADVISORY COMMITTEE (1 year term):**

All appointments end Dec 31, 2019

- David Benson (Canterbury)
- Jonathon Goldman (Taylor)
- Menachem Lubling (Millikin)
- Bradley Eckert (Coventry)
- Cory Farmer (Noble)
- Christine Henry(Fairfax)
- Allison McCallum (Roxboro)
- Gretchen Mettler (Oxford)
- Brittany Rabb (Fairfax)
- T.Nadas ( Roxboro)
- Donalene Poduska (Oxford)
- Stephen Titchenal (Oxford)
- Andre Witt (Noble)

**Note:** Due to the Caledonia and Boulevard residents deciding not to continue staff will be advertising for those specific slots and a few others online on January 16<sup>th</sup> .

### **LANDMARK COMMISSION (3 year term):** All appointments end Dec 31, 2021

- Ken Goldberg
- Jim Edmonson
- Marjorie Kitchell
- Thomas Veider

### **PARKS AND RECREATION BOARD (4 year term, maximum 10 years):**

All appointments end May 30, 2022

- Susan Ford
- Martin Raska





**To:** Tanisha Briley, City Manager  
**From:** Collette Clinkscale, Director of Public Works  
**Date:** January 10, 2019  
**Subject:** Public Works Weekly Update

**Forestry:**

- Performed Xmas tree collection and recycling throughout the city.
- Performed Clean up in the North Park Blvd section on Monday
- Assisted on the loose leaf detail on Monday

**Sewer:**

- MACP Inspections (as part of SSES)
- Ran sanitary mains at 3397 Rosedale, Ravine and Eloise, Randolph and Lecona and Randolph and Woodview (as part of SSES)
- Repaired broken curb drain at 3383 Ormond
- CCTV inspections (as part of SSES)
- Jetted trouble spots
- Added topsoil to catch basin repair at 3651 Randolph, Bradford and Lee, Monmouth and Stratford
- Cleaned Flooded areas
- Cleaned catch basins at Coventry and Mayfield and Coventry and Avondale
- Located test tee at 3424 Woodridge
- Attended monthly meeting with Wade Trim
- Jetted laterals at the Transfer Station
- Jetted sanitary mains (as part of SSES)
- Cleaned flooded areas in the Marc's Lot and Berkshire and Norfolk
- Backfilled road hole on Staunton and Blanche
- Cleaning catch basins at Oakwood Country Club, Lancashire and Monticello

**Sewer Service Calls:**

- 872 Eloise, 3667 Atherstone, 4019 Elmwood, 3653 Shannon, 3357 Euclid Hts Blvd, 3518 Cummings, 3971 Bluestone, 3424 Woodridge, 2290 Delaware (televised), 3470 Fairmount

**Refuse:**

- Transported 184.77 tons (12 loads) of refuse to Shiloh landfill and 146.61 tons (9 loads) to Harvard Transfer Station
- Transported 61.28 tons (5 loads) of mixed recycling to Kimble

**Streets Maintenance:**

- **Cold Patch:** Coventry (2440, 2444, at North Park, at Fairhill, at E Overlook, at Corydon, 2257), North Park (1815, 2625, at Harcourt), 1092 Yellowstone, (manhole), Warrensville (Mayfield to SE line), Kingston (end to end), Fairmount
- **Leaf Collection:** Runnymede, Ardmore, Bluestone, Northampton, Rydalmount/Compton, Ivydale, Beechwood, Wilton/Caldwell, Lincoln, Canterbury, E

Monmouth, Bradford, Marlindale, Antisdale, Severn, Fire Station 2, Cedar, Fairmount, Coventry, North Park Sections. This concludes leaf collection until spring cleanup.

Truck Loads (leaves) – 10 Dump trucks – 72

- **Miscellaneous:** Cleaned bull pen, parking lot, garage
- **Snow and Ice:** 01/09 – salted mains, sides, hills, and school zones (2x's)  
01/10 – salted and plowed mains, salted sides, hills school zones (2x's)
- **Sweepers:** Sweepers followed leaf crews daily
- **Hauling:** Grinding leaves, woodchips, hauling mulch, yardwaste (Bremec/Kurtz Bro.)

**Other Public Works Related:**

- Sewer staff attended SSES status meeting.



# Memo

To: Tanisha Briley-City Manager  
From: Collette Clinkscale-Director of Public Works  
Date: January 11, 2019  
Re: Capital Projects Weekly Update

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## **Community Center – Dugway East Culvert Rehabilitation**

No new updates. We are still waiting for materials to arrive from the manufacturer.

## **Cedar Road Resurfacing/Cedar-Fairmount Streetscape**

We are currently working on the final project paperwork.

## **Cuyahoga County Aggregated Solar Project**

No new updates

## **Meadowbrook Boulevard Reconstruction**

Plans are 60% completed. We anticipate bidding the project out sometime in February.

## **Mayfield Signalization**

The contractor has been installing the new signal controller cabinets.

## **Safe Routes to Schools – ODOT PID 101112**

No new updates

## **Edgehill and Overlook Intersection Re-Design – ODOT PID 106749**

Contracts have been signed, and work is anticipated to begin around March or April.

## **2018 Street Resurfacing Program**

Contract completion date has been extended to June 1, 2019.

## **Dominion Energy**

### **Hillstone Road PIR-2590**

Work began this week on the hill streets between Monticello and Bluestone. There is a significant amount of bedrock within the top twelve to twenty-four inches of soil. This job will be a bit slower than most.

### **Washington Boulevard PIR-3047**

Temporary erosion and silt control is in place. The contractor will have to return for final seeding and grading in the spring.

### **Euclid Heights Boulevard PIR-3036-C**

Work is complete on Euclid Heights. Temporary erosion and silt control is in place, and final seeding and grading will not occur until the spring.

### **Lee & Superior PIR-2228**

Work on the streets between Washington and Superior, and Goodnor and Lee is scheduled to begin immediately after the work concludes on Bluestone which will most likely be sometime in March.

### **Princeton Road PIR-2171**

Work is tentatively scheduled for the summer of 2019 after school has been dismissed.

### **Montford Road PIR-2226**

Work is tentatively scheduled for spring of 2019.

## MEMORANDUM

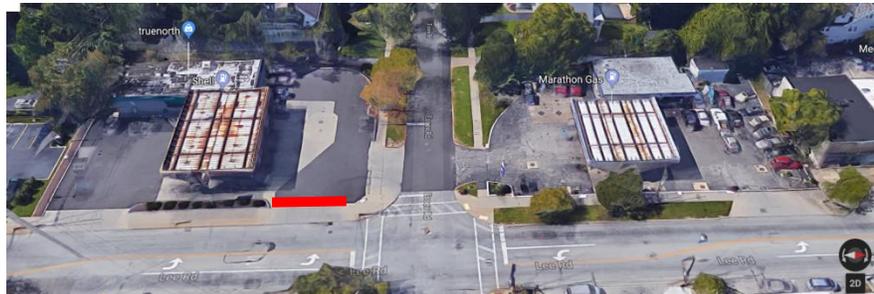
**To:** Tanisha Briley, City Manager  
**From:** Richard Wong, Planning Director  
**Date:** January 11, 2019  
**Subject:** Weekly Update

### Architectural Board of Review

Thanks to help from Brian Iorio, December 27 Top of the Hill minutes were completed this week. The next meeting will probably be in late January or early February.

### Planning Commission

Wednesday's meeting was cancelled. The sole applicant, True North, requested a continuance after learning that the City's consulting engineer, GPD, raised safety concerns about True North's proposed reopening of a third driveway to their Shell gas station and convenience store at Essex and Lee. The third drive had been closed in 2016 per the Lee Road streetscape plans. Cedar Lee's Special Improvement District and two neighbors were also against the proposal.



### Taylor Road Study

NOACA, Planning staff, and Hebrew Academy's Rabbis Eli and Simcha Dessler discussed streetscape improvements that would address the road's shortcomings in supporting livability. NOACA staff suggested a Pedestrian Hybrid Beacon that only stops motorists on a pedestrian's request for the unsignalized intersection at Berkeley. Rabbi Dessler was impressed by NOACA staff's knowledge and listening ability.



**City of Cleveland Heights  
Economic Development**



**To:** City Manager Tanisha Briley  
**From:** Economic Development Director Tim Boland  
**Subject:** Activities Report – January 11, 2019

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**Activities and Initiatives:**

**1. Cleveland Heights Job Creation Grant Program (proposed):**

The purpose of this new program is to advance the City's economic development competitiveness by providing the possibility of a grant to businesses creating jobs and payroll in the City.

The Job Creation Grant Program (JCGP) is designed to attract new businesses/encourage existing businesses to expand. A business that creates at least 5 new jobs and adds a minimum of \$250,000 in new payroll would be eligible to receive a reimbursement of between 25% and 50% of the withholding amount associated with these new jobs. Additional highlights of the program include:

- Grants provided through an agreement negotiated on a project-by-project basis;
- Grant Terms – between 3 to 5 years;
- Eligible businesses include for-profit office & professional (non-retail) uses; Emphasis on attracting technology, medical related, and “creative” uses;
- Businesses can be located in any business/commercial district city-wide;
- Additional incentive (up to 75%) available for projects in the Mayfield Innovation and Technology Corridor;
- Eligible jobs must pay a minimum wage of \$15 per hr.;
- Grants based on previous year's job and payroll creation performance – funds provided in arrears, not on an upfront basis;
- Source of funding would be the City's Economic Development Fund;
- Clawback provision – grants must be repaid if business leaves the City prior to the end of the grant agreement term or within 3 years of said term;
- Proposed program aligns with the City's Master Plan – *“Vision 4 (Business Friendly Community) / Goal 4.4 / Action Step 4.4.3 calls for “Development of a Job Creation Tax Incentive Program”.*

A detailed program outline, proposed guidelines, flow chart and case studies are included at the end of this report.

**2. Business Retention, Expansion, Attraction & Creation (BREAC):**

- Business outreach this week focused on the Cedar Lee and Cedar Fairmount commercial districts.
- Staff continues to work with several property owners and potential new businesses on opportunities. Updates and announcements will be provided as leases/deals are finalized.

### 3. Marketing & Outreach

- The newest Cleveland Heights Business Testimonial video featuring Mac's Backs has been completed and added to the website. It will also be shared via our social media accounts. This brings the total to five business testimonial videos that have been completed. The Mac's Backs and other videos can be viewed here: <https://www.clevelandheights.com/1058/Business-Testimonial-Videos>.
- Staff attended the following events/meetings:
  - Cedar Fairmount SID Trustee Meeting;
  - Future Heights Planning & Development Committee.



Thank you,

*Timothy M. Boland*

Timothy M. Boland

Economic Development Director

## Cleveland Heights Economic Development



**To:** Economic Development Director Tim Boland  
**From:** Business Development Manager Brian Anderson  
**Subject:** Job Creation Grant Program

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### Background

An offset credit or grant based on new local income tax from employee payroll withholding has become a common tool in Ohio for municipalities to include as part of their toolbox for job creation and retention.

At this time the City does not have such a program to offer businesses. However, in the past, the City has negotiated agreements with businesses that would apply new income tax generated against the principal of an existing loan the City has with that business.

Staff has reviewed a number of income tax credit/grant programs, including Avon Lake, Beachwood, Solon, Hudson, Shaker Heights, Westlake and Springdale, and has developed the following recommendations.

### Factors to Consider

#### Funding Source

Per the Ohio Revised Code, cities that use this type of program as a purely cash incentive (not tied to specific costs or expenses) must use non-tax revenues as a funding source. Locally, Beachwood, Solon, Hudson and other communities structure their programs this way.

If non-tax revenues are not available, it is possible to fund the program using tax revenues. Shaker Heights uses tax revenues to fund their "Shaker Vision Fund". Under this program, the City enters into a forgivable loan agreement where the loan is used for tenant improvements, real estate and equipment purchases for office uses based on the income/payroll tax collected, over a three to five year period.

#### Eligibility Levels

The majority of income tax incentive programs typically focus on very large employers with minimum payrolls well into seven figures. Often retail and service businesses are excluded from the programs. For example, Springdale requires annual payroll in excess of \$5 million to qualify for their program. Solon requires a minimum of 50 new jobs created or a minimum of \$1,000,000 in new payroll and 20 new jobs. Avon Lake's program is an outlier that offers an automatic 25% rebate on any increase in new payroll from the previous year.

However, Cleveland Heights can also effectively utilize this incentive to attract projects of a certain investment size, establishing minimum new payroll levels and minimum wage levels required for the new jobs created, as well as encouraging specific types of new businesses, and encouraging development in targeted locations.

#### Incentive Levels

The programs reviewed generally offer a range of between 25% and 50% credit of the new withholding back to the company. The term of the credit in the programs reviewed is between three (3) and 10 years. While they have internal guidelines for the percentage and length of the agreement, final determination on what incentive to offer is typically done on a case by case basis.

## Recommendations

It is the opinion of the Economic Development Department that establishing a job creation income tax incentive would make Cleveland Heights more competitive in attracting new employers to the City, as well as retaining existing businesses.

It is recommended that the program be available to for-profit businesses consisting of office and professional uses, locating or expanding within any business district in Cleveland Heights. Eligible projects will consist of a company creating a minimum of five (5) new jobs and minimum of \$250,000 in new annual payroll.

This type of program would assist with the recruitment of office uses, especially among technology, medical, and creative firms, and allow the City to diversify its tax base. Adding this program to the City's already impressive toolbox of programs (Commercial Loan Program, ED Fund Program, Micro Loan Program, Storefront Loan Program, and SBA Equity Infusion Grant Program, as well as the City-wide Community Reinvestment Area (CRA) Tax Exemption Program) would elevate our ability to respond to most, if not all, economic development opportunities.

**In addition, creation of this program would align with Vision 4 (Business Friendly Community) / Goal 4.4 / Action Step 4.4.3 calling for the "Development of a Job Creation Tax Incentive Program".**

- **Funding Source** – It is recommended that non-tax revenue, such as the **Economic Development Fund**, be used for this program. Companies would receive an annual incentive based on the terms of their agreement after confirming their actual payroll and withholding. It is recommended to allocate an initial \$200,000 for the program from the ED Fund. This could provide sufficient funding for up to 14 projects, depending upon the size of the payroll and the terms of the agreements (per the attached Incentive Table, 14 projects X \$14,063 total incentive = \$196,882 with 5 year terms for each project at the 50% credit level);
- **Eligibility** – We are recommending that, at least initially, the program be focused on **for-profit businesses looking to locate or expand office or professional space** in Cleveland Heights with a **minimum new payroll creation of \$250,000 and five (5) new jobs created**. Retail and residential businesses would not be eligible at this time;
- **Minimum Employee Wage** – New jobs to be counted towards the program must pay a minimum of \$15/hour. New job figures will be determined on a full-time equivalent basis;
- **Incentive levels** – Between **25% and 50%** of the new withholding generated for a term of between **three to five years** to be determined on a project by project basis. Internally, emphasis should be placed on providing the highest incentives to technology, medical and office uses as they will provide the largest return to the City upon completion of the income tax incentive agreement and diversify the City's commercial tax base.
- **Location** – This program should be available **City-wide** with additional incentives available for locating within the **Mayfield Road Innovation & Technology Corridor**. Eligible companies locating or expanding within the Mayfield Road Innovation & Technology Corridor would be eligible for up to 75% and seven years. **The creation of the Corridor aligns with Vision 4 (Business Friendly Community) / Goal 4.1 / Action Steps 4.1.1 & 4.1.2;**
- **Disbursement of grant** – It is recommended that the City issues annual grants to companies based on the previous year's performance relative to grant agreement. Structured this way, the City would be disbursing funds in arrears, which creates less risk versus up front funding in a forgivable loan structure.

Please refer to the Draft Program Guidelines, Tax Credit Incentive Scenarios Table, and Flow Chart below for the program's structure and case studies.

The program would require an application form, a negotiated agreement, and annual monitoring by the City to verify that the participating businesses have created the jobs, pay rate and payroll levels claimed and agreed to. While smaller sized

1/11/19

businesses may be of a lower impact initially, and small projects may in theory require as much time from the City in negotiating and administering the agreements as larger projects, the return to the City of attracting solid high growth start-ups and creative firms should outweigh the resources devoted to the program. The decision on whether this incentive is enough for some businesses to consider coming to or expanding in the City is for each business to determine.

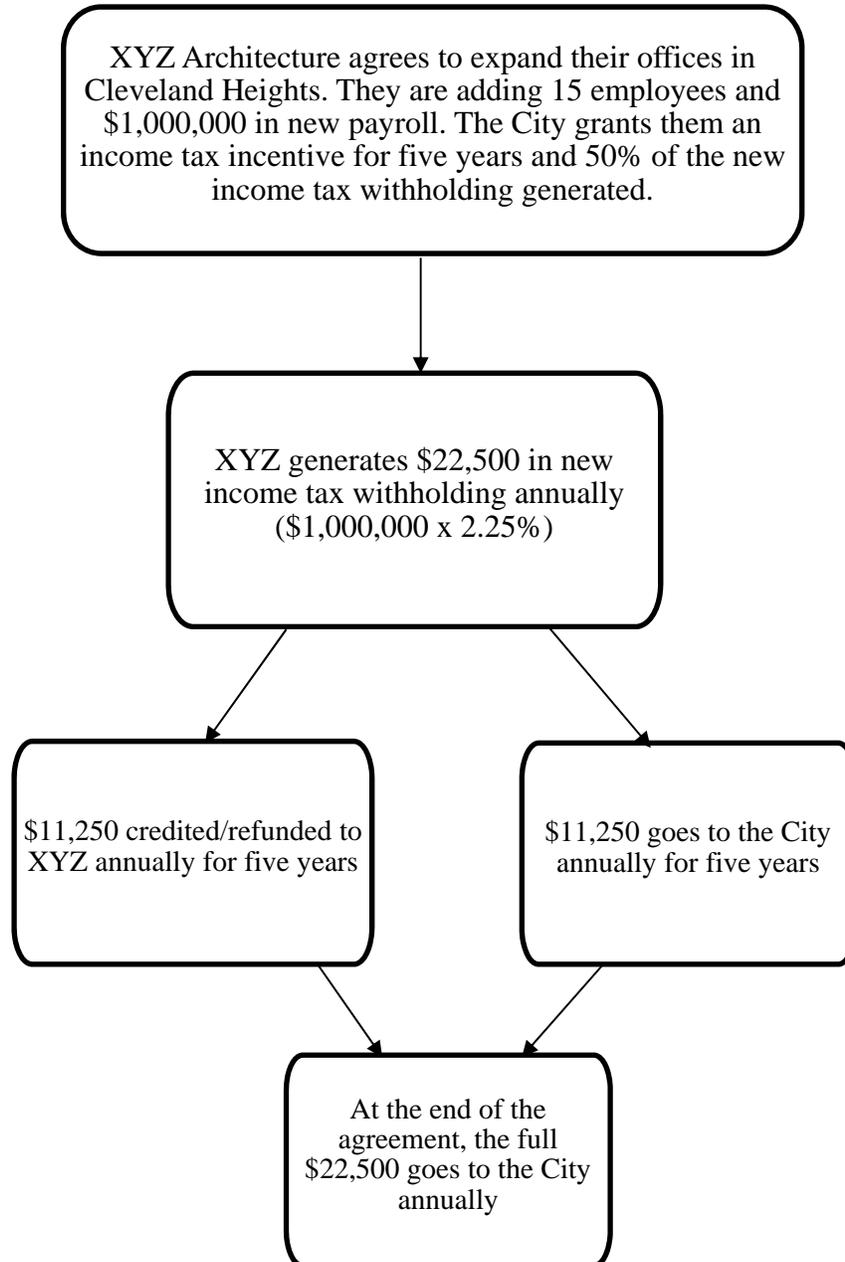
From a strategic standpoint, the offset program could be provided as one of a number of tools the City could offer a prospective project, and could potentially layer this program with other incentives as part of an overall package to attract a given business to the City.



# CLEVELAND HEIGHTS

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## Job Creation Grant Flow Chart



## Example Job Creation Grant Scenarios

### \$250,000 Annual New Payroll Example Job Creation Grant Scenarios

	Annual Withholding	Annual Incentive	Total Withholding	Total Incentive	Annual Net to City	Total Net to City
<b>3 years @ 25%</b>	5,625	1,406	16,875	4,219	4,219	12,656
<b>3 years @ 50%</b>	5,625	2,813	16,875	8,438	2,813	8,438
<b>5 years @ 25%</b>	5,625	1,406	28,125	7,031	4,219	21,094
<b>5 years @ 50%</b>	5,625	2,813	28,125	14,063	2,813	14,063

### \$500,000 Annual New Payroll Example Job Creation Grant Scenarios

	Annual Withholding	Annual Incentive	Total Withholding	Total Incentive	Annual Net to City	Total Net to City
<b>3 years @ 25%</b>	11,250	2,813	33,750	8,438	8,438	25,313
<b>3 years @ 50%</b>	11,250	5,625	33,750	16,875	5,625	16,875
<b>5 years @ 25%</b>	11,250	2,813	56,250	14,063	8,438	42,188
<b>5 years @ 50%</b>	11,250	5,625	56,250	28,125	5,625	28,125

### \$1,000,000 Annual New Payroll Example Job Creation Grant Scenarios

	Annual Withholding	Annual Incentive	Total Withholding	Total Incentive	Annual Net to City	Total Net to City
<b>3 years @ 25%</b>	22,500	5,625	67,500	16,875	16,875	50,625
<b>3 years @ 50%</b>	22,500	11,250	67,500	33,750	11,250	33,750
<b>5 years @ 25%</b>	22,500	5,625	112,500	28,125	16,875	84,375
<b>5 years @ 50%</b>	22,500	11,250	112,500	56,250	11,250	56,250

### \$5,000,000 Annual New Payroll Example Job Creation Grant Scenarios

	Annual Withholding	Annual Incentive	Total Withholding	Total Incentive	Annual Net to City	Total Net to City
<b>3 years @ 25%</b>	112,500	28,125	337,500	84,375	84,375	253,125
<b>3 years @ 50%</b>	112,500	56,250	337,500	168,750	56,250	168,750
<b>5 years @ 25%</b>	112,500	28,125	562,500	140,625	84,375	421,875
<b>5 years @ 50%</b>	112,500	56,250	562,500	281,250	56,250	281,250

**Example Scenario A:** XYZ Graphic Design would like to move their offices to Cleveland Heights. The company has five employees and a total payroll of \$250,000. In exchange for locating here, the City offers them a 3 year, 25% income tax withholding incentive. Subject to confirmation with RITA of their actual payroll and withholding numbers, the company would receive approximately \$1,406 annually (\$5,625 annual new withholding X 25%). Over the three year life of the agreement, they would receive \$4,219 and the City would receive \$12,656. After the completion of the agreement, the City would then receive the full \$5,625 annually in withholding from the company.

**Example Scenario B:** XYZ Architecture would like to expand their offices in Cleveland Heights. The company projects to add 15 employees and \$1,000,000 in new annual payroll. The City offers them a 5 year, 50% income tax withholding incentive. Subject to confirmation with RITA of their actual new payroll and withholding numbers, the company would receive approximately \$11,250 annually (\$22,500 annual new withholding X 50%). Over the five year life of the agreement, they would receive \$56,250 and the City would also receive \$56,250. After the completion of the agreement, the City would then receive the full \$22,500 annually in withholding from the company.

## Cleveland Heights Economic Development



**To:** Economic Development Director Tim Boland  
**From:** Business Development Manager Brian Anderson  
**Subject:** Draft Job Creation Grant Guidelines

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### CITY OF CLEVELAND HEIGHTS ECONOMIC DEVELOPMENT

#### JOB CREATION GRANT PROGRAM GUIDELINES

##### PROGRAM DESCRIPTION

The City of Cleveland Heights has established the Job Creation Grant Program to offer incentives to eligible businesses to establish or expand operations in the City and to create and retain jobs. The City may offer an eligible company an annual grant payment based on a percentage of annual payroll taxes on new employee payroll.

**ALL JOB CREATION GRANT AGREEMENTS MUST BE COMPLETED PRIOR TO A COMPANY'S UNDERTAKING OF THE PROJECT.** A company will lose its eligibility for the grant program if agreements for land acquisition, construction, leasing, or installation of machinery/equipment are finalized prior to completion of a Job Creation Grant Agreement with the City. Letters of intent must specify that agreements for land acquisition, construction, leasing, or installation of machinery/equipment are contingent upon execution of a Job Creation Grant Agreement.

Commencement of a project prior to City approval is done at the company's risk.

##### ELIGIBILITY

- The program is available to for-profit businesses consisting of office and professional uses, locating or expanding within any business district in Cleveland Heights.
- Eligible projects will consist of a company creating a minimum of five (5) new jobs and minimum of \$250,000 in new annual payroll.

##### APPLICATION PROCEDURES

Application forms are available from the City of Cleveland Heights' Economic Development Department.

Upon submittal of a completed application to the Economic Development Department, the applicant will be contacted to meet with City Staff to discuss the project and application. Meetings can generally be arranged within two weeks of receipt of a completed application. Staff's recommendation will be forwarded to the City Manager for a decision on whether to proceed with the project.

Offers will be made in writing to the applicant. Upon the company's written acceptance of the offer, an agreement and legislation will be prepared for City Council approval. The projections made by the company on the application form will be the basis of the company's commitments in the agreement. **Upon placement of an agreement on Council's agenda, information contained in the agreement and in the company's application is considered public record.**

An application fee of \$200, in the form of a check payable to the City of Cleveland Heights, is required prior to City Council approval of the agreement. The fee will be refunded if the company proceeds with the project.

The applicant may begin the project following City Council approval and execution of the agreement.

**PLEASE ALLOW AT LEAST 6 WEEKS FOR PROCESSING AND APPROVAL OF APPLICATIONS.**

## **GRANT OFFER GUIDELINES**

Terms of the grant will be determined on a case-by-case basis by City Staff and the City Manager and approved by City Council. The length of the grant agreement will be between three (3) and five (5) years. The annual percentage of the grant will be between 25% and 50%.

The grant agreement will be for a specific facility. However, if a company has multiple locations in the City and business considerations require that new employees hired for the grant project be transferred to other facilities in the City, those relocated positions may be included in meeting employment and payroll commitments.

**In order to qualify towards the calculation of the grant offer, hourly positions created as part of the project must pay a minimum of \$15 an hour excluding payroll taxes and benefits.**

## **GRANT PAYMENTS**

In order to receive the annual grant, the company must file documentation of the income taxes withheld for the previous year and an annual Job Creation Grant report (see below under "Annual Reporting").

Payment to the company will be made by approximately June 30 of each year, based on the previous year's performance, provided that the company files documentation of the income taxes withheld by February 28th, the Finance Department confirms reconciliation of taxes owed and paid, and the company submits its annual Job Creation Grant report by the requested date (see below under Annual Reporting). It is the responsibility of the company to inform the Economic Development Department if an extended filing date is required.

If a project or occupancy of a project facility begins in the 3rd or 4th quarter of the year and the company is not able to meet its Year 1 projections by December 31st of that year, Year 1 will be considered the first full year of occupancy, and the first grant payment will occur in the year following the first full year of the project.

The amount of the grant will be calculated annually based on the company's performance in meeting its payroll and employment projections for the previous year. The grant will be awarded according to the schedule below:

### **Percent of Payroll Projections Met**

- 90-100% - full grant
- 85-89% - reduce grant by 5% (Ex.: 30% grant reduced to 25%)
- 80-84% - reduce grant by 10% (Ex.: 30% grant reduced to 20%)
- 75-79% - reduce grant by 15%
- Less than 75% - no grant for that year

The amount of the grant will be based on new payroll taxes (new to the City), according to the above schedule, and employment. The company must achieve at least 75% of the job creation projection for the previous year. If payroll is within the acceptable range, but employment is less than 75% of projections, no grant will be awarded for that year.

If the company exceeds its payroll projections, the amount of new payroll used as the basis for determining the annual grant payment in any given year will not exceed 25% above the maximum payroll projection for the year in which the maximum employment level is projected.

## **TERMINATION OF AGREEMENT**

The date by which Year 1 projections must be met will be specified in the agreement. If a project start, completion or occupancy is delayed, the company may send a written request to the Economic Development Department for a one-year

extension. The extension may be approved by the Director of Economic Development Director. If the project does not proceed as specified in the agreement or within the approved one-year extension period, Council may rescind the agreement upon recommendation of the City Manager. If the project will proceed in the future, the company may reapply for incentives.

If a company fails to meet 75% of its payroll or employment projections in three consecutive years at any time during the term of the agreement, City Council may rescind the agreement, following an annual report by the Economic Development Director on the status of all agreements.

#### **PAYBACK PROVISIONS**

Each agreement will include a payback provision requiring the company to reimburse the City for 100% of grant money awarded, if the company leaves the City during the term of the agreement or within three years of the end of the agreement.

#### **ANNUAL REPORTING**

Upon the City's request and on forms provided by the City, companies must submit an annual Job Creation Grant report documenting employment and payroll performance. This report will be requested annually following the February 28 deadline for submittal of documentation of income tax withheld from the previous year.

The company's annual Job Creation Grant report will be reviewed by the Economic Development Director and Finance Director to ensure compliance with the terms of the agreement. Their findings will be submitted to City Council.

#### **ANNUAL MONITORING FEE**

For each year that a company receives a grant, an annual monitoring fee of \$200 will be charged to the company. The money will be used to defray costs of program administration and to help fund the program.

#### **PREVAILING WAGE REQUIREMENTS**

Projects involving construction that receive public funds may be subject to State of Ohio prevailing wage requirements. Applicants may need to comply with additional procedures related to prevailing wage requirements.

#### **COMMUNITY REINVESTMENT AREA PROGRAM**

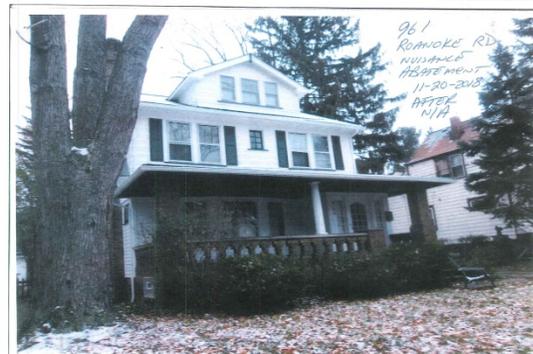
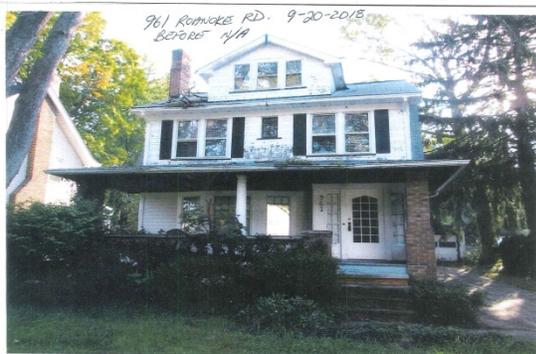
The City may also offer real estate abatement on projects that receive a Job Creation Grant. Both the terms of the abatement and grant will be determined on a case-by-case basis and approved separately.



# Memorandum

To: Tanisha Briley- City Manager  
From: Allan Butler- Housing Programs Director  
Date: January 11, 2019  
Re: Weekly Update

- Housing preservation staff has completed nuisance abatement orders at 836 Nelaview Rd and 961 Roanoke Rd. 836 Nelaview required paint, gutters, chimney repair, new front step unit, garage demolition, new sidewalk blocks, and shrub removal at a cost of \$19,375. 961 Roanoke required paint, gutters, removal of rear awning, and shrub trimming at a cost of \$8700. Liens for the repairs will be assessed to the taxes.



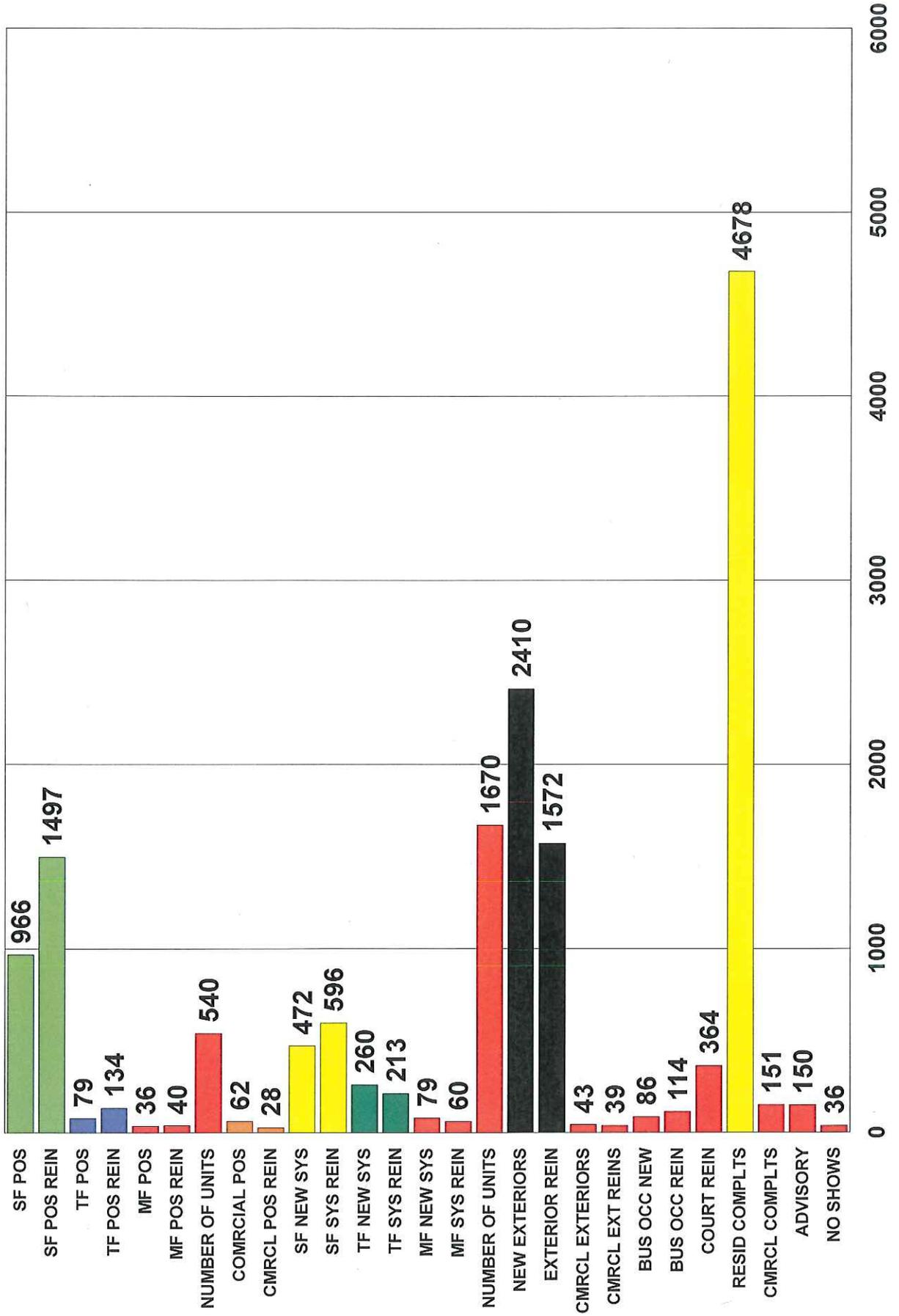
- Inspection totals for 2018 have been entered into our system and are available for view in the following pages. Notable numbers for the year were 16,735 total inspections logged, 966 single family point of sale inspections conducted, 2410 new exterior systematic (owner occ.) inspections, and 4678 complaint inspections conducted. See following spreadsheet and chart.

2018

INSPECTIONS TOTAL

TYPE	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	YEAR T
SF POS	56	80	75	62	102	84	109	117	103	65	51	62	966
SF POS REIN	99	80	112	145	199	140	195	153	101	109	104	60	1497
TF POS	8	6	4	7	7	7	8	10	6	7	4	5	79
TF POS REIN	9	13	8	16	7	6	3	16	13	22	14	7	134
MF POS	3	2	3	2	2	4	6	6	5	1	0	2	36
MF POS REIN	0	4	5	3	0	2	3	2	10	7	4	0	40
NUMBER OF UNITS	5	10	31	6	50	12	36	18	198	129	18	27	540
COMRCIAL POS	1	0	0	46	0	0	2	2	8	1	0	2	62
CMRCL POS REIN	1	1	0	13	1	2	2	3	0	3	0	2	28
SF NEW SYS	35	41	39	65	69	66	33	51	33	18	8	14	472
SF SYS REIN	63	41	46	46	42	48	65	78	40	51	39	37	596
TF NEW SYS	20	20	28	40	52	39	13	19	12	12	2	3	260
TF SYS REIN	27	14	12	21	10	4	12	39	18	11	23	22	213
MF NEW SYS	10	5	14	8	14	8	2	4	7	2	4	1	79
MF SYS REIN	1	5	3	8	10	1	8	9	4	4	4	3	60
NUMBER OF UNITS	186	116	285	169	331	52	112	112	95	187	6	19	1670
NEW EXTERIORS	21	0	43	96	181	192	135	561	574	607	0	0	2410
EXTERIOR REIN	94	95	145	79	209	216	126	245	58	181	60	64	1572
CMRCL EXTERIORS	1	1	4	2	0	3	0	10	18	3	1	0	43
CMRCL EXT REINS	0	3	3	4	2	0	8	1	2	10	4	2	39
BUS OCC NEW	4	3	8	16	6	4	7	10	11	14	0	3	86
BUS OCC REIN	5	5	17	19	22	5	4	18	5	9	4	1	114
COURT REIN	14	25	21	50	29	82	27	28	19	42	17	10	364
RESID COMPLTS	200	359	350	482	756	321	427	765	326	331	187	174	4678
CMRCL COMPLTS	16	7	13	16	17	26	7	23	10	12	3	1	151
ADVISORY	5	8	12	17	13	21	17	23	10	12	7	5	150
NO SHOWS	2	3	3	9	2	0	4	4	4	3	2	0	36
TOTAL	886	947	1284	1447	2133	1345	1371	2327	1690	1853	566	526	16375

2018 Total Inspections by Type



# Memorandum

To: Tanisha Briley, City Manager  
From: Joseph P. McRae, Parks and Recreation Director  
Subject: Parks and Recreation Department Update  
Date: January 11, 2019

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

## General Announcements

- The Community Center will host the Annual Dr. Martin Luther King Jr. Celebration on Wednesday, January 23 at 7pm. The City partners with the School District on this project.
- The Senior Center and Fitness Center will be closed on Monday, January 21 for Martin Luther King Jr. Day.

## Pool Programs

- The City and School District have agreed to make morning lap swimming hours available from 6am – 7:30am, Monday through Friday, and on Saturdays 7am – 9am, from November until the Spring Indoor Pool Season resumes in March. Passes can be purchased at the Community Center. This is a new pilot program to assess demand for the extended service.

## Ice Programs

- North and South Rinks are both up and operational. All ice programs have been restored.
- It's Hockey Time will host a regional youth hockey tournament at the Community Center from Friday, January 18 through Monday, January 21.

## Cain Park

- Staff is accepting audition applications for the 2019 Summer Musical *Ragtime*. Auditions will take place at the Community Center in February.
- Staff is accepting artists' applications for the annual Cain Park Arts Festival. For more information, visit [www.cainpark.com](http://www.cainpark.com)
- Staff is beginning to book talent for the upcoming summer season. More details will provided soon.



# Cleveland Heights Fire Department

## Weekly Activity Report

Total Emergency Calls Year To Date	194
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Total Emergency Calls for Period	132
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Report Date Period: 01/04/2019 - 01/11/2019

### 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	29	42	56	20.43 %
Emergency Structure Fire Count	1	2	2	
Emergency Non Structure Fire Count	27	39	54	
Emergency Vehicle Fire Count	1	1		

### Emergency Medical Data

Total Emergency Run Count	103	152	173	79.57 %
Emergency Medical Run Count	100	147	166	
Automobile Accident Run Count	3	5	7	
Advanced Life Support Run Count	24	36	48	
Basic Life Support Run Count	78	115	124	
Total EMS Transports	68	99	115	
Total EMS Non Transports	32	50	50	

## Mutual Aid Run Count to Date

<b>Mutual aid received</b>	SEFD A - 1 SHFD A - 0 ECFD A - 0 UHFD A - 0
<b>Mutual aid given</b>	SEFD A - 4 SHFD A - 0 ECFD A - 2 UHFD A - 0
<b>Automatic aid given</b>	SEFD A - 1 SHFD A - 1 ECFD A - 0 UHFD A - 0

<b><u>Fire Prevention Bureau</u></b>	<b><u>Current Period</u></b>	<b><u>Year to Date</u></b>
Total Completed Fire Inspections	4	9
Company Fire Inspections		
Fire Prevention Fire Inspections		
Fire Alarm Test Inspections		
Kitchen Supression Test Inspections		
Sprinkler Test Inspections		
Other Inspections	4	9
Smoke Detectors Distributed	6	6



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: January 11, 2019**

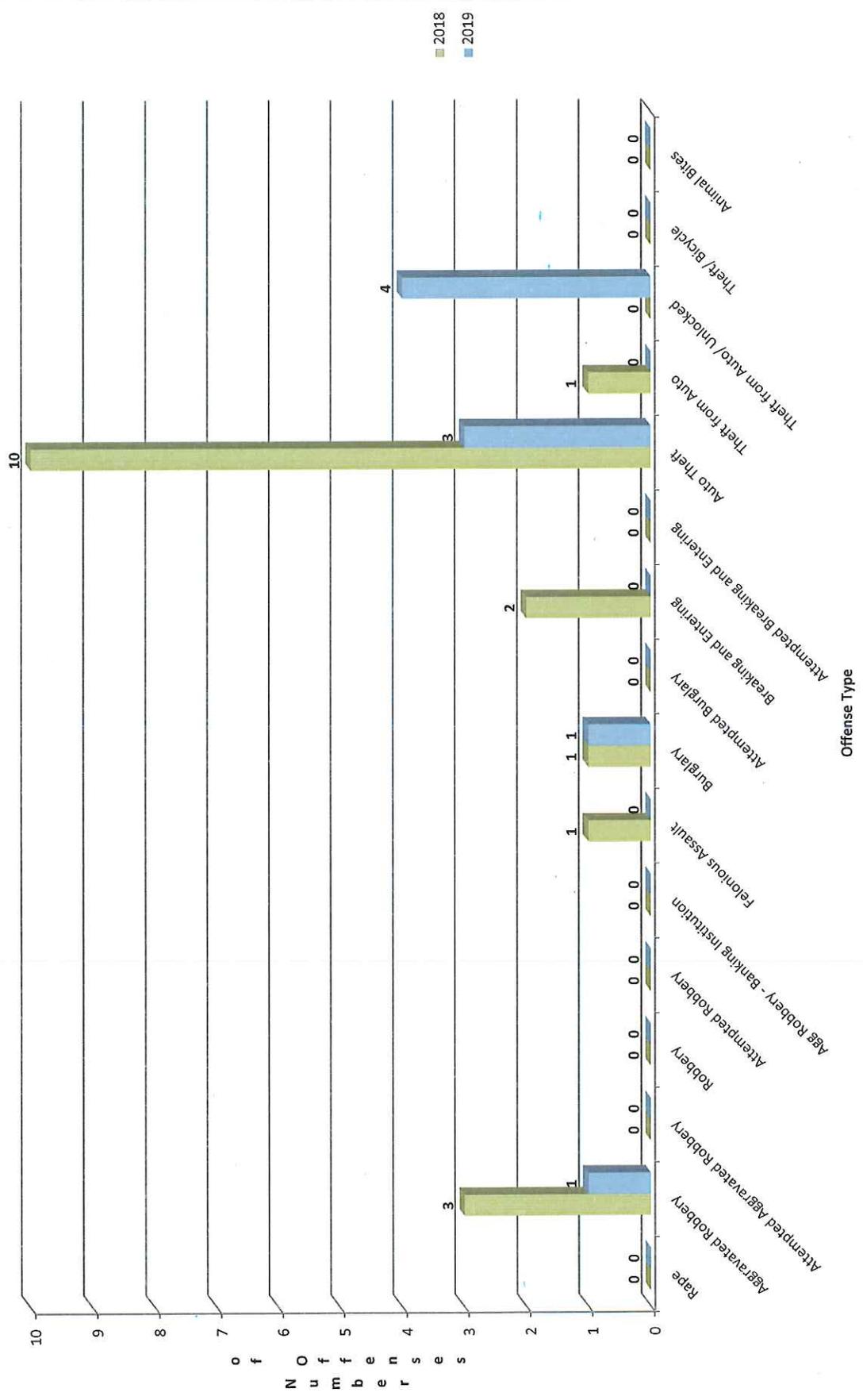
**Subject: Weekly Update**

**The trial for Yaphet Bradley is scheduled to begin on Monday, January 14, 2018, in the Cuyahoga County Court of Common Pleas. Yaphet Bradley is accused in the murder of Miriam Bradley that took place early last year. Bradley has been charged with numerous felonies including Aggravated Murder, Kidnapping, Felonious Assault, and Tampering with Evidence.**

**On Saturday, January 5, 2019, around 6:30 pm an Aggravated Robbery was reported at 2212 Bellfield Ave. The victim reported that he was walking northbound on Bellfield from his residence when a dark colored sedan with New Jersey license plates occupied by several males stopped and a male sitting in the rear passenger seat exited the vehicle. The male brandished a firearm and took the victim's wallet, keys, and cell phone. The male then got back into the vehicle and drove away. Officers began checking area and located the vehicle at a gas station at Woodhill and Woodland in Cleveland. Three males were located in the vehicle, which had been reported stolen from Cleveland. The three males, two juveniles and one adult, were arrested for Aggravated Robbery. The driver of the vehicle was inside the gas station at the time Officers stopped the vehicle and he was able to evade detection. Detectives are investigating.**

**On January 14, 2019, Elijah Argie will join the Cleveland Heights PD as a Basic Patrol Officer. He is a graduate of the Cleveland Heights Police Academy and was a part-time Police Officer with Chardon PD. His ceremonial swearing in will take place in March.**

**Crime Comparison:  
January 1 - January 11, 2018 Compared to January 1 - January 11, 2019**



**CITY OF CLEVELAND HEIGHTS  
ARCHITECTURAL BOARD OF REVIEW  
MINUTES OF THE MEETING  
NOVEMBER 20, 2018**

MEMBERS PRESENT:

Melissa Fliegel, Chair  
Greg Goss

STAFF PRESENT:

Richard Wong, Planning Director

**CALL TO ORDER**

Mr. Wong called the meeting to order at 7:00 PM at which time two members were present.

**APPROVAL OF THE NOVEMBER 6, 2018 MINUTES**

Members had no comments or questions so the minutes were approved as submitted and signed by Ms. Fliegel.

**PUBLIC HEARING  
NOVEMBER 20, 2018**

**ABR 2018-487: Tom and Jessica Sherwood, 2576 Exeter Road,** request to change window to sliding doors and add back steps on south side of home.

- TPA Builders' architect, John Payne, 4310 St. Clair Avenue, 44103, said the owners wanted a direct connection from the house to the back yard. A south kitchen window would be converted to a door.

***ACTION: Ms. Fliegel moved to approve the doors and back steps as shown on TPA Builders' plans, received October 22, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-488: Matthew Steinbrook, 3613 Cummings Road,** requests to build detached, two-car garage.

- Platinum Construction's Lafayette Watkins, 5081 Warrensville Center Road, 44137, said the siding and trim would be white and shingles black, matching the home.

***ACTION: Ms. Fliegel moved to approve the garage as shown on Platinum Construction's plans, received October 22, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-489: Jeff King, 2260 Lee Road,** requests to install illuminated projecting sign for Kensington Pub.

- Mr. Wong said the applicant was told that the proposed sign, two vacuum-formed plastic faces with lights inside, was not permitted by the Zoning Code. He suspected that the design would be revised to include more

craftsmanship and alternative materials. It would be reviewed at a future date.

**ABR 2018-490: Dan and Sara Kaminiski, 3399 Superior Park Drive,** request to vinyl side over wood siding without matching original appearance.

- Joyce Factory Direct's Jerry Vertucci, 1125 Berea Industrial Parkway, said a 4.5" Pro-via vinyl lap siding in a color called "Chateau" that was close to the existing shake siding. The back addition had been lap sided and was proposed to not be sided.
- Ms. Fliegel said the back addition should be sided with the same material.

***ACTION: Ms. Fliegel moved to approve the proposed siding as shown on the plans by Joyce Factory Direct, received October 24, 2018, with the condition that the back addition be sided with the same material. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-491: Patrick Hoffman, 2933 Edgehill Road,** requests to install a window on the rear wall for a second floor bathroom.

- The applicant was not present, so this case will be heard at a future meeting.

**ABR 2018-492: Daniel and Djilda Faintuch, 3666 Berkeley Road,** request to replace side porch with 14'-3" x 8', two-story addition and replace two second floor windows in back without matching existing ones.

- Architect Rebecca Fertel, 3729 Blanche Avenue, said the addition would be where an open porch now is. A study is proposed on the first floor with a master bath and closet above. Brick would match existing brick and siding would match the existing vinyl siding. At a second floor bedroom, two casement windows with dimensions meeting the Building Code for emergency escape and rescue will replace two small windows.
- Mr. Goss noted that shingles were proposed in addition to stucco, vinyl siding and brick. He questioned the use of shake shingles on the small triangular area of the front façade
- Ms. Fliegel said she also questioned the absence of windows on the side elevation of the addition.
- Ms. Fertel said the setback of the addition required a fireresistance rating. Windows would be an issue. The nearest home is only 6' away.

***Mr. Goss moved to approve the addition as shown on Rebecca Fertel's plans, received October 29, 2018, with the condition that vinyl siding matching the existing siding be used where shake shingle was proposed on the second floor front elevation. Seconded by Ms. Fliegel, the motion was unanimously approved.***

**ABR 2018-493: Steve Ebbitt, 2609 Queenston Road,** requests to build detached, two-car garage.

- Regency Developers' Norm Muskal, 2066 South Taylor Road, 44118, said the vinyl siding showed samples of the siding and roof colors. The garage would be to the side where it had been.

***ACTION: Ms. Fliegel moved to approve the garage as shown on Regency Developer's plans, received October 30, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-494: LaValle Dorsey, 3583 Harvey Road,** requests to remove second floor back porch and door filling openings with brick.

- The owner, Mr. Dorsey, did not have anything to say, so members asked questions.
- Ms. Fliegel asked that the detailing of the brick be matched on the brick opening.

***ACTION: Ms. Fliegel moved to approve the removal of the door and back porch as shown on the plans by LaValle Dorsey, received November 6, 2018, with the conditions that the brick detailed be continuous at the new brick infill and that the brick be toothed-in.***

**ABR 2018-495: Jill Sloane, 2324 Roxboro Road,** requests to install windows without matching old ones on first floor back of house.

- Window Nations' Steve Slapnicker, 4350 Renaissance Parkway, Suite C, 44128, said on the back of the house are five casements in an opening that will be replaced by four casements. Above the five casements are five transom windows that will be replaced by two casement windows.
- Ms. Sloane said the fence hides the back of the home from views by neighbors.
- Ms. Fliegel said that the two matching gabled sections each have five windows and the right gabled section would have different proportions than the left gabled section.
- Mr. Slapnicker said the new windows will have grids in between the two panes of glass. The two windows over four windows on the right gabled section would cost less than a five-window solution.
- Mr. Goss said the two gabled sections' windows would not match if the proposed windows were installed.
- Mr. Slapnicker suggested two transom windows over four casement windows in both gabled sections. Ms. Sloane agreed to this change.

***ACTION: Ms. Fliegel moved to approve the windows as shown on the plans by Window Nation, received November 6, 2018, with the condition that replacement windows of the right gabled section match the left gabled section as shown on the marked-up plans. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-496: Amanda and Sebastian Reymers, 3414 Sylvanhurst Road,** requests to build two-car, detached garage.

- Sebastian Reymers said grey vinyl siding would match the home's siding color. The roof color will match the home's. The small shed would be removed. One double door will replace the two single doors.

***ACTION: Ms. Fliegel moved to approve the garage as shown on Behm Design Building Plans, received November 6, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-497: Irwin Richman, 3553 Shannon Road,** requests to build dormer on front roof.

- Atkin Construction's Phil Atkin, 2493 Rubydale Drive, 44118, said a stair to the attic needed more ceiling height. This dormer would accomplish this. This home is connected to a second home facing Janette. In response to a question from Ms. Fliegel, he said the dormer could be sided with vinyl lap siding instead of the proposed shake.

***ACTION: Mr. Goss moved to approve the dormer as shown on Architect Glenn Pizzo's plans, received November 6, 2018, with the condition that the siding be double-4". Seconded by Ms. Fliegel, the motion was unanimously approved.***

#### **Old Business**

No old business was raised.

#### **New Business**

No new business was raised.

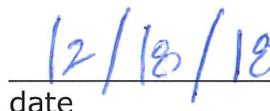
#### **Adjournment**

The meeting was adjourned at 8:18 PM.

Respectfully Submitted,



\_\_\_\_\_  
Melissa Fliegel, Chair



\_\_\_\_\_  
date



\_\_\_\_\_  
Richard Wong, Secretary



\_\_\_\_\_  
date

**CITY OF CLEVELAND HEIGHTS  
ARCHITECTURAL BOARD OF REVIEW  
MINUTES OF THE MEETING  
DECEMBER 4, 2018**

MEMBERS PRESENT:

Melissa Fliegel, Chair

STAFF PRESENT:

Richard Wong, Planning Director

**CALL TO ORDER**

Mr. Wong called the meeting to order at 7:25 PM at which time only Ms. Fliegel was present.

**APPROVAL OF THE NOVEMBER 20, 2018 MINUTES**

Approval of the minutes would occur at a future meeting when a quorum was present.

**PUBLIC HEARING  
DECEMBER 4, 2018**

Since all of the applicants were present, Mr. Wong suggested to Ms. Fliegel that she review the projects. He stated that two members needed to concur and that no action could be taken that evening. His intention was to show the drawings to Mr. Goss the next day.

**ABR 2018-491: Patrick Hoffman, 2933 Edgehill Road,** requests to install a window on the rear wall for a second floor bathroom.

- Owners Martin Bielat and Patrick Hoffman described the proposed stained glass window.
- Ms. Fliegel said her vote would be to approve the proposal as submitted.

**ABR 2018-498: Catherine and Brian Hunnicutt, 2520 Fairmount Boulevard,** request to replace basement windows without matching existing.

- Pella's Greg Fillar, 26150 Richmond Road, 44146, said the window is below grade. The owner wanted a sliding window for improved emergency egress compared to the existing double-hung windows.
- Ms. Fliegel said she'd approve the proposal as submitted only because the window was for emergency egress and below grade.

**ABR 2018-499: Gregory Pratt, 2177 Stillman Road,** requests to add 10 x 10' sunroom to back of house.

- Joyce Factory Direct's Joe Lull, 1125 Berea Industrial Parkway, 44017, said the addition would be a three-season sunroom.

- Ms. Fliegel said the drawings did not show the existing house on the floor plans or elevations. The elevations didn't show the grade or wall material below the finished floor level. The overhang was not dimensioned, either. No cross section detail showed the existing home's overhang and the addition's roof. The addition's roof would look more integral with the home if its roof was connected to the existing roof rather than run below it. In response to a question by Mr. Lull, Ms. Fliegel said that sliding windows were reviewed on a case-by-case basis. Sliding windows were common on this type of addition, so she would not object. She called this a preliminary review and requested this additional information at a future ABR meeting.

**ABR 2018-500: Ari Wolf and Basha Keselman, 3742 Shannon Road,** request to build detached, two-car garage.

- New Creation Builders' Diane Bija, 818 East 73 Street, 44103, said this was a 2-car garage with vinyl siding supplied by the homeowner that is an exact match to the home's vinyl siding. Shingles will match the home's shingle color.
- Ms. Fliegel said she would approve the garage as submitted.

**ABR 2018-501: Smartland RS18 LLC, 895 Caledonia Avenue,** requests to build detached, two-car garage.

- New Creation Builders' Diane Bija, 818 East 73 Street, 44103, said this was a standard 2-car garage that will have white vinyl siding and a dark grey roof matching the home.
- Ms. Fliegel said she would approve this as submitted.

**ABR 2018-502: George Eckerd, 2704 Derbyshire Road,** requests to install two casement windows on second floor, back of house, without matching existing window type and height.

- Fraser Contracting's James Fraser, 17919 Lakeshore Boulevard, 44119, said the two windows will be taller than those being replaced and the windows will look identical in size and style to each other rather than differ like the two existing ones.
- After asking questions to fully understand the proposal, Ms. Fliegel said she would approve it as submitted.

**ABR 2018-503: Natacha Hansbary, 1155 Sylvania Road,** requests to build detached, two-car garage.

- Platinum Construction's Lafayette Watkins, 5081 Warrensville Center Road, 44137, said that the vinyl siding and asphalt shingle roof would match the home.
- Ms. Fliegel said she would approve this as submitted.

**ABR 2018-504: Michael and Meredith Weil, 2301 Chatfield Road,** request to alter first floor windows of kitchen.

- JP Compass' Kevin Cieszykowski, 7948 Mayfield Road, 44026, said the changes were part of a kitchen remodeling. Casement windows would be removed. Some windows will be replaced with simulated divided lite, double-hung windows and others will become windowless Azek panels.
- Ms. Fliegel said her recommendation was to approve the alterations as submitted.

**ABR 2018-505: Huntington National Bank and Safeguard Properties, 1095 Woodview Road,** requests to replace rear screened porch and second floor porch.

- DMS Construction Group's Christopher Kendricks, P.O. Box 40, 44087, said the proposal would rebuild the back porch with similar dimensions as the previous porch.
- Ms. Fliegel initially questioned the narrowness of the door, but found that the new porch was the same size as the previous one. The only change was the railing's shape. She said this project would receive her recommendation of approval as submitted, too.

**ABR 2018-506: Laker Holdings LLC, 1638 South Taylor Road,** requests to install vinyl siding not matching original siding's appearance.

- Inline Residential's John Daniels, 4136 East 139<sup>th</sup> Street, #2, 44105, said the materials had been dropped off and his workers mistakenly assumed they could begin installation. When he arrived at the site work he stopped them, but one side was finished. All surfaces are to be covered so that the home would be low-maintenance. The siding will be grey with white trim. All details will be preserved.
- Ms. Fliegel said she was fine with the proposed appearance.

**ABR 2018-507: Luigi and Julie Pecoraro, 2863 Scarborough Road,** request to install 24 solar panels on roof of home facing the street.

- Mr. Wong noted that two neighbors had provided emails voicing concerns which will be part of the ABR record.
- In response to Ms. Fliegel's comment about the historic character and property values, Mr. Pecoraro said the intention was to modernize the home, producing their own electricity. The panels would be on supports only a couple inches off the roof. The panels would be black, despite the renderings' blue color.
- Powerhome's Brent Lenkey, 919 North Main Street, 28115, said the panels would add value and retain value, being warranted for 30 years. In response to Ms. Fliegel's question, he said the rails would not be visible. He showed a cellphone picture of a ground mounted system that had similar support rails.
- Ms. Fliegel said that aesthetics are subjective. These panels composed a regular shape and the roof was a simple form. Not all front-facing proposals would be this visually harmonious.

- Mr. Lenkey said in response to Ms. Fliegel's question about conduit that it would be a ¾" metal conduit painted to match the home.
- Ms. Fliegel requested that the applicants bring photos of similar installations to the next regular meeting.

**Old Business**

No old business was raised.

**New Business**

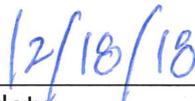
No new business was raised.

**Adjournment**

The meeting was adjourned at 8:31 PM.

Respectfully Submitted,

  
\_\_\_\_\_  
Melissa Fliegel, Chair

  
\_\_\_\_\_  
date

  
\_\_\_\_\_  
Richard Wong, Secretary

  
\_\_\_\_\_  
date

**CITY OF CLEVELAND HEIGHTS  
ARCHITECTURAL BOARD OF REVIEW  
MINUTES OF THE MEETING  
December 18, 2018**

MEMBERS PRESENT:

Melissa Fliegel, Chair  
Greg Goss

STAFF PRESENT:

Richard Wong, Planning Director

**CALL TO ORDER**

Mr. Wong called the meeting to order at 7:00 PM at which time two members were present.

**APPROVAL OF THE NOVEMBER 20, 2018 AND DECEMBER 4, 2018 MINUTES**

Members had no comments or questions so the minutes were approved as submitted and signed by Ms. Fliegel.

**PUBLIC HEARING  
December 18, 2018**

**ABR 2018-507: Luigi and Julie Pecoraro, 2863 Scarborough Road**, request to install 24 solar panels on roof of home facing the street.

- Luigi Pecoraro, 2863 Scarborough Road, presented additional photographs of projects similar to the proposed project at his residence.
- Ms. Fliegel asked if the labeling is required by the NEC or any other governing body to be red in color and if the number of labels need to be as excessive. Mr. Pecoraro did not know but said he would make the request to conform to Ms. Fliegel's comments.
- Ms. Fliegel asked for the conduit to be painted to match the siding of the home.
- Mr. Goss asked for the panels to be centered on the roof and moved away from the gutter.

***ACTION: Ms. Fliegel moved to approve the plans as shown on Power Home Solar, LLC's plans, received November 27, 2018, on the condition that the solar array's configuration is centered equally on all sides on the roof; the applicant determine if the NEC or other authorities required the conduit to have red labels spaced every 10 feet; and the conduit is painted to match the home's siding. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-499: Gregory Pratt, 2177 Stillman Road**, requests to add 10 x 10' sunroom to back of house.

- Joe Lull, of Joyce Factory Direct, 1125 Berea Industrial Parkway, presented an updated elevation to clearly depict the complete proposal.
- Mr. Goss asked about the type of material below the window.
- Mr. Lull stated that it would be vinyl.
- Ms. Fliegel asked what is being proposed for the skirting. Mr. Lull stated that it would be vertical 1" x 6" stained or painted wood.

***ACTION: Ms. Fliegel moved to approve the garage as shown on Joyce Factory Direct's plans, received December 7, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-489: Jeff King, 2260 Lee Road,** requests to install illuminated projecting sign for Kensington Pub.

- Jeff King of Kensington Pub, 2260 Lee Road and Bob Kunzen of Brilliant Electric Sign, 4811 Van Epps Road, presented their proposal for an illuminated projecting sign.

***ACTION: Ms. Fliegel moved to approve the sign as shown on Brilliant Electric Sign Co., Ltd.'s plans, received December 16, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-508: Joan Evans, 2237 Briarwood Road,** requests to replace glass block window using casement windows on driveway side, second floor.

- Joan Evans and Bob Evans of 2237 Briarwood Road, presented their proposal to replace a glass block window to match existing windows with transoms.

***ACTION: Mr. Goss moved to approve the proposed window replacement as shown on the application received December 3, 2018. Seconded by Ms. Fliegel, the motion was unanimously approved.***

**ABR 2018-514: Gordon and Tracy Oliver, 3853 Woodridge Road,** request to replace windows without matching old window's appearance.

- Chris Sawicki, of Joyce Factory Direct, 1125 Berea Industrial Parkway, presented his proposal for window replacement.

***ACTION: Ms. Fliegel moved to approve the proposed window replacement as shown on the application received December 3, 2018, Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-509: Rev. Rodney Thomas, 2463 North Taylor Road,** requests to install door from daycare use in Imani Temple Ministries building.

- Thomas Boyd, of Imani Temple Ministries, 2463 North Taylor Road, presented the Church's proposal to install an entry door where one does not currently exist.
- Ms. Fliegel asked about the finish of the door and Mr. Boyd responded that it hasn't been determined yet.

- Mr. Goss asked about the material that would be framing the door, but Mr. Boyd did not know the answer.
- Ms. Fliegel indicated approval of the concept; however, she asked that the applicant return to a future ABR meeting with revised plans that clearly indicate the true dimensions of the proposed door as well as the material that will be used for the door and the material that will be used around the door.

**ABR 2018-510: Menachem Meisels, 3590 Bendemeer Road,** requests to build a one-story addition to back of home.

- Eli Mahler, of Eli Mahler Associates, 3947 West Ash Lane, said that the finishes will match the existing home and that flat roof of the current addition will be extended.
- Mr. Wong indicated that the neighbor, Mr. Saginor, submitted a letter of support.
- Mr. Mahler noted that the revised plans indicate that the width of the addition will extend an additional 1 foot and 6 inches.
- Ms. Fliegel stated that since this project extends an existing addition, the white siding is acceptable. Had this been a completely new addition to the original home, she would have issue with the siding material and color.

***ACTION: Ms. Fliegel moved to approve the addition as shown on Eli Mahler Associates' plans, received December 18, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-511: Laura Gooch and David Kazdan, 2845 Scarborough Road,** request to alter 1-story rear addition.

- Adam Greene, of Karlovec & Company, 17619 Winslow Road, presented their proposal to convert a 3-season room to a fully conditioned room.
- Mr. Goss asked that the trim of the proposed project match the existing home on all sides.

***ACTION: Mr. Goss moved to approve the proposed renovations shown on the plans by Karlovec & Company, received December 4, 2018, with the conditions that the trim match the existing trim of the home on all sides. Seconded by Ms. Fliegel, the motion was unanimously approved.***

**ABR 2018-512: Raul Carrillo, 2781 Euclid Heights Boulevard,** requests to install Cilantro Taqueria sign.

- Anthony Michalko, of Bnext Awning & Graphic, Inc., 5109 Clark Avenue, presented their proposal to replace the current awning with a new awning with tenant signage.

***ACTION: Ms. Fliegel moved to approve the awning and signage as shown on the plans by Bnext Awning & Graphic, Inc., received December 4, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-513: Richard and Vicky Brodia, 3034 Edgehill Road,** request to install solarium on back of home.

- Mike Sandmann, of Great Day Improvements, 700 East Highland Road, presented the proposed addition of a solarium and roof extension to the back of the home.
- Ms. Fliegel asked that asphalt shingles be added to the extended roof over the rear entry door.

***ACTION: Ms. Fliegel moved to approve the addition as shown on Great Day Improvements, LLC's plans, received December 4, 2018, on the condition that shingles that match the existing roof be added to the roof extension. Seconded by Mr. Goss, the motion was unanimously approved.***

### **Old Business**

*For lack of a quorum, the following cases could not be acted upon at the December 4, 2018 meeting.*

**ABR 2018-498: Catherine and Brian Hunnicutt, 2520 Fairmount Boulevard,** request to replace basement windows without matching existing.

***ACTION: Ms. Fliegel moved to approve the window replacement as shown on the application prepared by Gunton Corp – Pella Window and Door Co., received November 9, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-491 (Continued from November 20): Patrick Hoffman, 2933 Edgehill Road,** requests to install a window on the rear wall for a second floor bathroom.

***ACTION: Ms. Fliegel moved to approve the window replacement as shown on the application prepared by Patrick Hoffman, received October 24, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-500: Ari Wolf and Basha Keselman, 3742 Shannon Road,** request to build detached, two-car garage.

***ACTION: Ms. Fliegel moved to approve the detached, two-car garage as shown on the New Creation Builders/Roofers' plans, received November 13, 2018, on the condition that the siding color match the existing home. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-501: Smartland RS18 LLC, 895 Caledonia Avenue,** requests to build detached, two-car garage.

***ACTION: Ms. Fliegel moved to approve the detached, two-car garage as shown on the New Creation Builders/Roofers' plans, received November 16, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-502: George Eckerd, 2704 Derbyshire Road,** requests to install two casement windows on second floor, back of house, without matching existing window type and height.

***ACTION: Ms. Fliegel moved to approve the window replacement as shown on the application prepared by Fraser Contracting Ins, received November 14, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-503: Natacha Hansbary, 1155 Sylvania Road,** requests to build detached, two-car garage.

***ACTION: Ms. Fliegel moved to approve the detached, two-car garage as shown on Platinum Construction's plans, received November 19, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-504: Michael and Meredith Weil, 2301 Chatfield Road,** request to alter first floor windows of kitchen.

***ACTION: Ms. Fliegel moved to approve the renovation as shown on the plans prepared by JP Compass, received November 16, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-505: Huntington National Bank and Safeguard Properties, 1095 Woodview Road,** requests to replace rear screened porch and second floor porch.

***ACTION: Ms. Fliegel moved to approve the detached, two-car garage as shown on the plans submitted by the DMS Construction Group, received November 20, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

**ABR 2018-506: Laker Holdings LLC, 1638 South Taylor Road,** requests to install vinyl siding not matching original siding's appearance.

***ACTION: Ms. Fliegel moved to approve the siding replacement as shown in the application submitted by Inline Residential, received November 20, 2018. Seconded by Mr. Goss, the motion was unanimously approved.***

*The following case is returning for administrative approval of a reduction in the front porch overhang that had been required by the ABR at a meeting 8-21-2018.*

**ABR 2018-418: Shari Nacson and Ben Nichols, 3347 Bradford Road,** request alterations including window replacements and entry roofs.

**ACTION: No formal action was necessary but the members concluded that the revision was fine.**

**New Business**

No new business was raised.

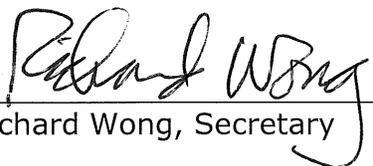
**Adjournment**

The meeting was adjourned at 8:23 PM.

Respectfully Submitted,

  
\_\_\_\_\_  
Melissa Fliegel, Chair

1/3/19  
date

  
\_\_\_\_\_  
Richard Wong, Secretary

1-3-2019  
date



The regularly scheduled meeting of the Board of Zoning Appeals of the City of Cleveland Heights, Ohio will be held on Wednesday, January 16, 2019 at 7:00 p.m. in Council Chambers, City Hall, 40 Severance Circle Drive.

ROLL CALL

PUBLIC HEARING – JANUARY 16, 2019:

CAL. NO. 3472 Daniel and Djilda Faintuch, 3666 Berkeley Rd., 'A' Single-Family District, requests a variance to Code Section 1121.08 to permit a new addition with a principal use side yard less than the 5' minimum required.

Moved to:  Grant  Deny  Continue  Withdraw

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Motion  Carried  Failed

CAL. NO. 3473 GMC Cleveland, LLC, 2930/3008 Monticello Blvd., 'C1' Office District requests a Use Variance to Sections 1131.01 and 1131.02 to permit construction of a new building for storage use (not permitted).

Moved to:  Grant  Deny  Continue  Withdraw

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Motion  Carried  Failed

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Proposed: 1/22/2019

ORDINANCE NO. (AS)

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 2019 Replacement Pages to the Codified Ordinances, are hereby approved and adopted:

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
20-2018	3-19-18	145.01, 553.02, 701.07, 761.07, 1501.15, 1780.08, 1785.03
82-2018	7-16-18	943.01 to 943.33, 943.99
110-2018	10-3-18	1361.18, 1369.17
111-2018	10-3-18	1341.27, 1351.33
118-2018	10-15-18	729.01 to 729.10; repeal 537.16
119-2018	10-15-18	303.99, 335.10, 351.03, 351.14
123-2018	11-19-18	137.11

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 2019 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

- 301.53 Waste Collection Vehicle. (Added)
- 303.06 Freeway Use Restricted. (Amended)
- 303.991 Committing an Offense While Distracted Penalty. (Added)
- 313.01 Obedience to Traffic Control Devices. (Amended)
- 313.09 Driver's Duties Upon Approaching Ambiguous Traffic Signal.  
(Amended)
- 331.01 Driving Upon Right Side of Roadway; Exceptions. (Amended)
- 331.02 Passing to Right When Proceeding in Opposite Directions. (Amended)
- 331.03 Overtaking, Passing to Left; Driver's Duties. (Amended)
- 331.04 Overtaking and Passing Upon Right. (Amended)
- 331.05 Overtaking, Passing to Left of Center. (Amended)
- 331.06 Additional Restrictions on Driving upon Left Side of Roadway.  
(Amended)
- 331.07 Hazardous or No Passing Zones. (Amended)
- 331.08 Driving in Marked Lanes or Continuous Lines of Traffic. (Amended)
- 331.09 Following Too Closely. (Amended)
- 331.10 Turning at Intersections. (Amended)
- 331.12 "U" Turns Restricted. (Amended)
- 331.13 Starting and Backing Vehicles. (Amended)
- 331.14 Signals Before Changing Course, Turning or Stopping. (Amended)
- 331.15 Hand and Arm Signals. (Amended)
- 331.16 Right of Way at Intersections. (Amended)
- 331.17 Right of Way When Turning Left. (Amended)
- 331.18 Operation of Vehicle at Yield Signs. (Amended)
- 331.19 Operation of Vehicle at Stop Signs. (Amended)
- 331.20 Emergency or Public Safety Vehicles at Stop Signals or Signs.  
(Amended)
- 331.22 Driving Onto Roadway From Place Other Than Roadway: Duty to Yield.  
(Amended)
- 331.23 Driving Onto Roadway From Place Other Than Roadway: Stopping at  
Sidewalk. (Amended)
- 331.24 Right of Way of Funeral Procession. (Amended)
- 331.26 Driving Upon Street Posted as Closed for Repair. (Amended)
- 331.27 Following and Parking Near Emergency or Safety Vehicles. (Amended)
- 331.28 Driving Over Fire Hose. (Amended)
- 331.29 Driving Through Safety Zone. (Amended)
- 331.30 One-Way Streets and Rotary Traffic Islands. (Amended)
- 331.31 Driving Upon Divided Roadways. (Amended)
- 331.33 Obstructing Intersection, Crosswalk or Grade Crossing. (Amended)
- 331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
- 333.03 Maximum Speed Limits. (Amended)
- 333.031 Approaching a Public Safety Vehicle. (Amended)
- 333.04 Stopping Vehicle. (Amended)
- 333.05 Speed Limitations Over Bridges. (Amended)

Traffic Code (Cont.)

337.16	Number of Lights. (Amended)
371.01	Right of Way in Crosswalk. (Amended)
371.02	Right of Way of Blind Person. (Amended)
371.07	Right of Way on Sidewalk. (Amended)
373.03	Attaching Bicycle or Sled to Vehicle. (Amended)
373.04	Riding Bicycles and Motorcycles Abreast. (Amended)
373.07	Riding Bicycle on Right Side. (Amended)

General Offenses Code

513.01	Drug Abuse Control Definitions. (Amended)
513.05	Permitting Drug Abuse. (Amended)
545.10	Misuse of Credit Cards. (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 2019 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.

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

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CAROL ANN ROE, Mayor  
President of the Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:

## EXHIBIT A

301.53 Waste Collection Vehicle. (Adds definition of waste collection vehicle.)

303.06 Freeway Use Restricted. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

303.991 Committing an Offense While Distracted Penalty. (Adds new section providing for an enhanced penalty for committing offenses while distracted.)

313.01 Obedience to Traffic Control Devices. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

313.09 Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.01 Driving Upon Right Side of Roadway; Exceptions. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.02 Passing to Right When Proceeding in Opposite Directions. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.03 Overtaking, Passing to Left; Driver's Duties. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.04 Overtaking and Passing Upon Right. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.05 Overtaking, Passing to Left of Center. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.06 Additional Restrictions on Driving upon Left Side of Roadway. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.07 Hazardous or No Passing Zones. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

## Traffic Code (Cont.)

331.08 Driving in Marked Lanes or Continuous Lines of Traffic. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.09 Following Too Closely. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.10 Turning at Intersections. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.12 “U” Turns Restricted. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.13 Starting and Backing Vehicles. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.14 Signals Before Changing Course, Turning or Stopping. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.15 Hand and Arm Signals. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.16 Right of Way At Intersections. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.17 Right of Way When Turning Left. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.18 Operation of Vehicle at Yield Signs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.19 Operation of Vehicle at Stop Signs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.20 Emergency or Public Safety Vehicles at Stop Signals or Signs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

### Traffic Code (Cont.)

331.22 Driving Onto Roadway From Place Other Than Roadway: Duty to Yield. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.23 Driving Onto Roadway From Place Other Than Roadway: Stopping at Sidewalk. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.24 Right of Way of Funeral Procession. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.26 Driving Upon Street Posted as Closed for Repair. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.27 Following and Parking Near Emergency or Safety Vehicles. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.28 Driving Over Fire Hose. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.29 Driving Through Safety Zone. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.30 One-Way Streets and Rotary Traffic Islands. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.31 Driving Upon Divided Roadways. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.33 Obstructing Intersection, Crosswalk or Grade Crossing. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

333.03 Maximum Speed Limits. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

### Traffic Code (Cont.)

333.031 Approaching a Public Safety Vehicle. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

333.04 Stopping Vehicle. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

333.05 Speed Limitations Over Bridges. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

337.16 Number of Lights. (Adds “stationary waste collection vehicles” to subsection (c)(1).)

371.01 Right of Way in Crosswalk. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

371.02 Right of Way of Blind Person. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

371.07 Right of Way on Sidewalk. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

373.03 Attaching Bicycle or Sled to Vehicle. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

373.04 Riding Bicycles and Motorcycles Abreast. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

373.07 Riding Bicycle on Right Side. (Increases the penalty if offender commits the offense while distracted and the distracted activity is a contributing factor to the commission of the offense.)

## General Offenses Code

513.01 Drug Abuse Control Definitions. (Adds references to fentanyl-related compounds to subsection (b)(1) and (6) and (n)(1).)

513.05 Permitting Drug Abuse. (Adds Ohio Revised Code references in subsection (c).)

545.10 Misuse of Credit Cards. (Adds subsection (a)(3).)

549.04 Improperly Handling Firearms in a Motor Vehicle. (Amends subsection (c)(3) to delete “electric-powered” and adds “on private or publicly owned lands” to subsection (c)(3)B.).

Proposed: 1/22/2019

ORDINANCE NO. (AS)

By Council Member

An Ordinance amending Section 1341.15, “Family,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights; and declaring an emergency.

WHEREAS, the definition of “family” in Section 1103.03 (40) of the *Zoning Code*, of the Codified Ordinances of Cleveland Heights was updated in January 2018 to comply with Fair Housing laws; and

WHEREAS, the definition of “family” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights needs to be similarly updated.

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

SECTION 1. Section 1341.15, “Family,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights shall be and hereby is amended to read as follows:

“Family” means a group of individuals who function as a single, cohesive household. The procedure to determine whether a group of individuals constitutes a family shall follow Section 1103.04 of the *Zoning Code*.

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 assure the *Housing Code* does not violate federal or state law. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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CAROL ANN ROE, Mayor  
President of the Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:

Proposed: 1/22/2019

RESOLUTION NO. (F)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Parent Café Program; providing compensation therefor; and declaring an emergency.

WHEREAS, Family Connections of Northeast Ohio is a non-profit corporation with the mission to strengthen families and promote the healthy development of children by providing parent education, parent support and activities for families with children from birth to age ten; and

WHEREAS, Family Connections of Northeast Ohio has established a Family School Connections Program to provide support to parents and youth; and

WHEREAS, it would be in the best interest of the City and its residents to provide partial funding to assist such programming; and

WHEREAS, there are monies available for such purpose from Year 44 Community Development Block Grant Funds.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with Family Connections of Northeast Ohio, a non-profit corporation, for assistance with its Parent Café Program. The agreement shall provide for funding in the amount of up to Five Thousand Dollars (\$5,000) from Year 44 Community Development Block Grant funds. The services to be performed by Family Connections of Northeast Ohio are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a twelve month period commencing January 1, 2019, and terminating December 31, 2019, and shall be reviewed as to form by the Director of Law.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to allow the services of the Family Connections of Northeast Ohio to continue without interruption.

RESOLUTION NO. (F)

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

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CAROL ANN ROE, Mayor  
President of the Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:

RESOLUTION NO. (F)

**EXHIBIT A**  
**STATEMENT OF WORK**

**FAMILY CONNECTIONS**

Family Connections has established the Parent Café Program to assist parents, their preschool and elementary students. A Parent Cafe is a parent education experience designed to create opportunities for parents to connect, share and learn from each other in a space that appreciates that all parents have something to offer and have all that they need. Parent Cafes are driven by the knowledge that parents can, must and do tap into their wisdom and resources in order to strengthen their own families. It is guided by trained Parent Hosts. Parents gather in small groups and explore questions that really matter to them. Through these meaningful conversations, parents are working to build five Protective Factors that will benefit their family. These Protective Factors have been shown through research to prevent child abuse and neglect in families. These Protective Factors are: Parental Resilience; Social Connections; Concrete Support in Times of Need; Knowledge of Parenting and Child Development and Social and Emotional Competence of Children.

The program will serve 30 families. CDBG funds will contribute towards personnel and supply expenses.

Proposed: 1/22/2019

RESOLUTION NO. (F)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization's Pathways to Independence Program at Cleveland Heights High School; providing compensation therefor; and declaring an emergency.

WHEREAS, the Open Doors Academy is a non-profit corporation with the mission to protect, inspire, nurture and challenge adolescents to reach their full potential; and

WHEREAS, it would be in the best interest of the City and its residents to provide partial funding for the agency's programming; and

WHEREAS, there are monies available for such purpose from Year 44 Community Development Block Grant Funds.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with the Open Doors Academy, a non-profit corporation, to provide for funding in the amount of up to Ten Thousand Dollars (\$10,000) from Year 44 Community Development Block Grant funds. The services to be performed by the Open Doors Academy are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a twelve month period commencing January 1, 2019, and terminating December 31, 2019, and shall be reviewed as to form by the Director of Law.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to allow the necessary services of the Open Doors Academy to continue uninterrupted. 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. (F)

---

CAROL ANN ROE, Mayor  
President of the Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:

RESOLUTION NO. (F)

**EXHIBIT A**  
**STATEMENT OF WORK**

**OPEN DOORS ACADEMY**

Open Doors Academy exists to protect, inspire, nurture, and challenge adolescents to reach their full potential through the provision of meaningful out-of-school enrichment programming in safe and structured environment.

Open Doors Academy will serve 32 youths in their enrichment programming, with a minimum of 51% being from low-and moderate-income households. Programming will be offered at Cleveland Heights High School. Community Development Block Grant funds will assist with personnel costs.

Proposed: 1/22/2019

ORDINANCE NO. (AS)

By Council Member

An Ordinance amending Chapter 749, “Fair Practices,” of the Codified Ordinances of Cleveland Heights to add “age” as a protected class within the City; and declaring an emergency.

WHEREAS, in December 2013, this Council expanded the role and jurisdiction of the Fair Housing Board to investigate complaints concerning discrimination of certain protected classes occurring in places of public accommodation, in addition to in a housing context, and renamed the Fair Housing Board, “the Fair Practices Board;” and

WHEREAS, in November 2014, this Council further expanded the Fair Practices Board’s jurisdiction to additionally hear discrimination complaints in an employment and education context; and

WHEREAS, age may be a factor considered in a housing context and thus was not originally included as a protected class under the jurisdiction of the Fair Housing Board; and

WHEREAS, age should have been added as protected class when the Board expanded its powers beyond the housing context but was accidentally not included; and

WHEREAS, the Council seeks to remedy this oversight to include age as a protected class within the City of Cleveland Heights.

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

SECTION 1. Section 749.01, “Designation of Policy,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended to read as follows:

**749.01 DESIGNATION OF POLICY.**

It is hereby designated to be the continuing policy of the City of Cleveland Heights to do all things necessary and proper to secure for all citizens their right to equal Housing opportunities, equal employment opportunities, equal access to educational opportunities, and equal access to public accommodations regardless of their age, race, color, religion, sex, familial status, national origin, disability, sexual orientation, or gender identity or expression.

SECTION 2. Section 749.03, “Definitions,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended to enact a subsection to read as follows:

(aa) “Age” means 40 years of age and older, as recognized by the Age Discrimination in Employment Act of 1967.

SECTION 3. Subsection (n) of Section 749.03, “Definitions,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended to read as follows:

(n) The terms "Discriminate," "Discriminating," or "Discrimination," mean any act, policy, or practice that, regardless of intent, has or had the effect of subjecting any individual to different treatment as a result of that individual's Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression, except as otherwise set forth in this Chapter, and except that Age may be the basis of different treatment concerning Housing Practices (see Section 749.07) and/or Education Practices (see Section 749.14).

SECTION 4. Subsection (j) of Section 749.07, “Unlawful Discriminatory Housing Practices,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended enacted to read as follows:

(j) It shall not be an Unlawful Discriminatory Housing Practice to subject an individual to different treatment as a result of that individual’s Age.

SECTION 5. Section 749.12, “Unlawful Discriminatory Employment Practices,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended to read as follows:

**749.12 UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICES.**

It shall be an Unlawful Discriminatory Employment Practice and a violation of this Chapter for any Employers, Employees, employment agencies, or other Persons subject to this Chapter to do any of the following:

- (a) Discriminate against any individual with regard to hire, discipline, discharge, tenure, upgrading, terms or conditions of employment;
- (b) To establish, announce, or follow a policy of denying or limiting the employment or employment opportunities of any individual or group of individuals because of Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression;
- (c) Publish or cause to be published any notice or advertisement relating to employment or employment opportunities which contains any specification or limitation as to Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression;
- (d) Require of any applicant as a condition of employment or employment opportunities any information concerning the applicant's Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression; or
- (e) Aid, abet, encourage or incite the commission of any Unlawful Discriminatory Employment Practice prohibited by this Chapter.

ORDINANCE NO. (AS)

SECTION 6. Subsection (c) of Section 749.13, “Unlawful Discriminatory Education Practices,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended enacted to read as follows:

(c) It shall not be an Unlawful Discriminatory Education Practice to subject an individual to different treatment as a result of that individual’s Age.

SECTION 7. Section 749.15, “Unlawful Discriminatory Public Accommodation,” of Chapter 749, *Fair Practices*, of the Cleveland Heights Codified Ordinances shall be, and is hereby, amended to read as follows:

**749.15 UNLAWFUL DISCRIMINATORY PUBLIC ACCOMMODATION PRACTICES.**

It shall be an Unlawful Discriminatory Public Accommodation Practice and a violation of this Chapter:

(a) For any proprietor or his or her Employee, keeper, or manager of a Place of Public Accommodation to deny any individual except for reason applicable alike to all individuals regardless of Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression the full enjoyment of the accommodations, advantages, facilities, or privileges thereof.

(b) For any proprietor or his or her Employee, keeper, or manager of a Place of Public Accommodation to publish, circulate, issue, display, post or mail, either directly or indirectly, any printed or written communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any individual on account of Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, or Gender Identity or Expression or that such an individual is unwelcome, objectionable, or not acceptable, desired or solicited.

(c) For any Person, whether or not included in subsections (a) and (b) hereof, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an Unlawful Discriminatory Public Accommodation Practice under this Section.

SECTION 8. All remaining portions Chapter 749 shall remain as currently enacted.

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.

ORDINANCE NO. (AS)

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 implement said changes to the Fair Practices Board as soon as possible so that all residents of the City of Cleveland Heights have a venue to bring discrimination claims, regardless of age. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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CAROL ANN ROE, Mayor  
President of the Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:

Proposed: 1/22/2019

RESOLUTION NO. (SMS)

By Council Member

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

WHEREAS, Council has identified the need to create a special Refuse and Recycling Task Force to offer advice and recommendations to City Council concerning the City's refuse and recycling practices.

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

SECTION 1. There is hereby established the "Refuse and Recycling Task Force" ("Task Force"). Said Task Force shall be composed of a total of thirteen (13) members. Ten (10) of the thirteen (13) members ("Resident Members") shall be residents of the City and shall serve without compensation. The ten (10) Resident Members shall be appointed by the Mayor after an application and review process and after consultation with the members of City Council, with the intention that each of the current six (6) members of City Council shall advance the name of one (1) Resident Member and that four (4) additional Resident Members shall be proposed by City Council as a matter of consensus. The remaining three (3) members of the Task Force shall be designees of the City Manager ("City Manager Designees"), provided that the City Manager Designees shall not participate in any vote or decision-making. The members of the Task Force shall select a chair. In the event of the resignation or excessive absence of a Resident Member, the Mayor retains the authority and discretion to replace or not to replace the Resident Member. Meetings of the Task Force shall be open to the public.

SECTION 2. The purpose of the Task Force is to evaluate the City's trash and recycling programs so as to consider and recommend improvements and cost-effective measures. The Task Force shall adjourn and complete its work no later than six months after the first meeting of the Task Force, unless the term is extended by City Council.

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

RESOLUTION NO. (SMS)

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

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CAROL ANN ROE, Mayor  
President of the Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:

Proposed: 1/22/2019

ORDINANCE NO. (SMS), *First Reading*

By Council Member

An Ordinance repealing Part Seventeen, *Health Code*, of the Codified Ordinances of Cleveland Heights and renumbering Section 1715.10 to Section 737.06, Chapter 1753 to Chapter 763, Chapter 1779 to Chapter 555; amending Subsection 1553.01(a)(3); and declaring an emergency.

WHEREAS, pursuant to Ohio Revised Code Section 3709.08, after dissolving the City's Health Department, this Council has authorized the retention of the Cuyahoga County Board of Health for city health services; and

WHEREAS, retention of Part Seventeen, *Health Code*, of the Codified Ordinances of Cleveland Heights after the dissolution of the City's Health Department has created confusion concerning the County's jurisdiction over health services; and

WHEREAS, such confusion would be remedied by: (1) repealing sections of the Health Code which are under the County' jurisdiction, (2) repealing sections of the Health Code which are regulated and/or enforced by the State, (3) repealing sections of the Health Code which are antiquated or duplicative of existing city Code sections, and (4) renumbering sections of the Health Code which remain relevant to place them in appropriate sections of the Codified Ordinances as set forth herein.

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

SECTION 1. Title One, "Administrative Provisions," of Part Seventeen, *Health Code*, of the Cleveland Heights Codified Ordinances (hereafter, "*Health Code*") shall be, and is hereby repealed in its entirety.

SECTION 2. Title Three, "Food Business Places and Sales," of the *Health Code* shall be, and is hereby, repealed in its entirety except that Section 1715.10, "Street and Sidewalk Business Stands," shall be renumbered 737.06, and incorporated into Chapter 737, *Peddlers and Solicitors*, of Part Seven, "Business Regulation Code" of the Codified Ordinances of Cleveland Heights.

SECTION 3. Chapter 1741, *Shops*, of Title Five, "Occupations," of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 4. Chapter 1743, *Public Laundries*, of Title Five, "Occupations," of the *Health Code* shall be, and is hereby, repealed in its entirety.

ORDINANCE NO. (SMS)

SECTION 5. Chapter 1745, *Barber Shops*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 6. Chapter 1747, *Beauty Parlors*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 7. Chapter 1749, *Pest Control Operators*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 8. Chapter 1751, *Animal Hospitals, Kennels, and Pet Shops*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 9. Chapter 1753, “Solid Waste Collectors,” of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, renumbered Chapter 763. All references to “the Director of Health” shall be replaced with “the City Manager.”

SECTION 10. Chapter 1755, *Nursing and Rest Homes*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 11. Chapter 1757, *Day-Care Centers*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 12. Chapter 1771, *Abatement of Nuisances*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 13. Chapter 1773, *Rodent Harborage*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 14. Subsection 1553.01(a)(3), *Definitions*, of Chapter 553, “Abatement of Nuisances,” of Part Five, *General Offenses Code*, of the Cleveland Heights Codified Ordinances shall be, and is hereby amended to read as follows:

(3) Any deterioration of structural materials or lack of repair or maintenance of a building, structure or real estate that is a hazard to the health, safety or welfare of its occupants or the public or that, if not abated, will become a blighting or deteriorating factor in the neighborhood that impairs or adversely affects the value of neighboring property. Such deterioration shall include, but not be limited to, deterioration of sidewalks or vegetation; an unsecured vacant structure; abandoned, unusable personal property or other debris; and conditions found and declared to be conducive to harboring mice and rats. Conditions conducive to harboring mice and rats shall include, but not be limited to, broken, cracked or defective ceilings, walls, floors or foundations in which are holes or cracks of a size sufficient to permit a rat or mouse to pass through; materials, including rubbish, piled, stored or kept on the premises, into, among or under

ORDINANCE NO. (SMS)

which rats or mice have burrowed or may burrow; buildings, foundations of buildings, appurtenances to buildings, floor, walks or driveways under which mice or rats have burrowed; portable buildings, boxes, crates and materials, including rubbish, piled, stored or kept so that they rest directly on the ground surface or less than eighteen (18) inches above such surface; garbage containers without watertight tops, sides and bottoms or without tight-fitting tops or around or under which mice or rats have burrowed or may burrow; and feeding of wild animals, birds or other wild life, other than in suitable containers for food, elevated at least thirty-six (36) inches above the ground level, or in any other manner which attracts or may attract rodents.

SECTION 15. Chapter 1775, *Miscellaneous General Provisions*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 15. Chapter 1777, *Disposition of the Dead*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 16. Chapter 1779, *Air Pollution*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, renumbered Chapter 555 of Part Five, *General Offenses*, of the Codified Ordinances of the Cleveland Heights.

SECTION 17. Chapter 1780, *Clean Indoor Air*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 18. Chapter 1781, *Abortion Service Facilities*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 19. Chapter 1783, *Swimming Pools*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 20. Chapter 1785, *Application of Pesticides*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 21. 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 22. 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 effectively eliminate confusion concerning the *Health Code*. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

ORDINANCE NO. (SMS)

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CAROL ANN ROE, Mayor  
President of Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED: