



## COUNCIL UPDATE

FEBRUARY 22, 2019

### MEETINGS & REMINDERS

Monday, February 25	-	6:15 p.m.	-	Committee of the Whole
Tuesday, February 26	-	9:00 a.m.	-	State of the Schools Address at the Community Center (Refreshments at 8:30 a.m.)
Wednesday, February 27	-	7:00 p.m.	-	Transportation Advisory Committee
Thursday, February 28	-	6:00 p.m.	-	Meet Your Police

### LEGISLATION

- Landmark Commission, Second Reading. This legislation enacts and adopts a revised Chapter 143, "Landmark Commission," of the Codified Ordinances of Cleveland Heights.
- CIC, Second Reading. This legislation creates the City Community Improvement Corporation and authorizes the City Manager to file appropriate Articles of Incorporation.
- Wage and Salary Ordinance, First Reading. This legislation establishes salary schedules, position classifications and other compensation, and benefits for officers and employees of the City.
- Red Cross Month. This legislation recognizes March 2019 as Red Cross Month in the City of Cleveland Heights.
- Solid Waste Management Plan. This legislation adopts an Update of the Solid Waste Management Plan for the Cuyahoga County Solid Waste District.



# CLEVELAND HEIGHTS

## Committee of the Whole

**February 25, 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 Department Activities 6:35 p.m. – 6:40 p.m.  
*Goal: Council members will ask staff questions about their activities*
4. Council Guidelines 6:40 p.m. – 7:40 p.m.  
*Goal: Council will discuss the draft operating guidelines*
5. Executive Session: 7:40 p.m. – 8:15 p.m.  
*1) To discuss, with an attorney for the public body, claims or disputes involving the public body that are the subject of pending court action; 2) To consider the investigation of complaints against a public employee*

**CALENDAR NO. 3474**

Yuta and Karen Hsu, 2940 Berkshire Rd., 'A' Single-Family district, request a variance to Code Section 1121.08(a)(2) to permit a new addition with a principal use front yard less than the 56.8' minimum required.

**Action: Granted 4-0 with the following conditions:**

1. *The variance granted is to allow the front yard setback to be 51.5 feet as shown on the site plan dated November 27, 2018;*
2. *Approval of the Architectural Board of Review;*
3. *Receipt of a Building Permit;*
4. *Complete construction within 18 months of the effective date of this variance; and*
5. *A requirement to return to the Board of Zoning Appeals for another variance should the property owner consider modifications that would increase the addition's height or length.*

**CALENDAR NO. 3475**

Autumn Oliver and Kimonius Henderson, and Rob Woodbridge, 1774 Lee Rd., 'MF2' Multiple-Family district requests a use variance to Sections 1123.01, 1123.02 & 1123.03 to permit a retail bakery in an existing structure where such use is not permitted

**Action: Granted 4-0 with the following conditions:**

1. *This use variance is conditional on the use of the current building which the exterior cannot be substantially altered or the building demolished;*
2. *The showroom/retail sales area accessible by the general public shall be a maximum of 550 square feet.*
3. *Approval of the Architectural Board of Review;*
4. *Receipt of a Building Permit; and*
5. *Complete construction within 18 months of the effective date of this variance.*

## MEMORANDUM

To: Tanisha R. Briley, City Manager  
From: Kara Hamley O'Donnell, City Planner II  
Date: February 22, 2019  
Re: Landmark Ordinance amendments

As way of background, I'd like to summarize the Landmark Commission's purposes and responsibilities. The Landmark Commission, established in 1973, has had a purpose to designate Landmarks "in order to preserve, protect and perpetuate places, buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value." The reasons, described in Section 143.02, include safeguarding our City's heritage, stabilizing and improving property values, enhancing the community's aesthetics, fostering civic pride, and preserving these structures for the education and general welfare of our citizenry.

The Commission has designated 53 Landmarks and educates the public through free biannual lectures/tours about history and preservation and writes articles for *Focus on the Heights* and *Heights Observer*. The Commission accepts and processes nominations for City Landmarks and conducts reviews of exterior changes to those properties. The Commission meets bi-monthly with additional special meetings as required to expedite review. In 2018, the Commission held six regular meetings and four special meetings to expedite planned changes to Landmarks, often meeting in conjunction with the ABR. Last year they reviewed and approved changes to 11 Landmarks, designated the 1924 City Hall entrance as a Landmark, and sponsored seven lectures and three tours. In my more than 20 years staffing the Landmark Commission, no exterior change has ever been denied—the Commission regularly works with applicants to improve their projects so they may obtain approval.

Councilman Stein's comments from the February 19 Council meeting are addressed below:

1) Landmark Commission pay. The current ordinance states, "No compensation shall be paid to any member of the Landmark Commission..." The Planning Commission is paid \$90 per month when they attend a meeting, and ABR and BZA are paid \$90/meeting. The proposed change simply affords Council the ability to compensate as it does for the expertise and time individuals generously give to the other three bodies. Landmark Commission pay is not a requirement to become a Certified Local Government (CLG)

2) 143.08(b) Owner consent to designation. The Commission believes its purpose to designate important buildings and sites needs the option of designating over owner consent in those rare cases where a one-of-a-kind property is threatened with destruction. The Ohio Historic Preservation Office (OHPO) states that every effort should be made to designate important properties and further noted that, if owner consent is required, there may be issues when a designated Landmark changes hands and a new owner does not consent. While not required to become a CLG, OHPO staff recommends the option of designation without owner consent to preserve important properties.

3) 143.10 Demolition delay. To become a CLG, the City must have mandatory review of proposed alterations, demolition and new construction to designated Landmarks and properties in historic districts. After reviewing any change (including demolition), the

Landmark Commission may approve, modify or deny the proposal. Demolition delay is in lieu of denial of demolition altogether. The purpose of the delay is to provide a period during which alternatives to demolition might be pursued. These alternatives may include considering selling the property to preservation-minded buyers, engaging with developers/investors, working with City Planning & Economic Development staff, or exploring options with local CDCs and non-profits, such as Cleveland Restoration Society and FutureHeights. Once the delay period has expired, the applicant is free to demolish the structure. The applicant may reapply anytime to demolish the structure during the imposed delay period if they have new information to provide or if they have looked into alternatives and are ready to present their findings.

Twelve months is a typical demolition delay period, though Shaker Heights does not allow for such delay and Lakewood allows the period to be determined case-by-case, which could result in a time period of more or less than 12 months. Permitting demolition delay is not required to become a CLG, though we thought giving this option was fairer to the owner than denial of demolition. OHPO agrees that a 12 month delay is ideal, though six months could be considered; less than that does not allow sufficient time to explore options. Some communities require a six-month delay and the Landmark Commission may renew for another six months or terminate the delay if finding that further time will not reasonably result in a sale or avoid demolition.

In addition, this week, we added Section 143.05, Certificate of Economic Hardship, which entitles applicants who are denied a Certificate of Appropriateness (COA) the opportunity to share reasons why the denial of the COA imposes an economic hardship and, if proven, they may proceed with the change.

Proposed: 2/19/2019

ORDINANCE NO. 11-2019 (PD), *Second Reading*

By Council Member Ungar

An Ordinance enacting and adopting a revised Chapter 143, "Landmark Commission," of the Codified Ordinances of Cleveland Heights, and declaring an emergency.

WHEREAS, the City has conducted a comprehensive review and revision of Chapter 143 and is enacting amendments to Chapter 143 to protect and enhance the historic and aesthetic qualities of the City for the enjoyment of the City's residents and visitors alike; and

WHEREAS, the amendments to Chapter 143 further historic preservation goals by enabling the Landmark Commission to: safeguard locally designated properties, protect properties as they go through the Landmark designation process, designate local historic districts where more than 50% of property owners consent, and protect designated properties from inappropriate alterations or demolition; and

WHEREAS, the 2017 Cleveland Heights Master Plan includes a goal to promote the preservation of historic homes and buildings through the establishment of procedures for reviewing alteration and demolition of Landmarks and properties in local Historic Districts; and

WHEREAS, the amended Landmark Ordinance meets the Ohio Historic Preservation Office's standards to become a Certified Local Government, an action promoted in the 2017 Cleveland Heights Master Plan; and

WHEREAS, Certified Local Government status is a federal-state-local partnership that permits qualified local communities to conduct a wide range of historic preservation activities in close cooperation with the State Historic Preservation Office; and

WHEREAS, Certified Local Government status entitles the City to apply for grants to conduct surveys, nominate properties to the National Register of Historic Places, further community historic preservation education, and to acquire and redevelop designated historic properties.

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

SECTION 1. The revised Chapter 143, "Landmark Commission," shall be, and is hereby enacted and adopted in its entirety as set forth in Exhibit A attached hereto and incorporated herein of the Codified Ordinances of the City of Cleveland Heights, a copy of which is on file with the Clerk of Council, subject to approval of the Director of Law.

SECTION 2. The existing Chapter 143 of the Codified Ordinances of the City of Cleveland Heights, be and is hereby repealed in its entirety.

ORDINANCE NO. 11-2019 (PD), *Second Reading*

SECTION 3. The Mayor is hereby authorized to submit to the State of Ohio a Request for Certification as a Certified Local Government. The Mayor is further authorized, along with the City Manager, to execute any additional documents, subject to approval of the Director of Law, including but not limited to a final agreement, as required by the State of Ohio to achieve Certification as a Certified Local Government.

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 adopt the new Chapter immediately so that it may be incorporated into the Codified Ordinances of the City of Cleveland Heights. 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:

ORDINANCE NO. (PD)

EXHIBIT A; ORD. NO. \_\_\_\_ -2019  
EFFECTIVE \_\_\_\_\_, 2019  
DRAFT 2-14-2019

CHAPTER 143  
Landmark Commission

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**143.01 ESTABLISHMENT; COMPOSITION, TERM AND VACANCY**

The Cleveland Heights Landmark Commission is hereby established and shall consist of seven (7) members appointed by Council for staggered terms of three (3) years each, with each member serving until the appointment of a successor. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment. All vacancies shall be filled within sixty (60) days. An extension of this time limit may be granted by City Council. In case of temporary absence or disability of any member, a member may be appointed and confirmed in the manner provided above to serve during such temporary absence or disability. Such temporary member shall possess all of the qualifications of a regular member, shall have the same powers and perform the same duties, and shall abide by all of the rules of a regular member. The City Manager and the Director of Planning shall serve as ex-officio non-voting members of the Commission.

**143.02 PURPOSES.**

The purpose of the Landmark Commission is to designate Landmarks and Historic Districts in the City of Cleveland Heights pursuant to the procedures hereinafter described, in order to preserve, protect and perpetuate places, buildings, districts, structures, works of art and other objects having a special historical, community or aesthetic interest or value, all for the reasons described in the remainder of this section.

- (a) To safeguard the heritage of the City of Cleveland Heights, by preserving sites and structures which reflect elements of the City's cultural, social, economic, political or architectural history;
- (b) To stabilize and improve property values;
- (c) To protect and enhance the City of Cleveland Heights' attractiveness to residents, tourists and visitors, and serve as a support and stimulus to businesses;
- (d) To enhance the visual and aesthetic character, diversity and interest of the City of Cleveland Heights;
- (e) To foster civic pride in the beauty and notable accomplishments of the past;
- (f) To promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City of Cleveland Heights;
- (g) To safeguard the architectural integrity of the City's designated Landmarks and Historic Districts;
- (h) To seek alternatives to demolition or incompatible alterations to designated Landmarks and properties within designated historic districts before such acts are performed; and
- (i) To encourage development of vacant properties located in designated Historic Districts in accordance with neighborhood character.

**143.021 DEFINITIONS**

For the purposes of this ordinance, the following words shall have the following meanings:

Alter or Alteration: Any material change to the appearance of an historic building, signage, structure or property, or structure or property within a Historic District,

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whether or not such change requires a building permit. Changes to the interior of a structure or to the landscaping are considered alterations only to the extent the features proposed to be changed were relevant to the initial Landmark or Historic District designation of the property.

Building: Any structure having a roof supported by or suspended from columns or walls and which is completely enclosed to serve as a shelter or enclosure for persons, animals, chattel or property of any kind. The term "building" shall be construed as if followed by the words "or any part thereof."

Building Change: Any alteration, demolition, removal or construction to a Landmark building or structure, or a building or structure within an Historic District. Building change shall also include change to site conditions and accessory buildings if those features were included in the initial Landmark or Historic District designation.

Commission: The Cleveland Heights Landmark Commission.

Certificate of Appropriateness: A certificate issued by the Landmark Commission indicating that a proposed building change, alteration, or demolition of a Landmark building or structure within a Landmarked site or Historic District is in accordance with provisions of this ordinance.

Construction: The erection of any on-site improvements to any parcel of ground located within an Historic District or on a Landmark site, whether the site is presently improved, unimproved, or hereafter becomes unimproved by demolition.

Demolition: The complete or substantial removal or destruction of any structure.

Exterior architectural feature: The architectural style, design, general arrangement and components of all of the outer surfaces of a structure including, but not limited to, the kind and texture of the building material and the type and style of all windows, doors, lights, signs, and other fixtures.

Historic District or district: Any area within a boundary which has been designated as a Historic District and subject to the jurisdiction of the Landmark Commission. A Historic District shall consist of contiguous properties within a determined boundary, which may be of a regular or irregular shape.

Historic significance: The attributes of a district, site, building or structure that possess integrity of location, design, setting, materials, workmanship, feeling and association, and that:

- (a) Are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) Are associated with the lives of persons significant in our past; or
- (c) Embody the distinctive characteristics of a type, period, or method of construction, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) Have yielded, or may be likely to yield, information important in prehistory or history.

Historic site or site: Any place, area, structure, work of art, or object which has special character or special historic, archaeological, or architectural value as part of

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development, heritage, or cultural characteristics of the City, County, State or Country, and which has been designated as such pursuant to the provisions of this title.

Historic structure: Any structure that has historic significance and that has been designated as a Landmark pursuant to the provisions of this ordinance.

Landscaping: Includes only mature landscaping, such as historic trees, excluding the planting or arrangement of flowers and plants incidental to the enhancement of a property or district. Landscaping may be a part of the Landmark designation if such landscaping is important in the history of the site, or was designed by a well-known landscape architect.

Landmark: Any property which has special character, historical, aesthetic or architectural value as part of the heritage, development or cultural characteristics of the City, County, State or Country and which has been designated as a Landmark pursuant to the provisions of this ordinance. Such designation shall include historic outbuildings and structures on such site unless noted otherwise.

Maintenance and/or repairs: Work done on a building or structure to prevent it from deterioration or to replace any part thereof in order to correct any deterioration, decay of, or damage to a building on any part thereof to restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.

Property: Any plot of land, place, building, structure, work of art, fixture or similar object.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or is attached to something having a fixed location on the ground, and including, but not limited to signs, fences, backstops for sports fields or courts, pergolas, decks, pools, patios, paved areas, sidewalks and gazebos.

### 143.03 QUALIFICATIONS OF MEMBERS

Each member of the Landmark Commission shall have been a resident of this City for not less than five (5) years prior to the member's appointment to the Commission. Council may waive the residence requirement provided herein. Members of the Landmark Commission shall be persons who have demonstrated special interest, experience, or knowledge in one of the following areas: architecture, history, historic preservation, law, realty, archeology, art history, planning, or related disciplines. At least two (2) members of the Commission shall be professionals in a preservation-related field to the extent such professionals are available and willing to serve. Qualifications of the members shall be kept on file and available for public inspection.

### 143.04 COMPENSATION OF MEMBERS

The Chairperson and other members of the Landmark Commission each may receive such compensation as Council may provide by ordinance.

### 143.05 INTEREST OF MEMBERS

No member of the Landmark Commission shall participate in the review of any item for discussion before the Commission if such member has any personal or financial interest in the property involved in such discussion.

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**143.06 MEETINGS; NOTICE**

(a) Schedule. The Landmark Commission shall hold at least four meetings in each calendar year, approximately on a quarterly basis. The meetings shall be at the regularly scheduled times established by the Landmark Commission at the beginning of each calendar year, or at any time upon the call of the Chairperson. The Chairperson may establish the agenda and may cancel a meeting in the event that there are no agenda items.

(b) Meeting Notice and Owner Notification. Before conducting a meeting of the Landmark Commission, notice shall be given pursuant to Codified Ordinances Section 107.02.

(1) Additionally, in requests for designation or removal of designation of a single Landmark property or multiple properties within an Historic District, a public hearing shall be required and, at least ten (10) days prior to the meeting, written notice of the meeting shall be mailed or caused to be mailed by the Commission Secretary to interested parties requesting notifications and all property owners included in the designation and to adjacent property owners as follows:

(a) Properties on the same side of the street which abut the site on which the building or use is sought to be located;

(b) Properties on the same side of the street next contiguous to the premises so abutting;

(c) Properties across the street immediately opposite the site; and the premises opposite the abutting and contiguous premises referred to in subsections (1) and (2) hereof; and

(d) All other premises abutting the site(s).

(2) Additionally, in requests for a Certificate of Appropriateness, a public hearing shall be required and, at least ten (10) days prior to the meeting, written notice of the meeting shall be mailed or caused to be mailed by the Commission Secretary to interested parties requesting notifications and the applicant and to all owners of all properties any part of which abuts the parcel of land upon which the subject building or structure is situated.

The failure of any such person to receive such notice shall not affect the right and power of the Commission to hear such request or to take action in accordance with such public notice.

(c) Minutes. The Landmark Commission shall keep minutes of its proceedings and these records shall be of public record and kept in the Landmark Commission office. All written reports, cases, decisions and special project descriptions shall be kept on file and available for public inspection.

**143.07 ORGANIZATION AND OFFICERS**

The members of the Landmark Commission annually shall choose one (1) of its number to serve as Chairperson for a period of one (1) year or until a successor has been chosen. The Chairperson shall preside over meetings. In the absence of the Chairperson, a temporary Chairperson shall be elected by those present. The City Manager shall appoint a City employee to serve as secretary of the Commission. The secretary shall:

(a) Keep, or cause to be kept, a complete record of all meetings of the Commission and a detailed record of all Commission transactions;

(b) Publish and distribute copies of the minutes, reports, and decisions of the

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- Landmark Commission to Commission members, affected property owners, and other interested parties requesting notifications;
- (c) Give notice as provided herein or by law for all public hearings conducted by the Landmark Commission;
  - (d) Advise the City Council of vacancies on the Commission and expiring terms;
  - (e) Publish a written annual report which shall include Commission activities, cases, decisions, and special projects; and
  - (f) At regular meetings, present a staff report updating the Commission on relevant City activities.

In addition, the Secretary shall perform such other functions as the Commission may direct.

**143.075 CRITERIA FOR DESIGNATION**

In determining whether or not to recommend designation of such place, site building, structure, district, work of art or object as a Landmark or Historic District, the Commission shall consider the following criteria with respect to such property's historic significance and/or architectural significance:

- (a) Its character, interest or value as part of the development, heritage or cultural characteristics of the City of Cleveland Heights, State of Ohio or the United States.
- (b) Its location as a site of a significant local, county, state or national historic event.
- (c) Its identification with a person or persons who significantly contributed to the culture and development of the City of Cleveland Heights, the county, state, or nation.
- (d) Its exemplification of the cultural, economic, social or historic heritage of the City of Cleveland Heights.
- (e) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style or building type.
- (f) Its embodiment of distinguishing characteristics of an architectural style or type valuable for the study of a period, building type, method of construction, or use of indigenous materials.
- (g) Its identification as the work of an architect, landscape architect, or master builder whose individual work has influenced the development of the City of Cleveland Heights.
- (h) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural or structural innovation.
- (i) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural or architectural motif.
- (j) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City of Cleveland Heights.
- (k) Such other individual characteristics as shall be relevant to its designation as a Landmark or Historic District.

**143.08 PROCEDURES FOR DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS**

The Landmark Commission may adopt a resolution designating a site, building, structure, work of art or similar object in the City of Cleveland Heights as a Landmark or designate any grouping of such places or objects, or combination thereof, as a Historic

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District, by following the procedures set forth in this section. The Landmark Commission may act on its own initiative or pursuant to a request by an individual, group of individuals, or organization.

- (a) Owner Notification. Notification shall be in accordance with Section 143.06(b).
- (b) Permit Referral. In order to protect proposed Landmark properties or Historic Districts during the designation process, the Landmark Commission may adopt a resolution requiring, during the designation process, referral of all applications for permits related to a proposed Landmark or Historic District to the Landmark Commission for review. If the Landmark Commission adopts such a resolution, all such permit applications pending as of the effective date of the resolution and all permit applications submitted after said effective date shall be referred to the Landmark Commission for review, and the Landmark Commission shall have the same powers that would apply if the property were an established Landmark or Historic District. The referral and review of such permits shall continue for up to twelve (12) months after the Landmark Commission adopts such a resolution, or until such time as the Landmark Commission approves or rejects the establishment of the Landmark or Historic District, whichever occurs first.
- (c) Owner Consent. The Landmark Commission shall seek the consent of the owner or owners of all property included in the proposed designation. Consent is not required for a property to be designated as a Landmark. Greater than fifty percent (50%) of property owners within a proposed Historic District shall constitute consent to designation. Each individual parcel shall have a single owner vote.
- (d) Landmark Commission Report and Recommendation. The Landmark Commission shall prepare or cause to be prepared a report and recommendation as to the property proposed to be designated as a Landmark or within a Historic District, including an explanation of the significance of the property or properties in relation to the designation criteria, a description of the property or properties with a list of contributing and non-contributing structures and sites, a history of the property or properties, photographic documentation, and a map or site plan showing the boundaries of the proposed Landmark or Historic District. If the Landmark Commission recommendation is to decline designation of the Landmark or Historic District, no further action shall be taken.
- (e) Planning Commission recommendation. The Landmark Commission shall submit the report and recommendation to designate the Landmark or Historic District to the Planning Commission and secure a Planning Commission recommendation on the proposed designation, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendations as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection, or modification of the proposed designation. This recommendation shall become part of the official record concerning the proposed designation. The Landmark Commission may make such modifications concerning the proposed designation as it deems necessary in consideration of the Planning Commission's recommendation.
- (f) Landmark Commission public hearing. Within forty-five (45) days after receiving the Planning Commission's recommendation, the Landmark Commission shall schedule a public hearing on the proposed designation, providing notice in accordance with Section 143.06(b)(1). The public

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hearing shall include a summary of the property or district's history, the Commission's rationale for designation, and an explanation of the effect of designation. The Landmark Commission shall conduct the public hearing and provide opportunity for all interested parties to express their opinions under such rules as the Landmark Commission may adopt for governing the hearings.

- (g) Landmark Commission determination and Landmark/Historic District designation. After the required public hearing has been concluded, within sixty (60) days, the Landmark Commission shall then determine whether or not to designate the proposed site(s), building(s), structure(s), work(s) of art or similar object(s) as a Landmark or Historic District. The designation of a Landmark or Historic District becomes in full force and effect from the date the Landmark Commission adopts a resolution to designate the individual site, building, structure, work of art or similar object as a Landmark.
- (h) Notification of designation. Within fourteen (14) days after the adoption of a resolution by the Landmark Commission designating a Landmark or Historic District, the Secretary of the Landmark Commission shall communicate notice of the designation in writing to the owner(s) of such property, other interested parties requesting information, City Council and the City Building Department. A certified copy of the designating resolution together with a notice briefly stating the fact of such designation and a summary of the effects of such designation shall be filed with the Recorder of Deeds of Cuyahoga County and shall be sent to property owners included in the designation.
- (i) Removal of Landmark or Historic District Designation. The owner(s) of a Landmark or properties within a locally designated Historic District may petition the Landmark Commission to remove Landmark or Historic District status. In the case of a Historic District, at least a two-thirds majority of property owners, with each individual parcel having a single owner vote, must petition the Landmark Commission for designation removal. The Landmark Commission shall hold a public hearing to determine whether the property shall remain a Landmark or Historic District and shall provide notice of such hearing in accordance with Code section 143.06(b). The Commission shall take into account the reasons for initially designating the property or properties as a Landmark or Historic District, shall review the petition to rescind, and shall render a decision within ninety (90) days of receipt of the property owner(s)' written petition. After a final decision is rendered, the Landmark Secretary shall communicate notice in writing to the owner(s) of such property, and other interested parties requesting information, and the City Building Department. A resolution for removal of Landmark or Historic District designation shall be filed with the Recorder of Deeds of Cuyahoga County and shall be sent to property owners.
- (j) All Landmarks designated prior to the effective date of this ordinance shall maintain Landmark status and abide by Chapter 143 of the Codified Ordinances.

### 143.09 RECORD OF LANDMARKS

The Landmark Commission shall maintain complete records of all properties and districts designated as Landmarks and Historic Districts in the office of the Department of Planning and Development. This designation shall also be noted in the Building Department and Housing Department records of the City.

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**143.10 REGULATION OF BUILDING CHANGE/CERTIFICATE OF APPROPRIATENESS/TIME LIMIT FOR DEMOLITION DISAPPROVAL/MINOR CHANGES**

No owner, tenant, or occupant (hereafter, for purposes of this section 143.10, "owner") of any property designated as a Landmark or located within an Historic District shall undertake any building change, exterior alteration, new construction, or demolition to any part of the Landmark property or property within an Historic District without the consent of the Landmark Commission. Nothing herein contained shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any property which has been designated a Landmark or which is located in a Historic District that does not involved a change in design, material, color, or exterior appearance, nor prohibit immediate repairs necessary to remedy a condition dangerous to life, health or property.

**(a) Application for Certificate of Appropriateness.**

(1) When the owner of a Landmark property or property within a designated Historic District wishes to undertake any building change, exterior alteration, new construction, or demolition, then the owner shall, in addition to applying for a building/demolition permit, apply to the Landmark Commission for a "Certificate of Appropriateness." Within seven (7) days following receipt of a demolition permit application or a building permit application that affects the exterior architectural features or appearance of a designated Landmark or property within a designated Historic District, the Building Department shall forward the application, plans, elevations, and other documentation to the Landmark Commission. The Building Department shall not issue the building or demolition permit for a Landmark or property within an Historic District until the Certificate of Appropriateness has been issued by the Landmark Commission.

(2) Application for review of exterior construction, alteration, demolition, or removal not requiring a building permit, but for which a Certificate of Appropriateness is required, shall be made on a form prepared by the Secretary of the Landmark Commission. This application will state in detail the change which the owner wishes to make to such property, together with appropriate drawings, plans, elevations, and other information necessary to explain and evaluate the proposed change.

**(b) Public Hearing by the Landmark Commission.** The Landmark Commission shall hold a public hearing to review ~~proposed~~ any proposed building change, exterior alteration, new construction, or demolition to any part of the Landmark property or property within a Historic District within sixty (60) days from the date the application is accepted as complete by the Secretary to the Landmark Commission. Notice shall be provided in accordance with Section 143.06(b). When an application for a building or environmental change requires review by both the Landmark Commission and the Architectural Board of Review, the boards shall make every effort to meet jointly.

**(c) Action by the Landmark Commission.** Utilizing the design guidelines set forth in Section 143.14 of this ordinance, the Landmark Commission may approve the request for change submitted by the owner, modify the change requested by the owner, or reject the proposed change, all in accordance with its original criteria for designation of the particular Landmark or Historic District. The Landmark Commission shall then determine whether to issue a Certificate of Appropriateness. The applicant shall be given a written notice of the determination and, if approved, be issued a Certificate of

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Appropriateness. If the Landmark Commission does not act on the request within ninety (90) days of application, the request will be deemed approved. The Landmark Commission decision shall be final.

(d) Notice of Landmark Commission decision. Within ~~fourteen~~ten (~~14~~10) days after the action by the Landmark Commission, the Secretary of the Landmark Commission shall communicate notice of the action in writing to the owner(s) of such property, other interested parties requesting information, and the City Building Department.

(e) Time limit for demolition disapproval. If an application for demolition of a Landmark or property within a Historic District is rejected, the Commission and City staff shall negotiate with the applicant to find a means of preserving the property. If after a twelve-month period of meaningful and continuing discussions, no alternative is found, the Building Department shall issue a permit for demolition without a Certificate of Appropriateness. Nothing herein shall prevent the City from ordering and/or approving the immediate demolition of such a property if, in the judgment of the Chief Building Official, it may cause a danger to the public health, safety, and/or welfare.

~~(e)~~(f) Approval of Minor Changes. The Landmark Commission may delegate to its staff the authority to issue Certificates of Appropriateness for specified minor changes. The Landmark Commission shall provide to staff written guidelines for issuing Certificates of Appropriateness under this subsection.

**143.105 CERTIFICATE OF ECONOMIC HARDSHIP**

(a) An applicant who has been denied a Certificate of Appropriateness may, within thirty (30) days of the denial, apply for a Certificate of Economic Hardship. Application shall be made on a form prepared by the Landmark Commission. The Landmark Commission may hold a public hearing on the hardship application. All of the following criteria shall be considered to determine the existence of an economic hardship, provided that the applicant shall have the burden of persuasion by clear and convincing evidence:

(1) Denial of a certificate will result in a substantial reduction in the economic value of the property;

(2) Denial of a certificate will result in a substantial economic burden on the applicant because the applicant cannot reasonably maintain the property in its current form;

(3) No reasonable alternative exists consistent with the architectural standards and guidelines for the property;

(4) The owner has been unable to sell the property;

(5) Previous alterations have interfered with the architectural character of the property and the character defining features to illustrate the style or type are lost, and to return the property to its original character is not reasonable;

(6) Denial will result in a substantial burden as set forth in the applicant's sworn statement or affidavit in support; or

(b) Certificate Process. The Landmark Commission may solicit expert testimony or request that the applicant for a Certificate of Economic Hardship submit evidence concerning property value, cost estimates, income, expenses, and/or any other information that the Landmark Commission deems necessary to determine whether denial of the application constitutes an economic hardship. The level of documentation required may vary as is appropriate to each case.

(c) Landmark Commission Action on an Application. The Landmark Commission shall act upon the application for Certificate of Economic Hardship within ninety (90) days

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after receipt of such an application. If no action has been taken by the Landmark Commission within sixty (60) days, the application shall be deemed granted, unless the time is extended by mutual agreement. Upon the denial of an application, the applicant shall be notified by mail.

(d) Investigation of Measures to Relieve Hardship. Upon a finding by the Landmark Commission that a denial of the application for building or environmental change results in a hardship, then the application for a Certificate of Appropriateness shall be delayed for a period not to exceed ninety (90) days. During this period the Landmark Commission shall investigate measures to relieve the hardship or otherwise preserve the property. Such plans and recommendations may include, but are not limited to: financial assistance, Building Code modifications, and/or changes to zoning regulations, to the extent such actions may be lawful.

(e) Issuance of Certificate. If by the end of this ninety (90) day period, the Landmark Commission has found that without approval of the building or environmental change the hardship cannot be relieved, then the Landmark Commission shall issue a Certificate of Economic Hardship permitting the proposed building or environmental change.

Nothing herein contained shall obviate compliance by the owner of such property with all other applicable ordinances, rules and regulations of the City.

**143.11 POWERS AND DUTIES OF THE COMMISSION**

Attendance by Commission members shall be in person. The presence of four (4) or more members shall constitute a quorum for the transaction of all business and action by the Commission on any matter shall be effected by the concurring votes of at least four (4) members. The Landmark Commission shall have the following powers and duties in addition to those otherwise specified in this chapter:

- (a) The Commission shall conduct, or cause to be conducted, a continuing survey of all areas, places, buildings, structures, districts, works of art or similar objects in the City which the Commission, on the basis of information available or presented to it and in accordance with the guidelines established by the Ohio Historic Preservation Office, has reason to believe are or will be eligible for designation as Landmarks or Historic Districts. The collected information shall be recorded on the Ohio Historic Inventory and Ohio Archaeological Inventory forms and updated periodically as changes occur. This inventory material shall be maintained securely, made available to the Ohio Historic Preservation Office and open to the public.
- (b) The Commission shall nominate buildings, structures, districts, works of art or similar objects for local designation and for designation on the National Register of Historic Places, and shall review all such nominations for properties within the City.
- (c) The Commission shall designate Landmarks and Historic Districts;
- (d) The Commission shall review and approve or disapprove an application for a Certificate of Appropriateness.
- (e) The Commission shall work for the continuing education of the citizens of the City with respect to the historic and architectural heritage of the City and the Landmarks, Historic Districts, designated under the provisions of this chapter. It shall keep current and public a register of Landmarks and Historic Districts.
- (f) The Commission shall establish and utilize written guidelines to make determinations upon requests for permits for alterations, demolition or additions to designated Landmarks, and buildings and sites within Historic Districts.

ORDINANCE NO. (PD)

- (g) The Commission shall act in an advisory role to other officials and departments of local government regarding the protection of designated and eligible local Landmarks, and districts.
- (h) The Commission shall act as a liaison on behalf of the City of Cleveland Heights to individuals and organizations concerned with historic preservation.
- (i) Each Commission member shall, barring extenuating circumstances, attend an educational session at least once a year. Materials shall be provided by the Ohio Historic Preservation Office (OHPO), and shall pertain to the work and functions of the Commission.
- (j) The Commission shall confer recognition upon the owners of Landmarks or structures within Historic Districts by means of certificates, plaques, signs, or markers.
- (k) The Commission shall have authority to establish rules and regulations consistent with the provisions of this chapter and the spirit of its purpose. These rules and regulations may assist the Commission in the evaluation of applications for Landmark and Historic District designations, unless otherwise provided in this chapter. It shall govern the manner in which such applications are processed, and the proper and orderly conduct of the Commission's business. Rules and regulations adopted by the Commission shall be made available to the public.
- (l) The Commission may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties.
- (m) The Commission may undertake additional responsibilities upon mutual written agreement between the State Historic Preservation Office and the Certified Local Government.

**143.13 MINIMUM MAINTENANCE REQUIREMENT**

No person, being the owner of a Landmark property or a property located within a Historic District in the City of Cleveland Heights, shall fail to provide sufficient and reasonable care, maintenance and upkeep to ensure such building, structure, or site's perpetuation and to prevent its destruction by deterioration. This provision shall be in addition to all other applicable code provisions and shall be subject to the penalties outlined in Section 143.99 of this ordinance.

**143.14 DESIGN GUIDELINES**

The Commission may establish Design Guidelines for the City of Cleveland Heights Landmarks and Historic Districts to guide review of alterations and new construction to a Landmark or within an Historic District. Design guidelines shall not limit new construction within a Historic District to any one historical period or architectural style, but shall seek to preserve the integrity of existing historic structures. Building design shall not attempt to copy a historical style, but a contemporary design shall respect the context, massing and scale of the area. When establishing Design Guidelines, the Landmark Commission shall share and discuss the draft guidelines with the Architectural Board of Review and obtain their recommendation.

Designs should be reviewed with respect to Design Guidelines for the City of Cleveland Heights Landmarks and Historic Districts. Until such time that these guidelines are established, designs for Certificates of Appropriateness shall be reviewed keeping in mind the Secretary of the Interior's Standards for Rehabilitation which, at a minimum, consider the following exterior architectural features and design criteria:

- (a) Height

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- (b) Proportions of windows and doors
- (c) Relationship of building masses and spaces
- (d) Roof shape
- (e) Building material and color
- (f) Scale
- (g) Detailing

### **143.16 SEVERABILITY**

If any particular section of this chapter is declared to be unconstitutional or void, only that particular section is affected, and all other sections of this chapter shall remain in full force and effect.

### **143.99 SCHEDULE OF FEES AND PENALTIES**

- (a) Council shall by ordinance establish a schedule of fees for application for designation, certificates of appropriateness, removal of designation, and other procedures after considering the recommendations of the Secretary to the Landmark Commission with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be available at City Hall, and may be altered or amended only by Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application or administrative procedure.
- (b) Any person who undertakes or causes an alteration, construction, demolition, or removal of any designated Landmark or property within a designated Historic District without a Certificate of Appropriateness or otherwise complying with Section 143.10 shall be guilty of a minor misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Hundred Fifty Dollars (\$150.00). Each day such violation shall continue to exist shall constitute a separate violation. The City of Cleveland Heights may institute any appropriate action to enjoin, correct, or abate any violation of this chapter. The property owner shall also pay any Building Department fines as a result of construction or demolition without a Building Permit.

CHAPTER 143  
Landmark Commission

<p>143.01 Establishment; composition, term and vacancy.</p> <p>143.02 Purposes.</p> <p>143.03 Qualifications of members.</p> <p>143.04 Compensation of members.</p> <p>143.05 Financial interest of members.</p> <p>143.06 Meetings.</p> <p>143.07 Organization and officers.</p>	<p>143.08 Procedures for designation of landmarks.</p> <p>143.09 Record of landmarks.</p> <p>143.10 Regulation of building change.</p> <p>143.11 Additional powers and duties of the Commission.</p>
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CROSS REFERENCES

Planning Commission - see ZON. Ch. 1109

Architectural Board of Review - see BLDG. Ch. 1313

143.01 ESTABLISHMENT; COMPOSITION, TERM AND VACANCY.

There is hereby established the Cleveland Heights Landmark Commission which shall consist of seven (7) members appointed by Council for the following terms: two (existing) members whose terms shall expire December 31, 2011; three (existing) members whose terms shall expire December 31, 2012; and two (new) members whose terms shall expire December 31, 2013. Subsequent appointments to the Commission shall be for terms of three (3) years each. Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointments and confirmations. In case of temporary absence or disability of any member, a member may be appointed and confirmed in the manner provided above to serve during such temporary absence or disability. Such temporary member shall possess all of the qualifications of a regular member, shall have the same powers and perform the same duties, and shall receive the same compensation as a regular member during the term of his appointment. The City Manager and the Director of Planning shall serve as ex-officio members of the Commission.

(Ord. 145-2010. Passed 11-1-10.)

143.02 PURPOSES.

The purpose of the Landmark Commission is to designate landmarks in the City pursuant to the procedures hereinafter described, in order to preserve, protect and perpetuate places, buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value, all for the reasons described in the remainder of this section.

- (a) To safeguard the heritage of the City of Cleveland Heights, by preserving sites and structures which reflect elements of the City's cultural, social, economic, political or architectural history;
- (b) To stabilize and improve property values;
- (c) To protect and enhance the City of Cleveland Heights' attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;
- (d) To enhance the visual and aesthetic character, diversity and interest of the City of Cleveland Heights;
- (e) To foster civic pride in the beauty and notable accomplishments of the past;
- (f) To promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City of Cleveland Heights.  
(Ord. 48-1973. Passed 10-15-73.)

#### **143.03 QUALIFICATIONS OF MEMBERS.**

Each member of the Landmark Commission shall have been a resident of this City for not less than five (5) years prior to his appointment to the Commission. Council may waive the residence requirement provided herein.  
(Ord. 48-1973. Passed 10-15-73.)

#### **143.04 COMPENSATION OF MEMBERS.**

No compensation shall be paid to any member of the Landmark Commission for services performed on this Commission.  
(Ord. 48-1973. Passed 10-15-73.)

#### **143.05 FINANCIAL INTEREST OF MEMBERS.**

No member of the Landmark Commission shall participate in the review of any item for discussion before such Commission if such member has any direct financial interest in the property involved in such discussion.  
(Ord. 48-1973. Passed 10-15-73.)

#### **143.06 MEETINGS.**

The Landmark Commission shall hold such meetings as may be provided by its rules and all such meetings shall be held in the City Hall.  
(Ord. 48-1973. Passed 10-15-73.)

#### **143.07 ORGANIZATION AND OFFICERS.**

The members of the Landmark Commission annually shall choose one (1) of its number to serve as chairman for a period of one (1) year or until his successor has been chosen. The City Manager shall appoint a City employee to serve as secretary of the Commission. The secretary shall keep, or cause to be kept, a complete record of all meetings of the Commission and a detailed record of all transactions dealt with by the Commission. In addition, the secretary shall perform such other functions as the Commission may direct.  
(Ord. 48-1973. Passed 10-15-73.)

**143.08 PROCEDURES FOR DESIGNATION OF LANDMARKS.**

(a) The Landmark Commission may designate a place, building, structure, work of art or similar object in the City of Cleveland Heights as a landmark. No such place, building, work of art, or similar object shall be designated a landmark without the consent of the owner thereof. The Landmark Commission, on its own initiative, or any owner of property, may apply to the Commission for designation of property owned by him as a landmark. In determining whether or not to designate such place, building, work of art or object as a landmark, the Commission shall consider the following criteria with respect to such property:

- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City of Cleveland Heights, State of Ohio or the United States.
- (2) Its location as a site of a significant historic event.
- (3) Its identification with a person or persons who significantly contributed to the culture and development of the City of Cleveland Heights.
- (4) Its exemplification of the cultural, economic, social or historic heritage of the City of Cleveland Heights.
- (5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
- (6) Its embodiment of distinguishing characteristics of an architectural type or specimen.
- (7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of Cleveland Heights.
- (8) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.
- (9) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural or architectural motif.
- (10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City of Cleveland Heights.
- (11) Such other individual characteristics as shall be relevant to its designation as a landmark.

(b) Before the Commission shall designate any place, building, structure, work of art or similar object as a landmark, it shall advise the Planning Commission of the proposed designation and secure from such Planning Commission its recommendation as to whether or not, in its opinion, the proposed designation would in any way adversely affect the area surrounding the location of such proposed landmark. The City Planning Commission may also offer its advice to the Landmark Commission as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation as to whether or not the proposed designation should or should not be made.

(c) When the Landmark Commission determines that the designation of any proposed property as a landmark may have some substantial effect on neighboring properties by reason of increasing either pedestrian or automobile congestion, or any other such substantial effect, then it shall set the question of whether or not to issue a landmark for the proposed property for public hearing and give notice of such public hearing to the owner/or owners of the subject property, as well as the owners of all adjacent properties within 200 feet of the subject premises.

(d) The Planning Commission shall make its recommendation to the Landmark Commission within sixty (60) days from the date submitted to it for such purpose, or within forty-five (45) days after any public hearing required under the terms of this chapter, whichever shall be the later date.

(e) After any required public hearing has been concluded, and after the Landmark Commission has received the timely recommendation of the Planning Commission, the Landmark Commission shall then determine whether or not to designate the proposed place, building, structure, work of art or similar object as a landmark, and shall communicate notice of its decision to the owner of such property.  
(Ord. 48-1973. Passed 10-15-73.)

#### **143.09 RECORD OF LANDMARKS.**

The Landmark Commission shall maintain complete records of all properties designated as landmarks in a book kept for such records in the office of the Clerk of Council. This designation shall also be noted in the Building Division records of the City.

The Landmark Commission may place, or cause to be placed on such landmark properties a designation that such property or part thereof has been designated a landmark in the City of Cleveland Heights.  
(Ord. 48-1973. Passed 10-15-73.)

#### **143.10 REGULATION OF BUILDING CHANGE.**

The owner of any property designated as a landmark shall make no substantial change to any part of the landmark property without the consent of the Landmark Commission, if such proposed change would adversely affect any significant historical or aesthetic feature of the property, thereby making it inappropriate for such property to be continued to be designated a landmark.

Nothing herein contained would prohibit the owner of such property from changing such property in any form as to remedy a condition dangerous to life, health or property.

When the owner of a landmark property wishes to make a change in the exterior appearance of such property, then he shall apply to the Landmark Commission for such authority, stating in detail the change which he wishes to make in such property, submitting such written material to the Landmark Commission, together with appropriate drawings, plans and other information necessary to explain the proposed change.

The Landmark Commission may approve the request for change submitted by the owner or modify the change requested by the owner, or reject the proposed change, all in accordance with its original criteria, describing indicia for landmark designations.

If the owner determines to proceed with the proposed change against the rulings of the Landmark Commission, then the Commission may, after sixty (60) days notice of such intent to the owner of the subject property, remove the designation of the subject property as a landmark in the City of Cleveland Heights.

Nothing herein contained shall obviate compliance by the owner of such property with all other applicable ordinances, rules and regulations of the City.  
(Ord. 48-1973. Passed 10-15-73.)

#### **143.11 ADDITIONAL POWERS AND DUTIES OF THE COMMISSION.**

The Landmark Commission shall have the following powers and duties in addition to those otherwise specified in this chapter:

- (a) The Commission shall conduct a continuing survey of all areas, places, buildings, structures, works of art or similar objects in the City which the Commission, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as landmarks.
- (b) The Commission shall work for the continuing education of the citizens of the City with respect to the historic and architectural heritage of the City and the landmarks designated under the provisions of this chapter. It shall keep current and public a register of landmarks.
- (c) The Commission shall have authority to establish rules and regulations consistent with the provisions of this chapter and the spirit of its purpose, to assist the Commission in evaluating applications for landmark designations submitted to it, the manner in which such applications are processed, and the proper and orderly conduct of its business.
- (d) The Commission may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties; provided that no General Fund moneys are used for such services.  
(Ord. 48-1973. Passed 10-15-73.)

Proposed: 2/19/19

ORDINANCE NO. 13-2019 (SMS), *Second Reading*

By Council Member Yasinow

An Ordinance creating the City Community Improvement Corporation and authorizing the City Manager to file appropriate Articles of Incorporation, and declaring an emergency.

WHEREAS, it is hereby determined that it is the policy of the City of Cleveland Heights to promote health, safety, and the general welfare of its residents and growth and development of business and industry within the City through the designation of a community improvement corporation as such agency, and therefore, in accordance with the provisions of Chapter 1724 of the Ohio Revised Code, the City desires to create the City Community Improvement Corporation;

WHEREAS, the City Community Improvement Corporation shall be for the purpose of advancing, encouraging and promoting the industrial, economic, commercial and civic development of the City of Cleveland Heights;

WHEREAS, Council wishes to designate the City Community Improvement Corporation as its agent for industrial, commercial, distribution, and research development;

WHEREAS, the City Community Improvement Corporation shall serve all territory within the territorial boundaries of the City of Cleveland Heights, Ohio;

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

SECTION 1. The City Council hereby declares that it is the policy of the City of Cleveland Heights to promote health, safety, and the general welfare of its residents and growth and development of business and industry within the City through the designation of a community improvement corporation as such agency, and therefore, in accordance with the provisions of Chapter 1724 of the Ohio Revised Code, the City Manager is authorized to file Articles of Incorporation with the Ohio Secretary of State for the City Community Improvement Corporation.

SECTION 2. The City Community Improvement Corporation shall be for the purposes of economic development and all other related applicable purposes set forth in Chapter 1724 of the Ohio Revised Code, for the purposes of implementation of the City's most recent Master Plan and any update thereto, for other real estate and community development purposes, and shall be authorized to sell public property without public bidding upon prior approval of this Council.

ORDINANCE NO. 13-2019 (SMS)

SECTION 3. The City Community Improvement Corporation's powers shall include, but not necessarily be limited to, those powers set forth in Ohio Revised Code Section 1724.02.

SECTION 4. The City Community Improvement Corporation shall be governed by a Board of Directors having five (5) members, composed as follows:

- (i) The City Manager
- (ii) The Mayor
- (iii) The Chairperson of the Planning and Development Committee of City Council
- (iv) The Director of Housing
- (v) One (1) Member Appointed by the City Manager, subject to the approval of Council

The City Manager's appointed member to the City Community Improvement Corporation shall serve for a period of three (3) years, and thereafter each subsequent City Manager appointee shall serve for a period of three years. An appointee may be appointed for multiple terms. Any Member who is not appointed shall hold his/her position as Member for the duration of his/her tenure in the office or position to which his/her Board Member position relates.

The City Community Improvement Corporation shall have officers as follows:

- President – City Manager
- Vice President – Mayor
- Secretary/Treasurer – as appointed by Board

SECTION 5. The City Community Improvement Corporation shall promptly adopt a Code of Regulations for the conducting of its business.

SECTION 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for prompt action to benefit the Cleveland Heights community. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

SECTION 7. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

ORDINANCE NO. 13-2019 (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:

Proposed: 3/18/2019

ORDINANCE NO. (AS), First *Reading*

By Council Member

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

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

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

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

Except as otherwise specifically provided herein, effective the date stated in the separate sections hereof, the following salary schedules and other compensation for described position classifications will be in effect for such classifications as of April 1, 2019; provided, however, that if the revenues received by the City are not sufficient to meet the foregoing salaries, all salaries shall be reduced by the City Manager to a point which will not exceed the appropriated revenues of the City.

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

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

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

ORDINANCE NO. (AS)

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

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

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

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

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

**LEGISLATIVE:**

Council Member

9,270.00

ORDINANCE NO. (AS)

Mayor 11,840.00

**SEASONAL POSITIONS:**

**RECREATION PROGRAMS: SWIMMING POOLS:**

Assistant Supervisor	9.36/hour	15.50/hour
Aquatic Program Supervisor	9.36/hour	13.48/hour
Cashier	8.55/hour	12.36/hour
Guard (A.L.S.)	8.55/hour	11.59/hour
Head Guard	10.00/hour	12.36/hour
Head Cashier	8.55/hour	12.36/hour
Head Coach (Summer)	364.14/ Per biweekly pay period	573.68/
Head Coach Assistant	260.10/ Per biweekly pay period	573.68/
Learn to Swim Coordinator	260.10/per season	573.68/season
Preschool Learn to Swim Coordinator	260.10/per season	573.68/season
Pool Attendant	8.55/hour	10.33/hour
Pool Maintenance	8.55/hour	10.33/hour
Pool Manager	10.40/hour	16.07/hour
Private Instructor Fee	2/3 of private instruction; Fees charged and collected	
Security Guard	8.55/hour	9.53/hour
Sports Assistant	8.55/hour	11.33/hour
Sports Coordinator	10.40/hour	23.65/hour
Sports Supervisor	8.55/hour	23.65/hour
Tennis Court Attendant	8.55/hour	9.18/hour
Tennis Lesson Instructor	10.40/hour	17.22/hour

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Tennis Program Coordinator	2,601.00/season	4,489.45/season
Umpire	10.40/hour	23.65/hour
Water Aerobics Instructor	182.07/per session	286.84/session

**PLAYGROUNDS:**

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

**CAIN PARK THEATRE:**

Actor	300.00/week	500.00/week
Assistant Box Office Manager	350.00/week	550.00/week
Assistant Operations Manager	350.00/week	550.00/week
Assistant Production Manager	350.00/week	550.00/week
Assistant Stage Manager	350.00/week	550.00/week
Assistant to General Manager	400.00/week	600.00/week
Box Office Manager	350.00/week	550.00/week
Box Office Staff	8.55/hour	12.36/hour
Carpenter	300.00/week	500.00/week
Costume Shop Manager	350.00/week	550.00/week
Electrician	350.00/week	550.00/week
Events Production Manager	400.00/week	600.00/week
General Technician	300.00/week	500.00/week
Hospitality Coordinator	300.00/week	500.00/week
House Manager	8.55/hour	12.36/hour
Maintenance	8.55/hour	12.36/hour

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Operations Assistant	300.00/week	500.00/week
Operations Manager	450.00/week	650.00/week
PR/Marketing Assistant	400.00/week	650.00/week
PR/Marketing Coordinator	300.00/week	500.00/week
Sound Engineer	350.00/week	550.00/week
Stage Manager	350.00/week	600.00/week
Theater Production Manager	400.00/week	650.00/week
Master Wardrobe Coordinator	300.00/week	500.00/week

**ICE SKATING RINK:**

Cashier	8.55/hour	12.36/hour
Hockey Director	2,184.84	2,300.00/season
Ice Safety Guard	8.55/hour	11.20/hour
Instructor - Private	90% of private instruction fees charged and collected. Or a flat fee of \$75.00 (if instructor teaches a minimum of four Learn to Skate classes per session) or \$150.00 (if instructor does not teach or is no longer available for the minimum number of Learn to Skate classes)	
Instructor – Group	16.65/hour	57.31/hour
Learn to Skate Coordinator	208.08/per week	520.00/per week
Office Assistant	8.55/hour	11.26/hour
Supervisor – Assistant	9.36/hour	14.76/hour
Supervisor – Head	10.40/hour	17.22/hour

**YOUTH SPORTS PROGRAMS:**

Youth Hockey Coach	10.40/hour 2,601.00/	22.96/hour or 4,592.00/season
Youth Hockey Program Coordinator	10.40/hour 2,601.00/	22.96/hour or 4,265.00/season
Youth Hockey Skating Instructor	10.40/hour	45.92/hour

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Basketball Supervisor	8.55/hour 520.20/	13.91/hour or 2,296.00/season
Basketball Coordinator	10.40/hour 2,080.80/ 2,601.00/	22.96/hour or 3,171.00/winter 4,318.00/summer
Girls Softball League Supervisor	8.55/hour 1,040.40/	13.78/hour or 2,296.00/season
Youth Baseball League Supervisor	8.30/hour 1,040.40/	13.78/hour or 2,870.00/season
League / Program / Camp Assistant	8.55/hour	9.18/hour
Sports Camp Supervisor / Instructor	8.55/hour 2,601.00/	13.91/hour or 1,148.00/camp
Sports Coordinator	10.40/hour	23.65/hour
Sports Program Assistant	8.55/hour	11.33/hour

**ADULT SPORTS PROGRAMS:**

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

**FIELDHOUSE / FITNESS CENTER:**

Fieldhouse Assistant	8.55/hour	11.07/hour
Fitness Center Coordinator	9.50/hour	12.36/hour
Fieldhouse Instructor / Aerobics Instructor	10.40/hour	12.64/hour
Front Desk Assistant	8.55/hour	13.39/hour
Personal Trainer	10.40/hour	12.64/hour or 70% of rate charged by trainer

Head of Personal Training Services      Additional 5% of total personal training program revenue (3% city portion/ 2% trainer portion) for administration of the program.



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2. Architectural Board of Review, \$90.00/meeting attended  
Two Alternate Members, each (at request of ABR Secretary)
3. Board of Zoning Appeals, \$90.00/meeting attended  
Five Members, each  
One Alternate Member (at request of Planning and Development Director)
4. Civil Service Commission, \$90.00/meeting attended  
Three Members, each
5. Planning Commission, \$90.00/month  
Seven Members, each (provided the member attends at least one meeting, either regular or special during the month)

**SECTION 2. POLICE**

Sworn members of the Police Department who are members of the police bargaining units shall have the terms, conditions, and benefits of employment as described in the labor agreement and other related documents between the City of Cleveland Heights and the Northern Ohio Patrolmen's Benevolent Association. The agreement covers the period commencing December 28, 2018 through March 31, 2021 and may be extended by agreement of the parties. The fire arms proficiency, gun upon retirement, educational incentive bonus, and the clothing maintenance allowance shall apply to all sworn members of the Department. A copy of the labor agreement and related documents are on file in the Office of the City Manager.

**SECTION 3. FIRE**

Sworn members of the Fire Department who are represented by the International Association of Fire Fighters shall have the terms, conditions, and benefits of employment as described in the labor agreement and other related documents between the City of Cleveland Heights and the International Association of Fire Fighters. The agreement covers the period commencing April 1, 2018 through March 31, 2021 and may be extended by agreement of the parties. The paramedic compensation, academic achievement bonus, and the clothing maintenance allowance shall apply to all sworn members of the Department. A copy of the labor agreement and other related documents are on file in the Office of the City Manager.

**SECTION 4. PUBLIC WORKS and PARKS & RECREATION** Employees in the bargaining unit as described in the memorandum of understanding and other related documents between the City of Cleveland Heights and National Production Workers Union Local 707 of Cleveland representing Service Employees, shall have the terms, conditions, and benefits of employment as described in said memorandum of understanding and other related

ORDINANCE NO. (AS)

documents. That agreement covers the time period commencing January 1, 2015 through December 31, 2017 and may be extended by agreement of the parties. A copy of the memorandum of understanding and other related documents are on file in the Office of the City Manager. Employees may be eligible for supervisor premium pay when such duties are assumed due to absence.

**SECTION 5. MUNICIPAL COURT**

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

Administrative Judge compensation: \$1,500.00

Total salary: \$63,250.00

	<u>Minimum</u>	<u>Maximum</u>
Acting Clerk of Court	51,000.00	65,402.00
Bailiff	31,518.00	81,600.00
Chief Deputy Clerk	35,700.00	66,300.00
Clerk of Court	45,900.00	91,800.00
Chief Accounting Clerk	25,500.00	40,800.00
Chief Probation Officer	30,600.00	71,400.00
Court Administrator	31,518.00	81,600.00
Deputy Bailiff	23,460.00	51,000.00
Deputy Clerk	23,460.00	44,800.00
Housing Specialist	30,600.00	61,900.00
Information Systems Technician	25,500.00	40,800.00
Law Clerk	10.30/hour	16.75/hour
Magistrate	35,700.00	96,645.00
Probation Officer	30,600.00	60,710.00
Secretary	23,460.00	44,166.00
Security	17.34/hour	25.50/hour

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

**SECTION 6.            VACATION**

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

ALL FULL-TIME PERMANENT CITY EMPLOYEES

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

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

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

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

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

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

**SECTION 7.            SICK LEAVE**

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

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

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

All full-time, permanent employees who are in the employ of the City and who have been in the employ of the City for over ten (10) consecutive years may be eligible for payment for accrued unused sick leave earned at the City of Cleveland Heights, accumulated from January 1, 1969 upon termination of their employment for other than disciplinary reasons. The aforesaid requirement that the sick leave be earned at the City of Cleveland Heights shall apply only to employees hired after April 1, 1990. An employee shall be paid out one-quarter (.25) or 25% of sick time accumulated with a maximum of 960 hours for payout purposes. Therefore, the maximum payout that could be achieved is 240 hours.

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

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

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

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

**SECTION 8. LEGAL HOLIDAYS**

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

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

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

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

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

**SECTION 9. DEFERRED COMPENSATION PLANS**

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

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

(c) The Deferred Compensation Plans hereby authorized shall exist and serve in addition to retirement, pension or benefit systems established for the benefit of employees of the City and no deferral of income under the Deferred Compensation Plans shall effect a reduction of any retirement, pension or other benefit provided by law. However, any sum deferred under a

ORDINANCE NO. (AS)

Deferred Compensation Plan shall not be included for the purposes of any taxes withheld on behalf of any such employee, except municipal income tax.

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

**SECTION 10. WORK DAYS AND WORK HOURS**

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

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

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

2. Employees working in jobs defined as non-exempt by the Fair Labor Standards Act, as determined by the City Manager after consultation with the Director of Law, shall work thirty eight (38) hours to forty (40) hours per week as determined by the City Manager. Days of the week and work hours shall be in accordance with the needs of the city, which shall be determined by the City Manager.

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

**SECTION 11. HEALTH CARE INSURANCE AND ANCILLARY BENEFITS**

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

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

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

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

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

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

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

**SECTION 12. LIFE INSURANCE**

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

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

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

**SECTION 13. LONGEVITY**

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

	<u>April 1, 2014</u>
1 <sup>st</sup> through 5 <sup>th</sup> year of service	No entitlement

ORDINANCE NO. (AS)

6 <sup>th</sup> through 10 <sup>th</sup> year of service, inclusive	16.92
11 <sup>th</sup> through 15 <sup>th</sup> year of service, inclusive	33.85
16 <sup>th</sup> through 20 <sup>th</sup> year of service, inclusive	51.24
21 <sup>st</sup> through 25 <sup>th</sup> year of service, inclusive	69.23
26 <sup>th</sup> year and thereafter	76.93

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

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

**SECTION 14. OVERTIME**

All employees working in job classifications defined as non-exempt by the Fair Labor Standards Act, as determined by the City Manager after consultation with the Director of Law, shall be compensated for overtime at a rate of one and one-half (1.5) times their regular hourly rate of pay. Overtime as used herein shall mean time actually worked over and above forty (40) hours per week when ordered to do so by the City Manager or her designee.

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

**SECTION 15. EMPLOYEE INDEMNIFICATION**

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

**SECTION 16. PENSION**

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

**SECTION 17.**

ORDINANCE NO. (AS)

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

**SECTION 18.**

The provisions of this Ordinance shall be deemed to be in effect as of midnight, April 1, 2019. Effective midnight, April 1, 2019, Ordinance No. 15-2018 (AS) and all amendments thereto and provisions of all other ordinances heretofore adopted are repealed to the extent inconsistent herewith.

**SECTION 19.**

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

**SECTION 20.**

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and welfare of the inhabitants of the City of Cleveland Heights, such emergency being to provide a schedule of adequate compensation for various officers and employees of the City, in order that satisfactory personnel may be retained in the City employ. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

ORDINANCE NO. (AS)

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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: 3/4/2019

RESOLUTION NO. (CRR)

By Council Member

A Resolution recognizing March 2019 as Red Cross Month in the City of Cleveland Heights; and declaring an emergency.

WHEREAS, in 1943 Franklin D. Roosevelt proclaimed the first Red Cross Month to recognize the tireless and brave efforts of the Red Cross volunteers who assisted our armed forces and their families during World War II; and

WHEREAS, today nearly two thousand Red Cross volunteers and staff members serve the greater Cleveland community by tending to victims of floods and other local disasters, helping families communicate quickly with military personnel when emergencies occur, and serving as instructors in first aid and safety education; and

WHEREAS, this Council wishes to join with other communities in the Cuyahoga County area in proclaiming March 2019 as Red Cross Month.

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

SECTION 1. The month of March 2019 is hereby designated as “Red Cross Month” in the City of Cleveland Heights in recognition of the contributions of Red Cross staff and volunteers in assisting members of the greater Cleveland community in times of war and natural disasters, as well as providing everyday services.

SECTION 2. 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 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 recognize Red Cross Month in a timely fashion. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. (CRR)

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CAROL ANN ROE, Mayor  
President of Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED:

Proposed: 3/4/2019

RESOLUTION NO. (SMS)

By Council Member

A Resolution adopting an Update of the Solid Waste Management Plan for the Cuyahoga County Solid Waste District; and declaring an emergency.

WHEREAS, the City of Cleveland Heights ("City") is located within the jurisdiction of the Cuyahoga County Solid Waste District ("District"); and

WHEREAS, by Resolution No. 76-2006, this Council approved a Solid Waste Management Plan for the District which had been prepared and adopted by the Solid Waste District Policy Committee in accordance with Ohio Revised Code Sections 3734.53 3734.54 and 3734.55; and

WHEREAS, the District has prepared an Update (2019-2033) of the Solid Waste Management Plan and submitted the Updated Plan to each of the members of the District for approval by the legislative authorities; and

WHEREAS, the Update to the Solid Waste Management Plan Must be approved by the City of Cleveland and other members of the District representing sixty percent (60%) of the population of the District.

WHEREAS, the City of Cleveland Heights must decide whether it approves of said Waste Management Plan Update no later than April 11, 2019.

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

SECTION 1. The City of Cleveland Heights hereby approves the Update of the Cuyahoga County Solid Waste Management Plan, 2019-2033, a copy of which is on file with the Clerk of Council.

SECTION 2. The Clerk is hereby directed to send the District a copy of this Resolution to the attention of Diane T. Bickett, Executive Director, Cuyahoga County Solid Waste District, 4750 East 131 Street, Garfield Heights, OH 44105.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

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

RESOLUTION NO. (SMS)

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

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CAROL ANN ROE, Mayor  
President of Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED: