



COUNCIL UPDATE

November 26, 2019

Happy Thanksgiving!

MEETINGS & REMINDERS

- | | | |
|------------------------|---|--|
| Thursday, November 28 | - | City Hall and the Community Center are closed in observation of Thanksgiving. |
| Friday, November 29 | - | City Hall and the Senior Center will be closed in observation of Thanksgiving. |
| Monday, December 2 | - | 6:15 p.m. - Committee of the Whole |
| | - | 7:15 p.m. - K9 Swearing-In Ceremony |
| | - | 7:30 p.m. - City Council |
| Tuesday, December 3 | - | 7:00 p.m. - Architectural Board of Review |
| Thursday, December 5 | - | 6:00 p.m. - Meet Your Police |
| | - | 6:00 p.m. - Refuse & Recycling Task Force |
| Wednesday, December 11 | - | 5:00 – 7:00 p.m. - Economic Development Holiday Mixer at the Community Center |
| | - | 7:00 p.m. - Planning Commission |
| Thursday, December 12 | - | 6:00 p.m. - Meet Your Police |
| Tuesday, December 17 | - | 7:00 p.m. - Architectural Board of Review |
| Wednesday, December 18 | - | 7:00 p.m. - Board of Zoning Appeals |
| Thursday, December 19 | - | 6:00 p.m. - Meet Your Police |
| Friday, December 20 | - | 9:30 a.m. - Commission on Aging |
| Tuesday, December 24 | - | The Community Center will close at 4:00 p.m. |

Wednesday, December 25 - City Hall and the Community Center are closed in observation of Thanksgiving.

Thursday, December 26 - 6:00 p.m. - Meet Your Police

Tuesday, December 31 - The Community Center will close at 4:00 p.m.

Wednesday, January 1 - City Hall and the Community Center are closed in observation of New Year’s Day.

Thursday, January 2 - 6:00 p.m. - Meet Your Police

Monday, January 6 - 6:15 p.m. - Committee of the Whole
- 7:30 p.m. - Swearing-In and City Council Meeting

LEGISLATION

- **Pumper (Fire Department).** A Resolution authorizing the City Manager to enter into an agreement with Seagrave Fire Apparatus, LLC, for the purchase of one (1) new Seagrave model TB70CA Marauder Pumper and related equipment for the Fire Department through the Houston-Galveston Area Council Cooperative Purchasing Program.
- **Gun Legislation.** An Ordinance amending various sections of Chapter 505, “Animals and Fowls,” Chapter 545, “Theft and Fraud,” and Chapter 549, “Weapons and Explosive,” of Part Five, *General Offenses Code*, and Chapter 713, “Rental Halls,” of Part Seven, *Business Regulation Code*, of the Codified Ordinances of the City of Cleveland Heights
- **ODOT Bridge Inspection.** A Resolution authorizing the Ohio Department of Transportation (“ODOT”) to conduct Bridge Inspection Program Services within Cleveland Heights and authorizing the City Manager to enter into any contracts with ODOT needed to complete said project.
- **Liability Insurance.** A Resolution authorizing the City Manager to enter into an agreement with Arthur J. Gallagher & Company for continuation of its protected liability self-insurance program for the City.
- **Revenge Porn Victim Protection.** An Ordinance amending Chapter 749, “Fair Practices” to include the nonconsensual dissemination of a person’s private sexual images as a prohibited, discriminatory rationale for the purposes of fair employment, education, and housing practices.

- **2020 Appropriations, Second Reading.** This legislation makes appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, for the period of January 1, 2020 through December 31, 2020.
- **2019 Appropriations Amendment, Second Reading.** This legislation amends certain subparagraphs of Ordinance 130-2018 (F), relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2019.
- **Top of the Hill Project – Preliminary Bond Matters.** An ordinance conditionally determining to issue economic development revenue bonds to finance costs of the acquisition, construction, equipping, installation, furnishing and other improvement of a project, as defined in Ohio Revised Code Section 165.01, and authorizing and approving related matters.
- **983 Pembroke.** A Resolution declaring the property at 983 Pembroke Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance.
- **3277 Desota.** A Resolution declaring the property at 3277 Desota Avenue, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance
- **3650 Atherstone.** A Resolution declaring the property at 3650 Atherstone Road, Cleveland Heights, Ohio to be a nuisance.
- **Suspension of Off-Street Parking.** A Resolution to suspend enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2020, or at such earlier time as Council may subsequently prescribe, on the following-described streets; providing for on-street overnight permit parking on specified portions of Kensington, Hillcrest, Belmar, Glenmont and Eddington Roads.
- **Top of the Hill Project - Second Development Agreement Amendment.** An Ordinance amending Ordinance No. 7-2018 and Ordinance No. 135-2018 to authorize a second amendment to the development agreement with F & C Development, Inc. concerning Top of the Hill.
- **Top of the Hill Project – Supplemental CIC Matters.** An ordinance designating the Cleveland Heights Community Improvement Corporation as the agency of the City, approving a related agreement, confirming the plan adopted by that corporation and providing direction to corporation directors that are also City officials or employees.

- **Top of the Hill – TIF Realignment.** An Ordinance declaring certain improvements to real property located in the City of Cleveland Heights, Ohio to be a public purpose; declaring such improvements to be exempt from real property taxation; making provision for the collection of service payments in lieu of taxes; establishing an urban redevelopment tax increment equivalent fund for the deposit of such service payments; confirming a compensation agreement with the Cleveland Heights-University Heights City School District; providing related authorizations pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43; rescinding Ordinance No. 16-2018 adopted on March 19, 2018.
- **Cain Park Fees, Second Reading.** An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2020.
- **Parks & Recreation Fees, Second Reading.** An Ordinance amending the use regulations and rates for admission and other services for the Cleveland Heights Community Center, City parks, and Cumberland Pool for the 2020 winter, spring and summer seasons, and repealing Ordinance No. 127-2018.

UPDATES

- **Council Packets**

Council packets will not be distributed during the recess. The next Council packet will be distributed on Friday, January 3, 2020 and will include materials for the January 6, 2020 City Council meeting.

- **Leaf Collection**

Leaf collection is in the 2nd and final round. We are scheduled to complete this round by December 6. The leaf collection app has received 2,911 views since it launched. There is an average of 122 views per day. Leaf collection complaints are down based on feedback from administrative staff.

- **Communications and Outreach**

- The “All are Welcome” campaign is being featured in ads, social media and on cups available for sale at City Hall.
- Staff is meeting with local businesses (old and new) to prepare features of the diversity of what our City has to offer from restaurants to shops.

- Social media messages and graphics are prepared to announce free weekend parking (Friday, Saturday and Sunday) during December.
- The Winter Focus supplement will arrive in mailboxes in mid-December.

- **Planning**

- **Architectural Board of Review:** Proximity Golf Lounge’s revised sign will be where Cleveland Trust had its sign on the wall above the window. The Landmark Commission also approved it with modifications that will improve legibility. Applications for the December 3 meeting include a single-family house at 2224 Devonshire Drive for Laura Ospanik and Steve Robbins (see picture). Their intention to demolish the existing home had caused the Landmark Commission to contemplate the designation of the Ambler Heights neighborhood. A company called Modern Smart Homes were the architects. Speaking of architects, Larry Fischer’s design for his own home at the 2260 Lamberton Road vacant, wooded lot will also be seen for preliminary review. He and wife Marlene plan to move from Coleridge a couple of blocks away.



- **Complete Streets:** Nation League of Cities’ Center for City Solutions interviewed staff about this topic for a report. The author’s goal is for other places to benefit from the selected cities’ experiences. Meanwhile in Cleveland, WCPN *Ideastream’s* host and producer Amy Eddings emailed that she had never completely stopped working on the production of a video piece from this summer. She will let us know the date when the City will be featured on the local public television channel. Police and Planning staff participated in a field trip to Lakewood organized by NOACA. Lakewood had borrowed NOACA Street Supplies’ speed tables (see photo). A Police spokesperson said Lakewood will



probably permanently install the platforms because before-and-after data demonstrated effectiveness at cutting speeding. The Lakewood planner was going to request \$40,000 next year for traffic calming equipment including speed tables.

- **Economic Development**

- Small Business Administration (SBA) Performance Grant Award: On November 22, 2019, the City was informed that it received funding from Cuyahoga County in the 3rd Round of the County's Small Business Finance Initiative. The City grant award will be \$127,500 to be matched by \$42,500 from the City. The program provides equity infusion assistance to small businesses which lowers their cost of deal structuring. The City was also successful in receiving Round #2 funding for this program. Three projects were funded with 2nd round funding, including PAWS Stay N Play, Blank Canvas CLE, and Proximity Golf. This has been a very successful program, which is managed by Business Development manager Anderson, has helped the City attract impactful small businesses to the community.

- Top of the Hill:

A summary of the Top of the Hill TIF is enclosed.

The following is a summary of the information presented to Council at the November 25th Committee of the Whole meeting:

1) 2nd Amendment of the Development Agreement between the City and Developer Flaherty & Collins:

This is a housekeeping item – the purpose of this legislation is to:

- Amend the two components of the City’s \$1.85 million commitment to the project shortfall, which include:
 - The City’s purchase price for the Added Property or the “Green House” located at 2354 Euclid Heights Blvd.; and
 - A remaining cash contribution by the City;
- The cost of the Green House came in slightly lower than anticipated, however, the existing language in the 1st amendment to the Development Agreement did not provide the flexibility needed to accommodate this price adjustment;
- The proposed 2nd amendment will address this issue;
- I would reiterate that the total amount of the City’s commitment to the “Shortfall” remains unchanged at \$1.85 million – we request City council consideration on 12/2/19;

2) Re-Authorization of the TIF:

This is a housekeeping item – the purpose of this legislation is to:

- Add the “Green House” parcel to the TIF Area now that the City owns this property;
- Re-align the term of and financing through the TIF with the schedule for construction of improvements;
- The TIF was initially approved in 2018. Construction has not yet begun; therefore, the City has requested the school district re-authorize the TIF to realign the TIF financing needs with the current construction schedule – The CHUH School District Board approved this Re-Authorization at their meeting on November 25, 2019;
- Per the Ohio Dept. of Taxation, currently the term would run from 2019 – 2048; since construction will not commence until 2020, the term should run from 2021 – 2050;
- The Re-Authorization legislation also updates the current scope of the project uses, however, the basic deal points of the TIF remain the same; We request City Council consideration on 12/2/19;

3) Preliminary Bond/Inducement Legislation – the purpose of this legislation is to provide preliminary authorizations for tax increment financing revenue bonds

and for obligations associated with the City shortfall commitment amount; We request City Council consideration on 12/2/19;

- 4) **Supplemental CIC Legislation** – a final housekeeping item with the purpose of this legislation being to designate the City’s CIC as the agency of the City for Development purposes – We request City Council consideration on 12/2/19;

New Business Watch – current status of recently announced new businesses in the City:

Business/Project	Location	Type	Program	Status
Zhug Restaurant	Cedar Fairmount	Restaurant	Commercial Loan	Open
Rudy's Pub	Cedar Lee	Pub/Restaurant	Commercial Loan	Closing Pending
Proximity Golf Lounge	May-Lee	Golf simulator/restaurant	SBA Grant	Open
Cleveland Tea Revival	Cedar Lee	Tea shop	SBA Grant	Opening TBD
Melange Motif	Noble Nela	Clothing Boutique	Microloan	Opening TBD
Franklin Myles	Center Mayfield	Storefront renovation	Storefront	Project underway
Flawless & Fierce	Center Mayfield	Storefront renovation	Storefront	Project underway
The Boujie Bakery	Lee Road	Bakery		Open
Voodoo Brewery	Cedar Lee	Brewpub		Open
Marchant Manor Cheese	Cedar Lee	Cheese shop		Opening TBD
Rising Star Coffee	Cedar Lee	Coffee shop		Open
Sub City	Cedar Lee	Sandwich Shop		Opening TBD
Culinary Occasions	Cedar Lee	Caterer/bakery		Opening TBD
Happy Bees Ice Cream & Coffee	Coventry	Ice cream/coffee shop		Opening TBD

- **Parks & Recreation**

- Approximately 500lbs of canned goods were donated to the Heights Emergency Food Shelter as part of the Annual Food Drive at the Community Center.
- The Community Center will be closed on Thursday, November 28 for Thanksgiving. The Senior Center will also be closed on Friday, November 29.
- The next American Red Cross Blood Drive will take place on Thursday, December 19 from 2:00 p.m. – 7:00 p.m. at the Community Center.

- **Police**

- Meredith Lowell, the suspect who was arrested for stabbing another female at Fairmount Presbyterian Church on Wednesday, November 20, 2019, was indicted by the Grand Jury on Monday, November 25, 2019, on charges of Attempted Murder, Felonious Assault and Aggravated Burglary. She has been turned over to the custody of the Cuyahoga County Jail where she is being held on a \$1 million cash/surety bond.
- The Police Department, with the assistance of Public Relations, has set up Emergency Alert Text Messaging System for all Houses of Worship in Cleveland Heights to subscribe to. The Emergency Alerts is a great way for the City to send out information to all Houses of Worship in a very timely manner and keep them updated in the event of an emergency arising. Letters have been sent to all Houses of Worship asking them to designate leaders to receive the text messages. This is a great way to improve communications between the Police and the Religious Community.
- On December 12, 2019, from 6:00 – 9:00 pm the Police Department will be participating in a Holiday Event, Sugar & Spice, in the Lee Road business district. Officers will have a cruiser parked at the intersection of Lee and Meadowbrook to accept donations for the Heights Emergency Food Center. We will be looking to fill the cruiser with non-perishable food items in addition to cleaning supplies, paper products, and toiletries. For those who are unable to attend the event, we will accept donations at the Police Department through December 20th. This is a great cause that will benefit members of our own community for the Holiday season so we hope to have a great turnout.
- In December the Police Department will once again be participating in the Shop with a Cop program. Officers are currently selling raffle tickets to support this great event. As in years past, members and business owners in Cleveland Heights have been very generous with their donations to help make this a very special holiday season for children and families in our community.

• **Sanitary Sewer Evaluation Survey**

Requirements		Due
Phase 1 SSES	CCTV - 393,658 LF	1-Nov-19
Phase 2 SSES	CCTV – 274,560 LF	30-Jun-21
Phase 1 SSES	1,980 Manhole Inspections	1-Nov-19
Phase 2 SSES	1,125 Manhole Inspections	30-Jun-21
CMOM	132,000 LF/yr Pipe Cleaned	31-Dec-19

Model	Calibrated Model	31-Mar-19
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Completed Through November 22, 2019

	<u>Completed Thru Mat Nov 22, 2019 (LF)</u>	<u>Overall Remaining (LF)</u>	<u>Overall Remaining (%)</u>
CCTV Phase 1	395,097	0	0%
CCTV Phase 2	4,472	270,088	99%
MHs Phase 1	1978	0	0%
MHs Phase 2	1,113	12	1%
Cleaning Total	473,726	-	-
Cleaning (2018) only	173,355	-	-
Cleaning (2019) only	300,371	0	0%

Work Completed by Entity

	<u>City</u>	<u>Contractor</u>	<u>County</u>
CCTV (Phase 1)	19%	54%	27%
	(75,464 LF)	(215,287 LF)	(104,346 LF)
CCTV (Phase 2)	1%	0%	0%
	(4,472 LF)	(0 LF)	(0 LF)
Cleaning (2019) only	29%	54%	17%
	(87,181 LF)	(162,306 LF)	(50,884 LF)
	32%	44%	24%

Cleaning Total	(149,078 LF)	(212,983 LF)	(111,665 LF)
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Model Update

Tasks	% Complete
1. Flow and rainfall Analysis	100%
2. Model Expansion in GIS	100%
3. Model Expansion in Infoworks ICM	100%
4. Delamere - Model Setup	100%
5. Delamere - DWF and WWF calibration	100%
6. Delamere - Capacity evaluation	100%
7. Delamere - Alternative development	100%
8. DWF and WWF Calibration for all flow meters	100%

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

SSES (cont).

Phase I has been completed and the USEPA has been notified accordingly. The Department has moved to Phase II of the SSES. During televising, it was discovered there are some structural defects to the sanitary and storm sewer on Janette. According to the County Public Works Dept., this work should start before the end of the year.

• **Capital Projects**

- Meadowbrook Boulevard Reconstruction - Road work is completed. We are waiting for the contractor to complete the replacement of a cracked driveway apron.
- Mayfield Signalization - The project has been partially accepted by ODOT. CEI has been out making the final electrical connections to the new 5G antennas. Once the electrical connections are finalized, the contractor will complete the remaining work

- 2019 Street Resurfacing & ADA Curb Ramp Replacement Program - The project is complete.
- 2019 Surface Treating Program - The project is complete.
- MCIP – Delamere Project: Surveying has begun on the street in preparation for the sewer project.

**Cleveland Heights
Economic Development**



To: City Manager Tanisha Briley
From: Economic Development Director Tim Boland
Subject: Top of the Hill TIF Summary

TOP OF THE HILL ECONOMIC IMPACT AND TAX INCREMENT FINANCING INFORMATION

The Top of the Hill project, located atop Cedar Hill (intersection of Euclid Heights Blvd. & Cedar Road), has now advanced through the project design and approval phase. Final plans for building and zoning approval have been submitted and are currently under review. Construction is slated to begin sometime during the 1st Quarter of 2020. As a highly visible property at the gateway between the Heights and University Circle, developing this property has been a long-time goal of the City.

Indianapolis-based Flaherty & Collins Properties, who was selected in 2017 as the development partner for this project after an extensive RFQ/RFP process, has an extensive development track record, completing more than \$2 billion in development projects since their founding in 1993, including mixed-use projects similar in scope to what is being envisioned for the Top of the Hill.

This estimated \$84 million project is anticipated to consist of approximately 261 market-rate luxury apartments, over 11,000 square feet of new first floor commercial space, close to 25,000 square feet of green space, and a structured parking garage containing 550 parking spaces, as well as additional surface parking throughout the development site. The project is expected to create over 90 permanent jobs, and almost 600 construction jobs when being built. Income tax revenues are projected at almost \$270,000 annually from the project, with an additional one-time influx of revenue from construction payroll of over \$685,000.

The City and the CHUH School District agreed in March of 2018 to approve the creation of a Tax Increment Financing (TIF) District for this project. This was done to enable the financing of the project and to provide a mechanism for financial compensation to the school district. The TIF exempts 100% of the increase in the assessed value in the TIF area for a period of 30 years to provide for payment by the developer of the costs of the project improvements.

On November 25, 2019, the CHUH School District Re-Authorized the TIF to re-align the term of and financing through the TIF with the schedule for construction of improvements. While the TIF was initially approved in the 1st Quarter of 2018, construction is not anticipated to commence until the 1st Quarter of 2020, therefore, the City requested that the school district re-authorize the TIF to realign the TIF financing needs with the current construction schedule; Per the Ohio Dept. of Taxation, currently the term of the TIF would run from 2019 – 2048; since construction will not commence until 2020, this term should run from 2021 – 2050;

Presently, the school district receives a little over \$20,000 annually from property taxes assessed on the Top of the Hill site, which is currently used as a municipal surface parking lot. Once the project is constructed, the increased value of the new buildings and improvements to the site are projected to result in compensation to the school district of almost \$400,000 in each year the TIF is in place.

The TIF is necessary to finance the construction of the project improvements, and will provide strong and significant school compensation opportunities for the school district as compared with the revenue generated by continuing to use the site as a municipal surface parking lot.

Please find additional information and TIF flow of funds projections provided below.

Timothy M. Boland



Tim Boland

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How and why is the City providing assistance to develop the Top of the Hill site?

Nearly every mixed-use development like this in Ohio has required some public-private partnership with public subsidies of various types in order to be a viable project. This is true in Cleveland Heights, but it is also true in Shaker Heights, Beachwood, Strongsville, Avon Lake, Westlake and all other Cleveland-area suburbs that are seriously working to spur economic development. If a project cannot be done with at least a reasonable expectation of profitability, developers will, unfortunately, find other projects to focus their attention and capital on, and parcels like Top of the Hill can remain undeveloped for decades. Rents in our part of the country are often not high enough to allow a developer of this type of mixed-use project to pay debt service on the project financing and still have some ability to recoup a profit on the investment of time and money the developer will be required to put into the project. The Top of the Hill site is owned by the City and certainly has value, but it also is a challenging site in a number of ways and cannot be developed into the vibrant mixed-use project the City envisions without the City providing significant assistance.

That assistance can take a number of forms, but in this case the City is (1) providing low-cost land (the City will receive nominal lease payments over time) and (2) providing the opportunity for the developer to take advantage of tax increment financing (TIF), and economic development tool provided in the Ohio Revised Code Section 5709.41, to help make the economics of the project viable. In return for this assistance, the City has attracted an experienced world class developer proposing to construct a catalytic & transformative mixed-use gateway project by investing over \$80,000,000 of its own funds to make the project a reality – bringing new residents, businesses and vibrancy to our city

What is a “TIF”, why is it needed for this project and how will the school district benefit from the TIF?

A TIF, or Tax Increment Financing, is an economic development tool local governments can utilize to finance improvements determined to serve a public purpose. The redevelopment of the Top of the Hill site would serve this public purpose.

TIF’s are established by enacting legislation that designates certain parcels (the TIF area) as exempt from taxation, declares improvements to private property within that specified area as serving a public purpose, delineates the improvements to be made that directly benefit the parcels in the area, and creates a fund to receive service payments in lieu of taxes that can then be used to pay for the cost of the improvements, typically debt service payments.

For this project, payments in lieu of taxes will be derived from service payments made by the developer from the increased assessed value, over the existing parcel base value, of any improvement to real property in the TIF area. These payments are made by the developer in an amount equal to the real property tax liability that otherwise would have been due had the property not been exempted. The payments will then be directed towards a separate fund to be used to pay the debt service for project improvements.

The City adopted Ordinance 16-2018 in March of 2018 to create a project-based TIF for the project site and exempt 100% of the increase in the assessed value of each parcel in the TIF area for a period of 30 years to provide for payment by the developer of the costs of improvements from service payments generated by the improvements to the parcels within the project site, in lieu of tax payments.

Since TIF’s impact the amount of revenues available to the school districts, the City sought the approval of the school district to create the TIF. As a result, the City and school district entered into a school compensation agreement on March 20, 2018. Currently, the project site yields approximately \$21,000 in annual revenue from taxes on the project parcels to the school district. The proposed TIF has been structured in such a way as to yield an estimated \$421,000 annually to the school district consisting of \$28,000 from the existing parcel values and \$393,000 in future service payments from the TIF.

While the project still has a significant financial gap to overcome to be successful, as evidenced by the City’s commitment of \$1.85 million to the project, the proposed TIF structure cash flows,

achieves the projected level of debt service coverage required for the project to proceed, and provides very strong and significant school compensation opportunities for the school district as compared with the revenue generated by continuing to use the project site as a municipal surface parking lot.

Overall, the project will provide new vibrancy, jobs, economic activity and tax revenue for the City. This economic impact is summarized below:

Top of the Hill - City & School District		11/7/2018	
Economic Impact Return (Projected)			
	<u>Jobs/Residents</u>	<u>Annual (Stabilized)</u>	<u>Over 30 Years</u>
Recurring Income Tax Revenue:			
Total Income Tax (permanent jobs)	91	\$ 50,822.00	\$ 2,061,763.00
Income Tax - Apartment Residents	210	<u>\$ 219,096.00</u>	<u>\$ 8,888,304.00</u>
		<u>\$ 269,918.00</u>	<u>\$ 10,950,067.00</u>
Total Income Tax - Construction Jobs	588	<u>\$ 685,688.00</u>	Onetime payment
Real Estate Tax Revenue:			
City Real Estate Taxes		<u>\$ 3,725.00</u>	<u>\$ 129,582.00</u>
School District:			
School District Real Estate Taxes		\$ 27,897.00	\$ 970,394.00
School District - Service Payments		\$ 392,981.00	\$ 10,803,482.00

TIF Flow of Funds (Report compiled 1/15/19):

- **Type of Development:** Mixed use commercial and residential;
- **Proposed Uses:** Residential luxury apartments, and commercial/retail, and structured parking facility;
- **Current Uses:** Municipal surface parking serving neighborhood residents and commercial district businesses;

Non-Development Scenario: If the Top of the Hill property remains a surface parking lot (Current Tax Performance - annual) Real Estate Tax Revenue (School Portion 2016 County value & taxes): \$21,218;

County market value: \$764,600

County assessed value: market value x 35% or \$764,600 x .35 = \$267,610

				<u>Property Tax Breakdown: 100%</u>	
Total millage:	147.9095540000	100%	Schools	70.5%	
School District millage:	104.2416290000	70.48%	County	12.0%	

Non-school millage:	43.6679250000	29.52%	City	9.5%
			Library	6.0%
Effective Tax Rate:	5.177% Commercial		MetroParks	2.0%
	4.080% Residential			

The millage rate is applied to the “assessed value” (35% of market value) for a property as determined by the County. One mill equals \$.001. The effective rate is the conversion of the millage rate for that year expressed as a percent of market value. The effective tax rates as determined by the County apply to all the properties within a class of properties in a taxing jurisdiction. They are not property specific.

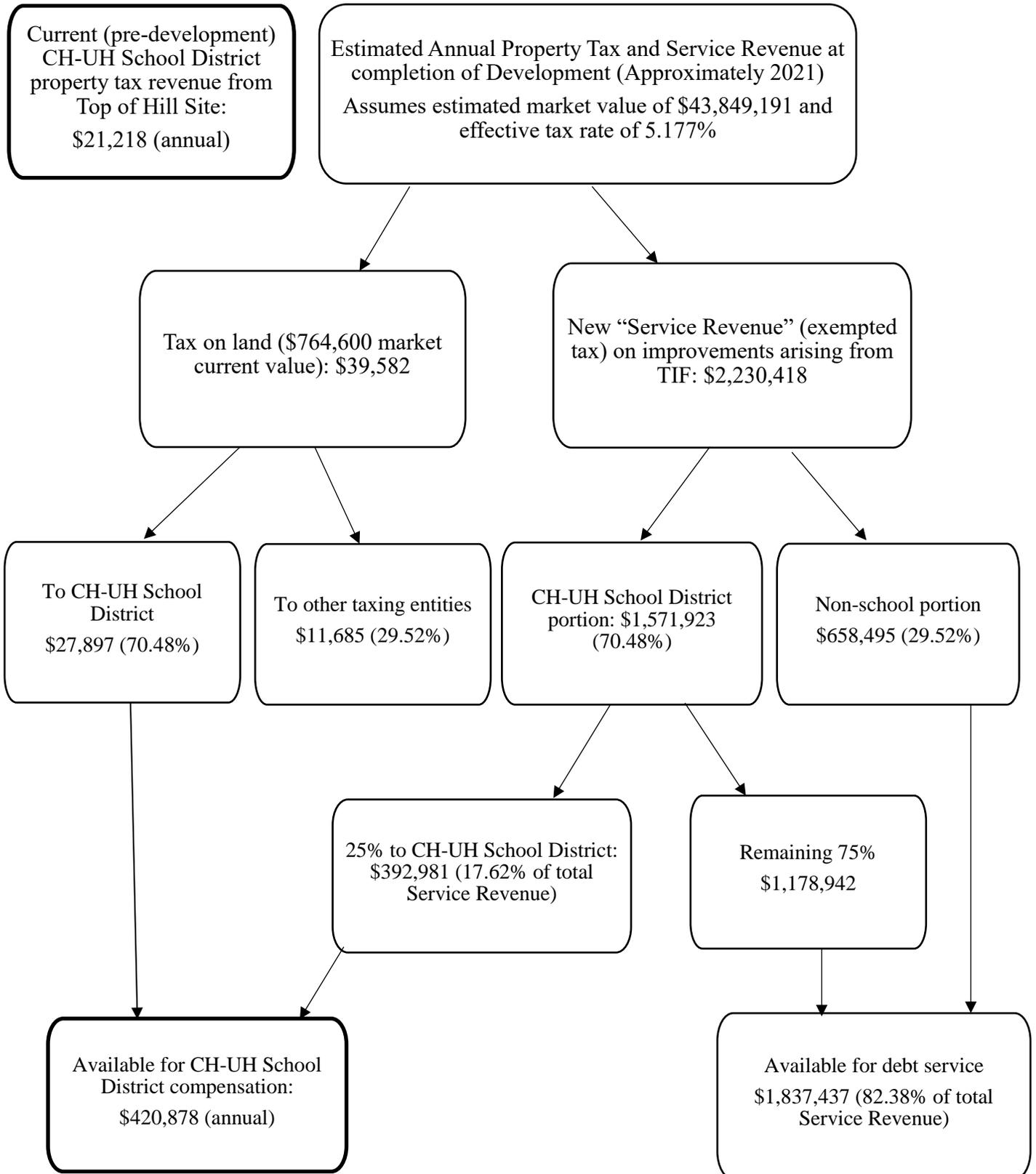
TIF Financing Option for Top of the Hill: Projected annual increased value resulting from improvements to the site are 100% exempt from taxation for a term of 30 years; taxes on the land value will continue to be paid;

		<u>Land</u>	<u>Improvements</u>	<u>Total</u>	
Estimated Market Value		\$764,600	\$43,084,591	\$43,849,191	
<i>(Market value x .35 = assessed or taxable value; x total millage = total tax)</i>					
Total Tax		\$ 39,582	\$ 2,230,418	\$ 2,270,000	
Exemption %		0%	100%		
Tax exempted		---	\$ 2,230,418		
Tax due	100%	\$ 39,582	---		
CHUH S.D. Portion	70.48%	\$ 27,897	---		
Service Revenue	100%	---	\$ 2,230,418		
CHUH S.D. Portion	70.48%	---	\$ 1,571,923		
CHUH Compensation (25%)		---	\$ 392,981		
Revenue to CHUH S.D.		\$ 27,897	\$ 392,981	\$420,878	17.62%
Available to the Development		---	\$ 1,837,437		82.38%

School Compensation - Market Value:

- Less than or equal to \$44,000,000: 25% schools would have collected if not for TIF / school district effective millage;
- Greater than \$44,000,000, less than \$50,000,000: 33.33% of tax revenue that would have been collected;
- Greater than or equal to \$50,000,000: 50% of tax revenue that would have been collected;
- New School Levies: 100% of tax revenue that would have been collected;

PROJECTED ANNUAL FLOW OF TIF FUNDING:





CLEVELAND HEIGHTS

Committee of the Whole

December 2, 2019

Agenda

1. Report of City Council Members 6:15 p.m. – 6:30 p.m.
Goal: Mayor and City Council members will provide updates on items of interest
2. Legislation Discussion 6:30 p.m. – 7:00 p.m.
Goal: Review upcoming legislation
3. Report of the City Manager 7:00 p.m. – 7:05 p.m.
Goal: City Manager and staff will address questions about the City Manager's Report

Note: Police K9 Swearing In Ceremony will begin at 7:15 p.m.



CLEVELAND HEIGHTS

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

Monday, December 2, 2019
Regular Meeting
7:30 p.m.

Cleveland Heights City Hall
40 Severance Circle
Cleveland Heights, Ohio

- 1) Roll Call of Council Members
- 2) Excuse absent members
- 3) Approval of the minutes of the regular Council meeting held Monday, November 18, 2019.
- 4) Personal communications from citizens
- 5) Report of the City Manager

Request permission to issue a Request for Proposals for the 2019 Ash Tree Mitigation Program.

Matter of Record

Refer to: Safety and Municipal Services Committee

- 6) Report of the Clerk of Council
- 7) Committee Reports

a.) SAFETY AND MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 104-2019 (SMS). A Resolution authorizing the City Manager to enter into an agreement with Seagrave Fire Apparatus, LLC, for the purchase of one (1) new Seagrave model TB70CA Marauder Pumper and related equipment for the Fire Department through the Houston-Galveston Area Council Cooperative Purchasing Program.

Introduced by Council Member _____

Vote	_____	_____	_____
	For	Against	No. Reading

ORDINANCE NO. 105-2019 (SMS). An Ordinance amending various sections of Chapter 505, “Animals and Fowls,” Chapter 545, “Theft and Fraud,” and

Chapter 549, "Weapons and Explosive," of Part Five, *General Offenses Code*, and Chapter 713, "Rental Halls," of Part Seven, *Business Regulation Code*, of the Codified Ordinances of the City of Cleveland Heights.

Introduced by Council Member _____

Vote _____
For Against No. Reading

RESOLUTION NO. 106-2019 (SMS). A Resolution authorizing the Ohio Department of Transportation ("ODOT") to conduct Bridge Inspection Program Services within Cleveland Heights and authorizing the City Manager to enter into any contracts with ODOT needed to complete said project.

Introduced by Council Member _____

Vote _____
For Against No. Reading

b.) ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 107-2019 (AS). A Resolution authorizing the City Manager to enter into an agreement with Arthur J. Gallagher & Company for continuation of its protected liability self-insurance program for the City.

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 108-2019 (AS). An Ordinance amending Chapter 749, "Fair Practices" to include the nonconsensual dissemination of a person's private sexual images as a prohibited, discriminatory rationale for the purposes of fair employment, education, and housing practices.

Introduced by Council Member _____

Vote _____
For Against No. Reading

c.) FINANCE COMMITTEE

ORDINANCE NO. 101-2019 (F), *Second Reading*. An Ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, for the period of January 1, 2020 through December 31, 2020.

Introduced by Council Member _____

Vote _____

For Against No. Reading

ORDINANCE NO. 102-2019 (F), *Second Reading*. An Ordinance to amends certain subparagraphs of Ordinance 130-2018 (F), relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2019.

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

ORDINANCE NO. 109-2019 (F). An ordinance conditionally determining to issue economic development revenue bonds to finance costs of the acquisition, construction, equipping, installation, furnishing and other improvement of a project, as defined in Ohio Revised Code Section 165.01, and authorizing and approving related matters.

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

d.) **HOUSING AND TRANSPORTATION COMMITTEE**

RESOLUTION NO. 110-2019 (HTC). A Resolution declaring the property at 983 Pembroke Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance.

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

RESOLUTION NO. 111-2019 (HTC). A Resolution declaring the property at 3277 Desota Avenue, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance.

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

RESOLUTION NO. 112-2019 (HTC). A Resolution declaring the property at 3650 Atherstone Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance.

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

RESOLUTION NO. 113-2019 (HTC). A Resolution to suspend enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2020, or at such earlier time as Council may subsequently prescribe, on the following-described streets; providing for on-street overnight permit parking on specified portions of Kensington, Hillcrest, Belmar, Glenmont and Eddington Roads.

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

e.) **PLANNING AND DEVELOPMENT COMMITTEE**

ORDINANCE NO. 114-2019 (PD). An Ordinance amending Ordinance No. 7-2018 and Ordinance No. 135-2018 to authorize a second amendment to the development agreement with F & C Development, Inc. concerning Top of the Hill.

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

ORDINANCE NO. 115-2019 (PD). An ordinance designating the Cleveland Heights Community Improvement Corporation as the agency of the City, approving a related agreement, confirming the plan adopted by that corporation and providing direction to corporation directors that are also City officials or employees.

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

ORDINANCE NO. 116-2019 (PD). An Ordinance declaring certain improvements to real property located in the City of Cleveland Heights, Ohio to be a public purpose; declaring such improvements to be exempt from real property taxation; making provision for the collection of service payments in lieu of taxes; establishing an urban redevelopment tax increment equivalent fund for the deposit of such service payments; confirming a compensation agreement with the Cleveland Heights-University Heights City School District; providing related authorizations pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43; rescinding Ordinance No. 16-2018 adopted on March 19, 2018.

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

f.) **RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE**

ORDINANCE NO. 99-2019 (RCER), *Second Reading.* An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2020.

Introduced by Council Member _____
Vote _____
For Against No. Reading

ORDINANCE NO. 100-2019 (RCER), *Second Reading.* An Ordinance amending the use regulations and rates for admission and other services for the Cleveland Heights Community Center, City parks, and Cumberland Pool for the 2020 winter, spring and summer seasons, and repealing Ordinance No. 127-2018.

Introduced by Council Member _____
Vote _____
For Against No. Reading

8) **Mayor's Report**

9) **Adjournment**

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

NEXT MEETING OF COUNCIL: MONDAY, JANUARY 6, 2019

Proposed: 12/2/2019

RESOLUTION NO. 104-2019 (SMS)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Seagrave Fire Apparatus, LLC, for the purchase of one (1) new Seagrave model TB70CA Marauder Pumper and related equipment for the Fire Department through the Houston-Galveston Area Council Cooperative Purchasing Program; and declaring an emergency.

WHEREAS, the Chief of Fire has determined there is a need to purchase one (1) new fire truck and related equipment for the Fire Department; and

WHEREAS, Section 171.15 of the Cleveland Heights Codified Ordinances authorizes the purchase of machinery, materials, supplies, and other articles through the Houston-Galveston Area Council Cooperative Purchasing Program without obtaining competitive bids; and

WHEREAS, the City Manager has determined that the selected vehicle, a Seagrave model TB70CA Marauder Pumper (“New Fire Apparatus”), may be purchased from Seagrave Fire Apparatus, LLC through the Houston-Galveston Area Council Cooperative Purchasing Program at a lower price than could be obtained through bidding, and that it would be in the City’s best interests to purchase said vehicle by this means; and

WHEREAS, Section 110.02 of the Cleveland Heights Codified Ordinances authorizes personal property owned by the City and no longer needed for municipal purposes to be disposed of by trade-in for credit at the time of the purchase of the replacement property; and

WHEREAS, the City is the current owner of one 2003 E-One Custom Pumper, VIN #4EN6AAA843100639 (“Old Fire Apparatus”); and

WHEREAS, the Old Fire Apparatus has an estimated value of Twenty Thousand Dollars (\$20,000.00); and

WHEREAS, the Chief of Fire and City Manager have determined that, if approved, the acquisition of the New Fire Apparatus will render the Old Fire Apparatus no longer needed for municipal purposes; and

WHEREAS, Seagrave Fire Apparatus, LLC has offered to provide a trade-in credit for the Old Fire Apparatus at the time of the purchase of the New Fire Apparatus.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with Seagrave Fire Apparatus, LLC, for the purchase of one (1) new Seagrave model

RESOLUTION NO. 104-2019 (SMS)

TB70CA Marauder Pumper and related equipment through the Houston-Galveston Area Council Cooperative Purchasing Program, in accordance with the requirements Section 171.15 of the Cleveland Heights Codified Ordinances. The agreement shall provide for the purchase of the vehicle at a total cost not to exceed Five Hundred Fifty Thousand Dollars (\$550,000), reflective of the trade-in value of and subject to the City's transferring title to one (1) 2003 E-One Custom Pumper, VIN #4EN6AAA843100639, valued at Twenty Thousand Dollar (\$20,000.00). All agreements hereunder shall be approved as to form by and subject to the final approval of the Director of Law.

SECTION 2. This Council hereby determines that upon acquisition of the vehicle referred to herein, the City's one (1) 2003 E-One Custom Pumper, VIN #4EN6AAA843100639, is longer needed for public purposes.

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

SECTION 4. This 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 to meet vendor deadlines and replenish the Division of Fire's aging fleet. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

CONTRACT

THIS AGREEMENT; made by and between **Seagrave Fire Apparatus, LLC** of Clintonville, Wisconsin, hereinafter referred to as the "Seller", and **City of Cleveland Heights, Ohio**, by its authorized representative, hereinafter referred to as the "Purchaser".

1. The Seller hereby agrees to furnish **one (1) unit of Seagrave Model #TB70CA Marauder Pumper**, hereinafter referred to as "Apparatus and Equipment", according to the mutually agreed specifications and change order documents hereto attached and made a part of this contract, and to deliver the same as hereinafter provided.
2. The Seller guarantees that all material and workmanship in and about the Apparatus and Equipment shall comply with the mutually agreed specifications and change orders. In the event there is any conflict between the City Bid Specifications and the Seagrave Bid Proposal, the mutually agreed specifications and change orders will prevail. The standard Seagrave Limited Warranty will apply as provided for in the mutually agreed specifications and change orders. Minor details of materials and construction, not otherwise specified, shall be left to the decision of the Seller who shall be solely responsible for the design, engineering and construction of all features of the Apparatus and Equipment. Any changes to the contract or purchase order must be approved in advance through the issuance of a written change order by the Seller. The Seller will not assume responsibility for performing any change requested but not approved by the Purchaser within five (5) days of the change order submission for approval.
3. The Apparatus and Equipment shall be ready for delivery from Clintonville, Wisconsin, within **Three Hundred (300) Calendar Days** after the receipt of the (i) mutually agreed specifications, (ii) change order documents and (iii) approval drawing signed by the authorized representative of the Purchaser. The mutually agreed specifications and change order documents and approval drawing shall be delivered to the Purchaser for their signature in not more than 31 days from contract receipt at Seagrave or not more than five days from pre-construction meeting, if so provided. Delays due to change orders, strikes, failures to obtain materials, or other causes beyond Seagrave's control will be just cause for delay in delivery. The completed Apparatus and Equipment shall be delivered to the Purchaser at:

**Cleveland Heights Fire Department
40 Severance Circle
Cleveland Heights, OH 44118**

4. A competent representative shall, upon request, be furnished by the Seller to demonstrate said Apparatus and Equipment for the Purchaser and to familiarize the Purchaser's employees in the operation and handling of the Apparatus and Equipment.
5. The Purchaser purchases and agrees to pay for the Apparatus and Equipment, the sum of **Five Hundred Fifty Thousand Dollars (\$550,000.00)**, state, federal, FET, or local taxes not included. Payment of any such taxes are the responsibility of the Purchaser. **The Contract Total is inclusive of the Trade-In of one (1) 2003 E-One 'Hush' Pumper (VIN #4EN6AAA8431006349) valued at Twenty Thousand Dollars \$20,000.00. Purchaser agrees to release the Trade-In Vehicle to the Seller (or the Seller's representative) within five (5) days after the new Seagrave Pumper has been delivered. The E-One HUSH Pumper must free and clear of all liens and encumbrances and that the title is clean and not salvage. The condition of the apparatus at time of release of the trade-in shall be in like condition as mutually inspected within five (5) days of the issuance of the Contract.**

Progress payments shall be made as follows: The first payment shall be 25% of the purchase price, made at arrival at the Factory of the major components. The second payment shall be 25% of the purchase price, made at chassis laydown. The third payment shall be 25% of the purchase price, made at completion of the chassis. The fourth payment shall be 20% of the purchase price, made upon completion of the Final Inspection at the Factory, prior to shipment. The fifth and final payment shall be 5% of the purchase price and shall be made upon delivery to and acceptance by the Purchaser.

5.1 All payments shall be made payable to Seagrave Fire Apparatus, LLC and shall be overnight delivered directly to:

*Seagrave Fire Apparatus, LLC
7285 Solutions Center
Chicago, IL 60677-7002*

5.2 The Apparatus and Equipment must be paid in full prior to being placed in fire service.

5.3 If more than one piece of Apparatus and Equipment is covered by this Contract, the above terms of payment shall apply to each piece, and an invoice covering each piece shall be rendered in the proper amount.

6. In the case that no final inspection is made by the Purchaser at the factory prior to shipment and the Purchaser desires to test the Apparatus and Equipment upon receipt, such test shall be made within three (3) days after arrival at the delivery destination specified above. A written report of such test shall be delivered forthwith to the Seller at its principal office at Clintonville, Wisconsin. If no such test be made, or if no such report be made by the Purchaser within three (3) days after arrival, then the Apparatus and Equipment shall be considered as fully complying with the contract specifications.
7. It is agreed that the Apparatus and Equipment covered by this contract shall remain the property of the Seller until the Apparatus and Equipment is delivered and accepted by the Purchaser, such acceptance shall not be unreasonably withheld or delayed. In case of any default in payment the Seller may take full possession of the Apparatus and Equipment, or of the piece or pieces upon which default has been made, and any payments that have been made shall be applied as rent in full for the use of the Apparatus and Equipment up to date of taking possession.
8. In the event that any applicable Federal or State Regulations (DOT, FMVSS, EPA, etc.), National Fire Protection Association Standards or import tariffs which are enacted during the course of this contract, and which requires a change in the contract specifications and purchase price in order for the Apparatus and Equipment to comply with such regulation, the parties will execute a change order describing the change in the specifications and increasing the purchase price by an amount equal to the increase in the costs of producing the Apparatus and Equipment.
9. This Agreement shall be governed by and construed in accordance with the laws of the **State of Ohio** without regard to principles of conflict of laws. Each party hereby consents that the exclusive venue for any dispute of claim relating to this Agreement shall be in the state courts sitting in **Cuyahoga County, Ohio**. Each party hereby consents to the personal jurisdiction of such courts.
10. Except for damages, claims or losses due to Seagrave's acts of gross negligence, Purchaser or user, to the extent permitted by law, will indemnify and hold Seagrave and Seagrave's property, free and harmless from any liability for losses, claims, injury to or death of any person, including Purchaser or user, or for damage to property arising from Purchaser or user using and possessing the Apparatus or from the acts or omissions of any person or persons, including Purchaser or user, using or possessing the Apparatus with Purchaser or user's express or implied consent. The provisions hereof shall survive expiration or termination of this Agreement.

- 11. Risk of loss shall pass to the Purchaser upon delivery and acceptance of the Apparatus and Equipment.
- 12. To be binding the contract must be signed and approved by an Officer of Seagrave Fire Apparatus, LLC. This contract and mutually agreed specifications and change order documents take precedence over all previous negotiations, and no representations are considered as entering into this contract except as are contained herein or in the mutually agreed specifications and change order documents included herein.

IN WITNESS WHEREOF, the said parties have caused these presents to be executed and the Purchaser has caused its corporate seal to be hereunto affixed, and attested by its authorized representatives, on this _____ day of _____ 20____.

City of Cleveland Heights, Ohio ("Purchaser")

By _____
Title _____
Purchaser

By _____
Title _____
Purchaser

SEAGRAVE FIRE APPARATUS, LLC ("Seller")

By _____
Ulisses D. Parmeziani
Title: **VP and COO**
Seller

Date of Acceptance: _____

Proposed: 12/2/2019

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ORDINANCE NO. 105-2019 (SMS)

By Council Member

An Ordinance amending various sections of Chapter 505, "Animals and Fowls," Chapter 545, "Theft and Fraud," and Chapter 549, "Weapons and Explosive," of Part Five, *General Offenses Code*, and Chapter 713, "Rental Halls," of Part Seven, *Business Regulation Code*, of the Codified Ordinances of the City of Cleveland Heights; and declaring an emergency.

WHEREAS, the Ohio General Assembly recently enacted House Bill 228, which made changes to the Ohio Revised Code concerning weapons laws, including amending R.C. § 9.68, for the purpose of preempting local firearm regulations and other local weapon-related laws; and

WHEREAS, the amendments to R.C. § 9.68 become effective on December 28, 2019; and

WHEREAS, R.C. § 9.68 purports to reserve to the state the right to regulate the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition; and

WHEREAS, R.C. § 9.68 further purports to preempt, supersede, and declare null and void any local regulation concerning the same that is conflict with state law; and

WHEREAS, R.C. § 9.68 creates a private cause of action for any person, group, or entity that is adversely affected by any local ordinance that conflicts with state law; and

WHEREAS, this Council recognizes that the City of Cleveland Heights retains Home Rule Authority under the Ohio Constitution, but acknowledges that no court has yet ruled on the constitutionality of R.C. § 9.68; and

WHEREAS, as a result, the City is in need of repealing or amending various components of the Codified Ordinances of the City of Cleveland Heights in order to achieve compliance with state law.

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

SECTION 1. Section 505.12, "Hunting or Killing Animals Prohibited," of Chapter 505, "Animals and Fowl," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

505.12 HUNTING OR KILLING ANIMALS PROHIBITED.

(a) Except as otherwise specifically provided in this chapter, no person shall unlawfully hunt, kill or attempt to kill any animals within the City.

RESOLUTION NO. 105-2019 (SMS)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 66-1987. Passed 7-20-87.)

SECTION 2. Section 505.13, "Protection of Wild Life in Parks," of Chapter 505, "Animals and Fowl," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

505.13 PROTECTION OF WILD LIFE IN PARKS.

(a) No person shall, within any park, unlawfully molest, hunt, take, chase, shoot or throw any object at any animal, or remove or have in his possession any animal or the eggs or young of any such animal.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

SECTION 3. Section 505.14, "Carrier Pigeons," of Chapter 505, "Animals and Fowl," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

505.14 CARRIER PIGEONS.

(a) No person shall unlawfully shoot, kill or maim an Antwerp or homing pigeon, commonly known as "carrier" pigeon, nor shall any person, except the owner thereof, entrap, catch or detain a carrier pigeon, provided it has the name of the owner stamped upon its wing or tail or a band with the owner's name, initial or number on its leg.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 66-1987. Passed 7-20-87.)

SECTION 4. Section 545.03, "Property Exceptions as Felony Offense," of Chapter 545, "Theft and Fraud," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

545.03 PROPERTY EXCEPTIONS AS FELONY OFFENSE.

Regardless of the value of the property involved, and regardless of whether the offender has previously been convicted of a theft offense, the provisions of Section 545.05 or 545.18 do not apply if the property involved is any of the following:

(a) A credit card;

(b) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;

~~(c) A firearm or dangerous ordnance as defined in Ohio R.C. 2923.11;~~

~~(c)~~ (d) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary license placard or windshield sticker as prescribed by Ohio R.C. 4503.182, or any comparable license plate, placard or sticker as prescribed by the applicable law of another state or the United States;

~~(d)~~ (e) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;

~~(e)~~ (f) A blank form for any license listed in Ohio R.C. 4507.01(A).

RESOLUTION NO. 105-2019 (SMS)

SECTION 5. Section 549.01, "Definitions," of Chapter 549, "Weapons and Explosives," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

* * *

- (f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall. "Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (a)(3), but that is found by the bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5845 (a).

* * *

- (l) "Dangerous ordnance" does not include any of the following:
- (1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;
 - (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;
 - (3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
 - (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (l)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
 - (5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.
 - (6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C.921(a)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.
 - (7) Any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (a)(3), but that is found by the bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5845 (a).

* * *

SECTION 6. Section 549.02, "Carrying Concealed Weapons," of Chapter 549, "Weapons and Explosives," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

RESOLUTION NO. 105-2019 (SMS)

* * *

- (f) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsections (f)(2), (5) and (6) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsections (f)(2), (5) and (6) of this section, ~~if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved,~~ carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.

* * *

SECTION 7. Section 549.04, "Improperly Handling Firearms in a Motor Vehicle," of Chapter 549, "Weapons and Explosives," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

* * *

- (c) (1) This section does not apply to any of the following:
- A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
 - B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.
- (2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:
- A. The person transporting or possessing the handgun is either carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125.
 - B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- (3) Subsection (a) of this section does not apply to a person if all of the following apply:
- A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.
 - B. The person is on or in an all-purpose vehicle as defined in Ohio R.C.

RESOLUTION NO. 105-2019 (SMS)

1531.01 ~~on private or publicly owned lands or on~~ or in a motor vehicle during the open hunting season for a wild quadruped or game bird.

- C. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 ~~on private or publicly owned lands or on or in~~ a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.

* * *

SECTION 8. Section 549.06, "Unlawful Transactions in Weapons," of Chapter 549, "Weapons and Explosives," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.

(a) No person shall do any of the following:

- (1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or similar weapon;
- (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing ~~him~~the transferee to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;
- (3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsections (a)(1) or (2) hereof is a misdemeanor of the second degree. Violation of subsection (a)(3) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

SECTION 9. Section 549.08, "Discharging Firearms," of Chapter 549, "Weapons and Explosives," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

549.08 DISCHARGING FIREARMS.

(a) No person shall unlawfully discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.

(b) This section does not apply when firearms are used in the lawful self-defense of any person or the property of any person, in the discharge of official duty, ~~to the hunting of any animal or fowl within the municipality through the lawful use of a firearm as defined in Ohio R.C. 2923.11 that is in compliance with state and federal law,~~ or when otherwise lawfully authorized.

- (1) A person is allowed to act in self-defense, defense of another, or defense of that person's residence. If, at the trial of a person who is accused of an offense that involved the person's use of force against another, there is evidence presented that tends to support that the accused person used the force in self-defense, defense of another, or defense of that person's residence, the prosecution must prove beyond a reasonable doubt that the accused person did not use the force in self-defense, defense of another, or defense of that person's residence, as the case may be. (ORC 2901.05)

RESOLUTION NO. 105-2019 (SMS)

- (c) Whoever violates this section is guilty of a misdemeanor of the first degree.

SECTION 10. Section 549.11, "Throwing Stones at Persons or Vehicles," of Chapter 549, "Weapons and Explosives," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

549.11 THROWING STONES AT PERSONS OR VEHICLES.

- (a) No person shall willfully and maliciously throw, or by other means propel, a stone or other hard substance at or towards any person.
- (b) No person shall willfully and maliciously throw a stone or other substance or shoot a missile at or from a motorbus or other motor vehicle. [This section does not apply to the lawful use of firearms as defined in Ohio R.C. 2923.11 nor any component of or ammunition for the same.](#)
- (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

SECTION 11. Section 549.13, "Brandishing Replica Firearm," of Chapter 549, "Weapons and Explosives," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

549.13 BRANDISHING REPLICA FIREARM.

- (a) No person shall, except in ~~self~~ [the lawful defense of any person or the property of any person, unlawfully](#) draw, exhibit or brandish a replica firearm in a threatening manner or in such a manner as to tend to cause the victim to reasonably believe that the person is actually in possession of an operable firearm. [This section does not apply to the lawful use of firearms as defined in Ohio R.C. 2923.11 nor any component of or ammunition for the same.](#)
- (b) As used in this section, the term "replica firearm" includes any device or object, made of any material, which is a facsimile or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, or any other firearm.
- (c) Whoever violates this section is guilty of a misdemeanor of the second degree.

SECTION 12. Section 713.06, "Prohibitions for Conduct in Rental Hall; Suspension or Revocation of License," of Chapter 713, "Rental Halls," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

713.06 PROHIBITIONS FOR CONDUCT IN A RENTAL HALL; SUSPENSION OR REVOCATION OF LICENSE.

No person, when conducting an event in a rental hall, shall permit:

- (a) Any person having in his possession or being under the influence of, selling or offering for sale, or giving away or using any drugs in violation of City ordinances or the Ohio Revised Code.
- (b) Gambling in any form unless permitted by State law or the City's ordinances.
- (c) Any intoxicated person to remain on the premises.
- (d) Fighting or other disorderly conduct.
- (e) The carrying of knives or other weapons on the premises, [except the lawful carrying of firearms as defined in Ohio R.C. 2923.11.](#)
- (f) The sale of any beer or intoxicating liquor unless properly licensed by the Ohio Department of Liquor Control.

RESOLUTION NO. 105-2019 (SMS)

(g) The furnishing of any beer or intoxicating liquor to a minor in violation of City ordinances or the Ohio Revised Code.

(h) Any act which is a violation of City ordinances or the Ohio Revised Code.

* * *

SECTION 13. All remaining portions of Chapter 505, Chapter 545, Chapter 549, and Chapter 713 shall remain as currently enacted.

SECTION 14. Notice of 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 15. 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 timely need to avoid conflict with state law. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 12/2/2019

RESOLUTION NO. 106-2019 (SMS)

By Council Member

A Resolution authorizing the Ohio Department of Transportation (“ODOT”) to conduct Bridge Inspection Program Services within Cleveland Heights and authorizing the City Manager to enter into any contracts with ODOT needed to complete said project; and declaring an emergency.

WHEREAS, the State of Ohio, Department of Transportation (hereafter “ODOT”) offers a “Bridge Inspection Program Services” to assist municipalities to achieve full compliance with the Federal Highway Administration’s bridge metrics; and

WHEREAS, the Bridge Inspection Program shall include, but is not limited to, routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.

WHEREAS, the City Manager, in consultation with the Director of Public Works, has recommended that the City opt-in to ODOT’s Bridge Inspection Program Services; and

WHEREAS, this Council has determined that it is in the best interests of the City and its residents to participate in said project.

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

SECTION 1. The City Manager hereby is authorized to opt-in to the project offered by the State of Ohio, Department of Transportation (hereafter “ODOT”) called the “Bridge Inspection Program Services” which aims to assist municipalities to achieve full compliance with the Federal Highway Administration’s bridge metrics (the “Project”). The Project shall include, but is not limited to, routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports, if needed. ODOT’s Director of Transportation is hereby given consent to complete the Project in the City of Cleveland Heights.

SECTION 2. The State of Ohio shall assume and bear one hundred percent (100%) of all costs for the Project requested by Cleveland Heights and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant’s Scope of Services Task Order Contract which is on file with the Clerk of Council and is available for inspection. Any costs outside the scope of said Task Order would be entirely borne by the City, but no such costs are anticipated.

RESOLUTION NO. 106-2019 (SMS)

SECTION 3. The City Manager is hereby authorized to enter into any and all contracts with ODOT's Director of Transportation as necessary to complete the Project. All right-of-ways required for the Project shall be made available by and in accordance with current state and federal regulations. Any and all legal documents shall be approved as to form by and subject to the final approval of the Director of Law.

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 one newspaper of general circulation in the City of Cleveland Heights.

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

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Approved Final Scope of Services Minutes Date: _____

GENERAL ENGINEERING SERVICES Central Office, Office of Structural Engineering Scope of Services

The CONSULTANT may be required to perform the following services on a task order type basis for bridges designated by regulation or by agreement as City or Village inspection responsibility. Tasks which may include but are not limited to the following:

Task 1 - Scour Tasks

- Task 1A - Scour Critical Assessment
- Task 1B - Scour Plan-of-Action
- Task 1C – Scour Analysis

Task 2 - Load Rating Tasks

- Task 2A - Field Measurements for Load Rating
- Task 2B - Load Rating Calculations

Task 3 – SMS Structure Inventory and Review

Task 4 – Inspection Procedures

- Task 4A - Fracture Critical Plan
- Task 4B – Underwater Inspection Procedures

Task 5 - Bridge Inspection

- Task 5A – Routine Bridge Inspection
- Task 5B – Fracture Critical Inspection
- Task 5C – Underwater Dive Inspection

Services shall be conducted in accordance with the following:

- ODOT Manual of Bridge Inspection, Latest Version
- ODOT SMS Bridge and Inventory Coding Guide, Latest Version
- ODOT Bridge Design Manual, Section 900), Latest Version
- Hydraulic Engineering Circulars 18, 20 and 23
- The Manual for Bridge Evaluation, Second Edition 2013 interim with revisions, AASHTO

Publication

- Bridge Inspector's Reference Manual, FHWA NHI Publication Number: 12-049, Publication Year: 2012
- Underwater Bridge Inspection, FHWA Publication Number: FHWA NHI-10-027, Publication Year: 2010

The CONSULTANT shall maintain a project cost accounting system that will segregate costs for individual task orders. The invoicing progress reports shall be detailed enough to show the breakdown of each assigned structure indicating the status of all subtasks. Completion of the individual subtasks is necessary for reimbursement credits.

The Department will be performing an annual Quality Assurance Review (QAR) for each selected consultant in accordance with Manual of Bridge Inspection to ensure accuracy and consistency of the inspection and documentation in SMS. This typically includes an office and field review.

The project will be divided into four (4) sub-projects (SP). A CONSULTANT will be selected for each sub-project. Municipalities opted into the previous inspection program will have the option to renew their legislation. Municipalities with population greater than 50,000 people are excluded from the program. The sub-projects have the following general geographic areas, category characteristics, and maximum contract values for the municipalities with municipal inspection responsibility obtained from SMS data as of March 2019.

Project: SP01 - District (1, 2, &3), Total Structures = 435*

Type	L <= 20'	20' < L <= 60'	60' < L <= 200'	L > 200'	Total
Single Span	170	158	24	0	352
Multi-Span	21	18	29	15	83
Culvert	156	45	0	0	201
Truss	0	0	2	0	2
Underwater Inspection	0	0	0	0	0
Fracture Critical Inspection	0	4	0	0	4
Load Rating**	149	75	16	10	250

* Level 1 bridge inspection structures

** Tasked as budget allows w/priority for NBI bridges

General Engineering Services Scope of Services
 Central Office, Office of Structural Engineering
 PID No. 109334

Project: SP02 - District (4, 11, &12), Total Structures = 270*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	86	86	25	0	197
Multi-Span	16	14	27	16	73
Culvert	82	36	0	0	118
Truss	1	1	5	0	7
Underwater Inspection	0	0	0	1	1
Fracture Critical Inspection	0	1	5	0	6
Load Rating**	67	35	16	5	123

* Level 1 Bridge Inspection structures

** Tasked as budget allows w/priority for NBI bridges

Project: SP03 - District (5, 6, &10), Total Structures = 355*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	132	126	29	0	287
Multi-Span	7	8	35	18	68
Culvert	108	62	4	0	174
Truss	0	0	8	0	8
Underwater Inspection	0	0	1	1	2
Fracture Critical Inspection	0	0	8	1	9
Load Rating**	141	73	20	8	242

* Level 1 bridge inspection structures

** Tasked as budget allows w/priority for NBI bridges

Project: SP04 - District (7, 8 &9), Total Structures = 426*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	150	125	29	0	304
Multi-Span	27	42	41	12	122
Culvert	135	93	30		231
Truss	0	1	5	1	7
Underwater Inspection	0	0	1	1	2
Fracture Critical Inspection	0	2	4	1	7
Load Rating	180	81	27	2	290

* Level 1 bridge inspection structures

** Tasked as budget allows w/priority for NBI bridges

Please note that the total number of structure types is estimated based on current SMS data query, and it may be adjusted when tasks are assigned in the future.

UNDERSTANDING

1. Inspections shall be completed by firm's full-time staff prequalified with ODOT for Level 1 bridge inspection according to the Manual of Bridge Inspection.
2. Task order are intended for maintaining compliance with the FHWA 23-Mertics, Ohio Revised Code, and ODOT policy manuals. Deadlines set by the task orders shall be respected.
3. All reports and records compiled under this agreement shall become the property of the City or Village and shall be housed in the City or Village. ODOT shall receive an electronic copy of plans, analysis files, reports and other items mentioned below.
 - a) CONSULTANT shall perform all applicable updates to SMS with new or revised information for structure inventory and appraisal data, inspections, scour, fracture critical members, and load ratings.
 - b) CONSULTANT shall submit copies of all reports and calculations electronically, or in hard copies when requested, to the City or Village for inclusion in their bridge records.
 - c) This includes, as applicable, a printed copy of the inspection report, Scour Plan-of-Action, Fracture Critical Plan, load rating report, gusset plate analysis, inspection procedures, and field measurement notes, digital pictures as well as a reproducible digital data file (.pdf, .doc, .xml, and .xls formats).
4. Copies of all transmittal letters related to this Task Order shall be submitted to Central Office, Office of Structural Engineering.
 - a) When required, CONSULTANTS shall locate the original construction plans, as-built, and shop drawings from archive locations specified by the municipality and upload them onto SMS.

Services to be furnished by CONSULTANT may include:

TASK 1 - SCOUR TASKS

Task 1A – Scour Critical Susceptibility NBIS Item 113) - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection. Deliverables include field notes, a completed Scour Critical Assessment Checklist as per Appendix I of the 2014 Manual of Bridge Inspection, and any other reference material needed for the bridge

owner to properly maintain their bridge files. Channel photos or cross sections maybe tasked under this item if assigned.

Task 1B - Scour Plan-of-Action - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection Appendix H for the scope of this task. Deliverables include a completed Scour Plan-of-Action, field notes, calculations, and any other reference material needed by bridge owner to maintain bridge files.

TASK 2 – LOAD RATING TASKS

Task 2A - Field Measurements for Load Rating - Should no plans exist or if additional information is required, each main member shall be field measured for load rating. The condition of the member should be noted on the field documentation. All measurements shall be included in the load rating report.

Task 2B - Load Rating Calculations – A bridge carrying vehicular traffic shall be rated to determine the safe load carrying capacity. The CONSULTANT shall review existing bridge plans and inspection reports and other inspection information such as photographs and estimates of section loss for bridge members and connections. The analysis for existing structures shall be performed for AASHTO HS20-44 [MS 18] (truck, lane, & military) loading for both inventory and operating levels, and for the four Ohio Legal Loads including the special hauling vehicles (2F1, 3F1, 4F1, and 5C1, SU4, SU5, SU6, SU7, EV2, and EV3) at operating level. The CONSULTANT shall try to complete the load rating analysis utilizing BrR (Virtis) at first. Hand-calculations or Spreadsheets if BrR is not applicable. The BrR analysis file, other load rating files, and BR100 shall be included with the submittal to OSE.

The inventory and operating ratings shall be coded as per the most recent version of the ODOT Bridge Inventory Coding Guide. Update SMS Inventory with the load rating results and upload BR100 pdf file.

The electronic deliverable shall include if applicable an Excel spreadsheet or other files used for analysis for each bridge which shall include the member areas, member capacities both with and without section loss, influence lines (can be the ordinates or graph of the lines), dead loads and dead load stresses in members, live loads and live load stresses in members for all truck loadings and the load ratings of the members. Truck loadings to be used for the ratings are specified in BDM Section 900.

The Load Rating Report shall be prepared by a registered or non-registered engineer and it shall be checked, signed, sealed and dated by an Ohio Registered Professional Engineer.

The Load Rating Report shall explain the method used to calculate the load rating of each bridge.

AASHTO Load Factor Rating (LFR) shall be utilized for all bridges not designed by Load and Resistance Factor Design. AASHTO Load and Resistance Factor Rating (LRFR) shall be utilized for all structures designed for HL93 loading starting October 2010.

Load Rating Report Submittal to the City or Village shall include:

- a. Two (2) printed copies and one electronic pdf copy of the Load Rating Report for each bridge.
- b. Final summary of inventory and operating ratings for each member and the overall ratings of the structure shall be presented for each live load truck. An acceptable format is ODOT form BR-100.
- c. Analysis program input files. Both input and output files shall be submitted when programs other than BrR or spreadsheets are used.
- d. All calculations related to the load rating.
- e. If applicable, the weight limits posting recommendations including a copy of the standard posting sign; such as R12-1 (24" x 30"), R12-H5 (30" x 48"), and R12-H7 (30" x 30").

TASK 3 – SMS STRUCTURE INVENTORY AND REVIEW

The scope of this task includes a limited review of the structure inventory data in the ODOT SMS. In general, the CONSULTANT shall review specific existing ODOT bridge inventory records (as provided by the City and approved by ODOT) of the designated bridge. The CONSULTANT may download the inventory report, which contains inventory data for each bridge on file with ODOT from the ODOT website. The CONSULTANT shall verify this data and determine if the ODOT SMS structure file information needs changing. If no changes are necessary, then no SMS inventory needs to be filled out. If changes are necessary, the scope of this task shall also include completing and filing inventory updates (and supplements, as needed) in SMS. The CONSULTANT shall refer to the ODOT Office of Structural Engineering Inventory and Coding Guide of SMS for inventory coding details.

TASK 4 – INSPECTION PROCEDURES

Task 4A – Fracture Critical Plan – A Fracture Critical Member Plan and inspection procedure shall be developed and updated. For more details, refer to Chapter 4: Inspection Types in the Manual of Bridge Inspection. It shall include:

1. Sketches of the superstructure with locations of all fatigue and fracture prone details identified.
 - a. Use framing plan or schematic with detail locations labeled and a legend explaining each labeled item on the scheme.

- b. Use an elevation view for trusses.
 - c. Classify similar fatigue/fracture prone details as types (e.g. end of partial cover plate).
2. A table or location of important structural details indicating:
 - a. Type of detail (e.g. end of partial cover plate, short web gap, etc.)
 - b. Location of each occurrence of detail
 - c. AASHTO Fatigue Category of detail
 - d. Identify retrofits previously installed
3. Risk Factors Influencing the inspector access.

Photos and sketches shall be properly referenced. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 4B – Underwater Inspection Procedures – An underwater inspection procedure shall be developed. For more details, refer to Chapter 4: Underwater Inspections in the Manual of Bridge Inspection. Please note that ODOT has recently revised Appendix F of the inspection manual. The diving team shall fill out or update the new form and upload it on SMS prior to performing the actual dives. Please contact OSE for a copy of a blank form if not uploaded on SMS at the time.

TASK 5 – BRIDGE INSPECTION

Task 5A – Routine Bridge Inspection (SMS Input) - Perform a routine field inspection of the structure to determine the general condition. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task. Section 1111 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) modified 23 U.S.C.144, requires Ohio to report bridge element level data for NBIS bridges on the National Highway System (NHS) to FHWA. A condition rating or element level inspection will be assigned. This task includes: Condition Rating Inspection for non-NBI structures, Condition Rating Inspection for NBI structures, and Element Level Inspection for NBI classified as NHS.

Task 5B – Fracture Critical Inspection - Perform a fracture critical field inspection of fracture critical items. The CONSULTANT shall update the FCM inspection procedure with current photos and descriptions. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 5C – Underwater Dive Inspection – Perform Underwater/ In-Water inspection of substructure units according to the cycle shown in SMS. Emergency underwater inspection may arise for specific structures over the duration of the contract period. Work shall be done in accordance with the reference manuals and inspection procedure. Scour risk shall be evaluated after field and data collection.

Proposed:

RESOLUTION NO. 107-2019 (AS)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Arthur J. Gallagher & Company for continuation of its protected liability self-insurance program for the City; and declaring an emergency.

WHEREAS, the City of Cleveland Heights, after careful evaluation of over twenty-five years of experience with its program of protected liability self-insurance, has determined that it is in the best interests of the City to continue such program; and

WHEREAS, the service to be performed by Arthur J. Gallagher & Company is a professional service for which bidding is not required, and after informal evaluation of other alternatives, it has been determined that the fees proposed are competitive and reasonable.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into all necessary agreements with Arthur J. Gallagher & Company and all other necessary entities for the continuation of the City's protected liability self-insurance program for the period from January 1, 2020, through December 31, 2020, at a cost not to exceed Four Hundred Ninety Thousand Dollars (\$490,000), in accordance with the terms and conditions set forth in the proposal from Arthur J. Gallagher & Company, a copy of which is on file with the Clerk of Council.

SECTION 2. All documents and contracts necessary to effectuate the Program shall be approved as to form by the Director of Law.

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

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

RESOLUTION NO. 107-2019 (AS)

CAROL ANN ROE, Mayor
President of Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 12/2/2019

ORDINANCE NO. 108-2019 (AS)

By Council Member Kahlil Seren

An Ordinance amending Chapter 749, “Fair Practices” to include the nonconsensual dissemination of a person’s private sexual images as a prohibited, discriminatory rationale for the purposes of fair employment, education, and housing practices.

WHEREAS, the proposed changes to Chapter 749 will align Cleveland Heights’ fair practices policies with current technologies and social trends; and

WHEREAS, the Council has determined that these proposed amendments to Chapter 749 are in the best interest of the City, its residents, and the general goal of fair practices and the protection of civil rights.

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

SECTION 1. Section 749.03(n), of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

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

SECTION 2. Section 749.12(b), of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(b) To establish, announce, or follow a policy of denying or limiting the employment or employment opportunities of any individual or group of individuals because of race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or the nonconsensual dissemination of that individual’s or group of individuals’ private sexual images;

SECTION 3. Section 749.12(c), of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(c) Publish or cause to be published any notice or advertisement relating to employment or employment opportunities which contains any specification or limitation as to race, color, religion,

ORDINANCE NO. 108-2019 (AS)

Sex, Familial Status, national origin, Disability, Sexual Orientation,~~or~~ Gender Identity or Expression, or the nonconsensual dissemination of an individual's private sexual images;

SECTION 4. Section 749.12(d), of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(d) Require of any applicant as a condition of employment or employment opportunities any information concerning the applicant's age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation,~~or~~ Gender Identity or Expression, or the nonconsensual dissemination of that individual's private sexual images; or

SECTION 5. Section 749.13(a), of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(a) For any Educational Institution to deny, restrict, abridge, or condition the use of or access to any educational facilities or educational services to any individual who is otherwise qualified on account of race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation,~~or~~ Gender Identity or Expression, or the nonconsensual dissemination of that individual's private sexual images;

SECTION 6. 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 7. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Clerk of Council

PASSED:

Ordinance No. 101-2019 (F), *Second Reading*
By Council

An ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, for the period of January 1, 2020 through December 31, 2020; and declaring an emergency.

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

Section 1.

To provide for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, during the fiscal year ending December 31, 2020 the following sums be and they are hereby appropriated:

<u>PUBLIC SAFETY</u>	<u>Original Appropriation Amount</u>
<u>Police Department</u>	
Personal Services	\$8,895,871
Other than Personal Services	\$612,940
Capital	\$0
Non-Governmental	\$500
Transfer	\$969,046
Total Police Department	\$10,478,357
<u>Police Academy</u>	
Personal Services	\$4,500
Other than Personal Services	\$96,000
Capital	\$1,000
Non-Governmental	\$0
Total Police Academy	\$101,500
<u>Police Motor Vehicles</u>	
Personal Services	\$0
Other than Personal Services	\$0
Capital	\$0
Total Police Motor Vehicle Maintenance	\$0
<u>Traffic Signs and Signals</u>	
Personal Services	\$60,295
Other than Personal Services	\$146,000
Capital	\$0
Total Traffic Signs Department	\$206,295
<u>Animal Protection Unit</u>	
Personal Services	\$73,260
Other than Personal Services	\$30,000
Total Animal Protection	\$103,260
<u>Fire Department</u>	
Personal Services	\$6,968,691
Other than Personal Services	\$273,300
Capital	\$1,500
Transfer	\$1,370,917
Total Fire Department	\$8,614,408
<u>Fire Prevention Bureau</u>	
Personal Services	\$100,384
Other than Personal Services	\$5,200
Capital	\$1,000
Total Fire Prevention Bureau	\$106,584
<u>Joint Dispatch Transfer</u>	
Other than Personal Services	\$1,116,323
<u>Street Lighting</u>	
Transfer	\$17,000
TOTAL PUBLIC SAFETY	\$20,743,727

PUBLIC HEALTH	<u>Original Appropriation Amount</u>
<u>Health & Vital Statistics</u>	
Other than Personal Services	\$243,500
Total Health Department	\$243,500

Commission on Aging
 Other than Personal Services \$250
Total Commission on Aging \$250

TOTAL PUBLIC HEALTH \$243,750

CULTURE & RECREATION Original Appropriation Amount

Recreation Administration
 Personal Services \$244,550
 Other than Personal Services \$36,150
Total Recreation Administration \$280,700

Swimming Pools
 Personal Services \$269,527
 Other than Personal Services \$131,450
 Non-Governmental \$0
Total Swimming Pools \$400,977

Cain Park
 Transfer to Cain Park Fund **\$80,000**

Ice Programs
 Personal Services \$227,559
 Other than Personal Services \$19,850
 Non-Governmental \$0
Total Ice Programs \$247,409

General Recreation Programs
 Personal Services \$135,356
 Other than Personal Services \$31,500
 Non-Governmental \$2,500
Total General Recreation Programs \$169,356

Sports Programs
 Personal Services \$121,769
 Other than Personal Services \$97,600
 Capital \$0
 Non-Governmental \$5,000
Total Sports Programs \$224,369

Community Center
 Personal Services \$545,472
 Other than Personal Services \$494,300
 Non-Governmental \$1,500
Total Community Center \$1,041,272

Office on Aging
 Personal Services \$152,665
 Other than Personal Services \$34,000
 Non-Governmental \$300
Total Office on Aging \$186,965

TOTAL CULTURE/RECREATION \$2,631,048

COMMUNITY ENVIRONMENT Original Appropriation Amount

Community Relations
 Personal Services \$63,493
 Other than Personal Services \$12,550
Total Community Relations \$76,043

Public Relations
 Personal Services \$231,310
 Other than Personal Services \$107,000
Total Public Relations \$338,310

Planning Department
 Personal Services \$441,956
 Other than Personal Services \$26,200
 Capital \$3,000
Total Planning Department \$471,156

Planning Commission

Personal Services	\$8,138
Other than Personal Services	\$3,900
Non-Governmental	\$450
Total Planning Commission	\$12,488

<u>Board of Zoning Appeals</u>	
Personal Services	\$5,813
Other than Personal Services	\$2,975
Non-Governmental	\$500
Total Board of Zoning Appeals	\$9,288

<u>Architectural Board of Review</u>	
Personal Services	\$6,976
Other than Personal Services	\$300
Non-Governmental	\$300
Total Board of Zoning Appeals	\$7,576

SPECIAL IMPROVEMENT DISTRICTS **\$371,033**

<u>Building Department</u>	
Personal Services	\$0
Other than Personal Services	\$656,700
Non-Governmental	\$0
Total Building Department	\$656,700

<u>Housing Inspections</u>	
Personal Services	\$541,358
Other than Personal Services	\$45,300
Capital	\$24,000
Non-Governmental	\$1,500
Total Housing Inspections	\$612,158

<u>Forestry</u>	
Transfer to Tree Fund	\$18,600

<u>Landmark Commission</u>	
Other than Personal Services	\$16,100
Capital	\$0
Total Landmark Commission	\$16,100

TOTAL COMMUNITY ENVIRONMENT **\$2,589,452**

SANITATION Original Appropriation Amount

<u>Refuse Collection/Transfer Station</u>	
Personal Services	\$1,651,902
Other than Personal Services	\$586,500
Capital	\$0
Total Refuse/Transfer Station	\$2,238,402

TOTAL SANITATION **\$2,238,402**

TRANSPORTATION Original Appropriation Amount

<u>Vehicle Maintenance</u>	
Personal Services	\$841,988
Other than Personal Services	\$1,390,700
Capital	\$26,500
Total Vehicle Maintenance	\$2,259,188

<u>Street Maintenance</u>	
Personal Services	\$1,170,106
Other than Personal Services	\$156,075
Capital	\$6,000
Total Street Maintenance	\$1,332,181

TOTAL TRANSPORTATION **\$3,591,369**

GENERAL GOVERNMENT Original Appropriation Amount

<u>City Council</u>	
Personal Services	\$77,884
Other than Personal Services	\$8,750
Total City Council	\$86,634
<u>City Manager</u>	
Personal Services	\$461,970
Other than Personal Services	\$21,500
Total City Manager	\$483,470
<u>Management Information Systems</u>	
Personal Services	\$338,340
Other than Personal Services	\$221,050
Capital	\$3,400
Total MIS	\$562,790
<u>Civil Service Commission</u>	
Personal Services	\$1,744
Other than Personal Services	\$17,500
Total Civil Service	\$19,244
<u>Finance Department</u>	
Personal Services	\$431,595
Other than Personal Services	\$163,230
Capital	\$0
Non-Governmental	\$0
Total Finance Department	\$594,825
<u>Income Tax Department</u>	
Other than Personal Services	\$986,800
Total Income Tax Department	\$986,800
<u>Law Department</u>	
Personal Services	\$572,376
Other than Personal Services	\$348,350
Capital	\$1,750
Total Law Department	\$922,476
<u>Service Administration</u>	
Personal Services	\$317,474
Other than Personal Services	\$8,425
Capital	\$650
Total Service Administration	\$326,549
<u>Capital Projects</u>	
Personal Services	\$0
Other than Personal Services	\$21,000
Capital	\$0
Total Capital Projects	\$21,000
<u>Public Properties/Park Maintenance</u>	
Personal Services	\$1,136,697
Other than Personal Services	\$1,053,350
Capital	\$0
Total Public Properties/Parm Maintenance	\$2,190,047
<u>Community Services Administration</u>	
Personal Services	\$213,831
Other than Personal Services	\$6,600
Total Community Services Administration	\$220,431
<u>County Fiscal Officer Deductions</u>	
Other than Personal Services	\$229,500
Total County Auditor	\$229,500
<u>Municipal Court</u>	
Personal Services	\$1,035,588
Other than Personal Services	\$174,425
Non-Governmental	\$120
Total Municipal Court	\$1,210,133
<u>General Operations</u>	
Personal Services	\$478,111
Other than Personal Services	\$817,800
Capital	\$0

Non-Governmental Transfers	\$0 \$400,000
Total General Operations	\$1,695,911
TOTAL GENERAL GOVERNMENT	\$9,549,809
HOSPITALIZATION INSURANCE	\$4,079,277
TOTAL GENERAL FUND	\$45,666,832
102-BUDGET STABILIZATION ACCOUNT	
Transfers	\$100,000
Total Budget Stabilization Account	\$100,000
SPECIAL REVENUE FUNDS	<u>Original Appropriation Amount</u>
<u>201-STREET CONSTRUCTION/MAINTENANCE</u>	
Personal Services	\$160,025
Other than Personal Services	\$246,128
Capital	\$1,900,000
Total Street Construction/Maintenance	\$2,306,153
<u>202-FOUNDATION/GRANTS FUND</u>	
Personal Services	\$0
Other than Personal Services	\$250,000
Capital	\$0
Total Foundations/Grants Fund	\$250,000
<u>203-FIRST SUBURBS CONSORTIUM</u>	
Personal Services	\$0
Other than Personal Services	\$0
Capital	\$0
Total First Suburbs Consortium	\$0
<u>204-COMMUNICATION SYSTEM OPERATING FUND</u>	
Personal Services	\$0
Other than Personal Services	\$0
Capital	\$0
Transfers	\$0
Total Communication System Operating Fund	\$0
<u>206-LAW ENFORCEMENT FUND</u>	
Other than Personal Services	\$174,602
Capital	\$19,745
Total Law Enforcement Fund	\$194,347
<u>207-DRUG ENFORCEMENT FUND</u>	
Personal Services	\$51,780
Other than Personal Services	\$76,098
Transfers	\$15,000
Total Drug Enforcement Fund	\$142,878
<u>208-CDBG RESOURCE FUND</u>	
Financial Administration	
Personal Services	\$13,559
Other than Personal Services	\$0
Total Financial Administration	\$13,559
Administrative Contracts	
Other than Personal Services	\$193,891
Total Administrative Contracts	\$193,891
Commercial Area Improvements	
Capital	\$27,000
Total Commercial Area Improvements	\$27,000
Water Improvement Projects	
Capital Improvements	\$0
Total Water Improvements	\$0
CDBG-Office on Aging	
Personal Services	\$35,392
Other than Personal Services	\$0
Total CDBG-Office on Aging	\$35,392
CDBG-GIS	

Personal Services	\$35,769
Other than Personal Services	\$2,000
Capital	\$20,000
Total CDBG-GIS	\$57,769
LDC-Economic Development	
Personal Services	\$123,761
Other than Personal Services	\$71,000
Capital	\$2,000
Total LDC-Economic Development	\$196,761
CDBG-Administration	
Personal Services	\$86,113
Other than Personal Services	\$78,450
Capital	\$4,500
Total CDBG-Administration	\$169,063
CDBG-Public Works	
Capital	\$180,000
Total CDBG-Public Works	\$180,000
CDBG-Home Repair Resource	
Other than Personal Services	\$180,204
Total CDBG-Home Repair Resource	\$180,204
Housing Preservation Agency	
Personal Services	\$417,253
Other than Personal Services	\$153,700
Capital	\$2,000
Total Housing Preservation Industry	\$572,953
CDBG-Code Enforcement	
Personal Services	\$50,017
Total CDBG-Code Enforcement	\$50,017
CDBG-Neighborhood Relations	
Personal Services	\$51,088
Total CDBG-Neighborhood Relations	\$51,088
CDBG-Program Income	
Other than Personal Services	\$220,000
Capital	\$0
Total CDBG-Program Income	\$220,000
TOTAL CDBG RESOURCE FUND	\$1,947,697
<u>211-HUD-HOMEPROGRAM FUND</u>	
Home Administration	
Personal Services	\$0
Other than Personal Services	\$420,000
Refunds/Repayments Advances	\$0
Total Home Administration	\$420,000
Home-Program Income	
Other than Personal Services	\$0
Total Home-Program Income	\$0
TOTAL HUD HOME FUND	\$420,000
<u>212- FEMA Grant</u>	
Personal Services	\$0
Total FEMA	\$0
<u>213-POLICE FACILITY IMPROVEMENT FUND</u>	
Other than Personal Services	\$20,000
Capital	\$20,000
Total Police Facility Improvement Fund	\$40,000
<u>214-LOCAL PROGRAMMING FUND</u>	
Personal Services	\$122,453
Other than Personal Services	\$337,400
Capital	\$90,000
Transfer/Advances	\$1,575
Total Local Programming Fund	\$551,428
<u>215-CAIN PARK FUND</u>	
Cain Park Administration	
Personal Services	\$173,175
Other than Personal Services	\$640,803
Capital	\$0
Non-Governmental	\$0

Total Cain Park Administration	\$813,978
Cain Park Arts Festival	
Personal Services	\$0
Other than Personal Services	\$27,800
Capital	\$0
Non-Governmental	\$0
Total Cain Park Arts Festival	\$27,800
Cain Park Theatre 8906	
Personal Services	\$12,122
Other than Personal Services	\$56,040
Capital	\$0
Non-Governmental	\$0
Total Cain Park Theatre 8906	\$68,162
TOTAL CAIN PARK FUND	\$909,940
<u>216-RECREATION FACILITIES IMPROVEMENTS FUND</u>	
Other than Personal Services	\$170,000
Capital	\$485,612
Transfers	\$27,340
Total Recreation Facilities Improvements Fund	\$682,952
<u>217-PUBLIC RIGHT OF WAY FUND</u>	
Other than Personal Services	\$0
Total Public Right of Way Fund	\$0
<u>221-INDIGENT DUI TREATMENT</u>	
Other than Personal Services	\$12,000
Total Indigent DUI Treatment	\$12,000
<u>222-COURT COMPUTER FUND</u>	
Personal Services	\$1,343
Other than Personal Services	\$34,000
Capital	\$25,000
Non-Governmental	\$0
Total Court Computer Fund	\$60,343
<u>223-DUI ENFORCEMENT/EDUCATION</u>	
Other than Personal Services	\$10,000
Total DUI Enforcement/Education	\$10,000
<u>225-COURT SPECIAL PROJECTS</u>	
Personal Services	\$874
Other than Personal Services	\$98,000
Capital	\$0
Non-Governmental	\$0
Total Court Special Projects	\$98,874
<u>226-LEAD SAFE CUYAHOGA</u>	
Personal Services	\$20,000
Other than Personal Services	\$240,000
Capital	\$0
Refunds/Repayments Advances	\$0
Total Lead Safe Cuyahoga Fund	\$260,000
<u>227-NEIGHBORHOOD STABILIZATION</u>	
Personal Services	\$0
Other than Personal Services	\$0
Capital	\$0
Total Neighborhood Stabilization	\$0
<u>237-FIRST SUBURBS DEVELOPMENT COUNCIL</u>	
Personal Services	\$0
Other than Personal Services	\$0
Total First Suburbs Development Council	\$0
TOTAL SPECIAL REVENUE FUNDS	\$7,886,612
<u>CAPITAL PROJECT FUNDS</u>	<u>Original Appropriation Amount</u>
<u>402-CAPITAL EQUIPMENT IMPROVEMENTS</u>	
Other than Personal Services	
Capital	\$500,000

Total Capital Equipment Improvements	\$500,000
<u>411-ECONOMIC DEVELOPMENT FUND</u>	
Personal Services	\$2,889
Other than Personal Services	\$794,000
Capital	<u>\$0</u>
Total Economic Development Fund	\$796,889
<u>412-CITY HALL REPAIR FUND</u>	
Other than Personal Services	\$15,000
Capital	<u>\$15,000</u>
Total City Hall Repair Fund	\$30,000
<u>415-RING ROAD CONSTRUCTION</u>	
Other than Personal Services	\$0
Capital	<u>\$0</u>
Total Ring Road Construction	\$0
TOTAL CAPITAL PROJECTS	\$1,326,889
<u>DEBT SERVICE FUNDS</u>	<u>Original Appropriation Amount</u>
<u>301-GENERAL OBLIGATION BONDS</u>	\$2,742,117
TOTAL DEBT SERVICE FUNDS	\$2,742,117
<u>SPECIAL ASSESSMENT FUNDS</u>	<u>Original Appropriation Amount</u>
<u>230-STREET LIGHTING FUND</u>	
Other than Personal Services	\$885,200
Total Street Lighting Fund	\$885,200
<u>231-TREE FUND</u>	
Personal Services	\$743,856
Other than Personal Services	\$782,156
Capital	\$97,000
Transfers	<u>\$15,415</u>
Total Tree Fund	\$1,638,427
TOTAL SPECIAL ASSESSMENT FUNDS	\$2,523,627
<u>PROPRIETARY FUNDS</u>	<u>Original Appropriation Amount</u>
<u>601-WATER FUND</u>	
Finance Administration	
Other than Personal Services	<u>\$0</u>
Total Finance Administration	\$0
Water Administration	
Personal Services	\$0
Other than Personal Services	\$23,522
Capital	\$2,613,287
Non-Governmental	\$0
Transfers	<u>\$0</u>
Total Water Administration	\$2,636,809
Water Distribution	
Personal Services	\$0
Other than Personal Services	\$0
Capital	\$0
Non-Governmental	<u>\$0</u>
Total Water Distribution	\$0
Water Supply	
Other than Personal Services	\$0
Capital	<u>\$0</u>
Total Water Supply	\$0
MeadowBrook Blvd. Project	
Other than Personal Services	<u>\$0</u>
Total MeadowBrook Blvd. Project	\$0
Cedar Road Water Project	
Other than Personal Services	<u>\$0</u>
Total Cedar Road Water Project	\$0

Runnymede/Quilliams Water Project	
Other than Personal Services	\$0
Total Runnymede/Quilliams Water Project	\$0

TOTAL WATER FUND **\$2,636,809**

602-SEWER FUND

Sewer Maintenance	
Personal Services	\$1,597,240
Other than Personal Services	\$664,250
Capital	\$5,373,170
Transfers	\$20,710
Total Sewer Maintenance	\$7,655,370

Sewer Administration	
Other than Personal Services	\$0
Non-Governmental	\$0
Total Sewer Administration	\$0

MeadowBrook Blvd. Project	
Other than Personal Services	\$4,261
Total MeadowBrook Project	\$4,261

Cedar Road Water/Sewer Project	
Other than Personal Services	\$8,521
Total Cedar Road	\$8,521

Demington Road Sewer Project	
Other than Personal Services	\$38,273
Total Demington Road Sewer Project	\$38,273

TOTAL SEWER FUND **\$7,706,425**

603-PARKING FUND

Personal Services	\$187,534
Other than Personal Services	\$1,025,000
Capital	\$5,000
Non-Governmental	\$3,500
Transfers	\$1,000
Total Off Street Parking Fund	\$1,222,034

606-AMBULANCE SERVICES FUND

Personal Services	\$239,055
Other than Personal Services	\$411,200
Capital	\$475,815
Refunds/Transfers	\$40,559
Total Ambulance Services Fund	\$1,166,629

TOTAL ENTERPRISE FUNDS **\$12,731,897**

TOTAL PROPRIETARY FUNDS	\$12,731,897
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FIDUCIARY FUNDS Original Appropriation Amount

SELF INSURANCE FUNDS

701 - HOSPITALIZATION FUND	
Personal Services	\$500,000
Total Hospitalization Fund	\$500,000

703 - WORKERS COMPENSATION FUND	
Personal Services	\$0
Total Workers Compensation Fund	\$0

TOTAL SELF INSURANCE FUNDS **\$500,000**

TRUST FUNDS

232-POLICE PENSION FUND **\$1,219,046**

233-FIRE PENSION PLAN **\$1,610,917**

804-OAA DONATION FUND

Office on Aging Administration	
Other than Personal Services	\$6,360

Capital	\$0
Total Office on Aging Administration Fund	\$6,360
Office on Aging Computer Center	
Other than Personal Services	\$5,180
Capital	\$1,000
Total Office on Aging Computer Center	\$6,180
TOTAL OOA DONATION FUND	\$12,540
<u>808-YOUTH RECREATION DONATION</u>	\$6,500
<u>809-POLICE MEMORIAL TRUST FUND</u>	\$0
TOTAL TRUST FUNDS	\$2,849,003
<u>AGENCY FUNDS</u>	
<u>234-EARNED BENEFITS FUND</u>	\$657,225
<u>810-YOUTH ADVISORY COMMISSION FUND</u>	\$100
<u>811-JUVENILE DIVERSION FUND</u>	\$12,000
<u>857-SALES TAX FUND</u>	\$0
<u>858-MISCELLANEOUS AGENCY FUND</u>	\$69,500
<u>864-NEOSORD BILLING FUND</u>	\$0
TOTAL AGENCY FUNDS	\$738,825
TOTAL TRUST & AGENCY FUNDS	\$4,087,828
TOTAL ALL FUND TYPES	\$77,065,803

SECTION 2.

There shall be, and there are hereby, monies transferred from various funds in amounts not to exceed those stated below

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
101-GENERAL FUND	\$80,000	215-CAIN PARK
101-GENERAL FUND	\$17,000	230-STREET LIGHTING FUND
101-GENERAL FUND	\$18,600	231-FORESTRY FUND
101-GENERAL FUND	\$969,046	232-POLICE PENSION FUND
101-GENERAL FUND	\$1,370,917	233-FIRE PENSION FUND
101-GENERAL FUND	\$400,000	234-EARNED BENEFITS FUND
101-GENERAL FUND	\$100,000	102-BUDGET STABILIZATION ACCOUNT
102-BUDGET STABILIZATION ACCOUNT	\$0	101-GENERAL FUND
204-COMMUNICATION SYSTEMS OPERATING FUND	\$0	234-EARNED BENEFITS FUND
207-DRUG ENFORCEMENT FUND	\$15,000	232-POLICE PENSION FUND
214-LOCAL PROGRAMMING FUND	\$1,575	234-EARNED BENEFITS FUND
216-RECREATION FACILITIES/IMPROVEMENT FUND	\$27,340	301-GENERAL BOND RETIREMENT FUND
231-FORESTRY FUND	\$3,570	234-EARNED BENEFITS FUND
231-FORESTRY FUND	\$22,000	301-GENERAL BOND RETIREMENT FUND
603-PARKING FUND	\$1,000	234-EARNED BENEFITS FUND
602-SEWER FUND	\$20,710	234-EARNED BENEFITS FUND
606-AMBULANCE SERVICES FUND	\$370	234-EARNED BENEFITS FUND
606-AMBULANCE SERVICES FUND	\$40,189	233-FIRE PENSION FUND
TOTAL TRANSFERS FROM FUNDS	\$3,087,317	

SECTION 3.

In order to avoid a deficit balance in any fund, the City Manager is hereby authorized to temporarily advance from any unrestricted fund to any other fund, an amount sufficient to cover said deficit balance.

SECTION 4.

All expenditures of the City of Cleveland Heights within the fiscal year ending December 31, 2020, shall be made within the appropriations herein provided. "Appropriation" as used herein means the total amount appropriated for the individual fund. Notwithstanding the financial detail herein presented within an individual fund, the City Manager is authorized to transfer budgeted amounts within each fund, so long as the total amount appropriated for each individual fund is not exceeded.

SECTION 5.

Notice of the passage of this ordinance shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one paper of general circulation in the city of Cleveland Heights.

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 that in order to preserve the faith and credit of the City, it shall take effect at once; wherefore, Council declares that emergency exists and that this emergency Ordinance which shall take effect and be in force from and after the date of its passage.

CAROL ANN ROE, MAYOR
President of Council

Passed:

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

ORDINANCE NO. 102-2019, *Second Reading*
By Council Member

An ordinance to amend certain subparagraphs of Ordinance No. 130-2018 (F), relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2019 and declaring an emergency.

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

Section 1.

Certain subparagraphs of Ordinance No. 130-2018 (F) all relating to appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2019 be, and the same hereby increased, decreased and/or transferred in the following subparagraphs by said amounts set opposite hereto:

<u>PUBLIC SAFETY</u>	<u>Original Appropriation Amount</u>	<u>Increase/(Decrease)</u>	<u>Total</u>
<u>Police Department</u>			
Personal Services	\$8,558,006	\$0	\$8,558,006
Other than Personal Services	\$526,550	\$0	\$526,550
Capital	\$0	\$0	\$0
Non-Governmental	\$500	\$638	\$1,138
Transfer	\$909,820	\$0	\$909,820
Total Police Department	\$9,994,876	\$638	\$9,995,514
<u>Police Academy</u>			
Personal Services	\$4,500	\$695	\$5,195
Other than Personal Services	\$88,500	\$950	\$89,450
Capital	\$1,000	\$0	\$1,000
Non-Governmental	\$0	\$0	\$0
Total Police Academy	\$94,000	\$1,645	\$95,645
<u>Police Motor Vehicles</u>			
Personal Services	\$0	\$0	\$0
Other than Personal Services	\$0	\$300	\$300
Capital	\$0	\$0	\$0
Total Police Motor Vehicle Maintenance	\$0	\$300	\$300
<u>Traffic Signs and Signals</u>			
Personal Services	\$59,028	\$0	\$59,028
Other than Personal Services	\$146,000	\$27,762	\$173,762
Capital	\$0	\$0	\$0
Total Traffic Signs Department	\$205,028	\$27,762	\$232,790
<u>Animal Protection Unit</u>			
Personal Services	\$70,925	\$6,130	\$77,055
Other than Personal Services	\$30,000	\$0	\$30,000
Total Animal Protection	\$100,925	\$6,130	\$107,055
<u>Fire Department</u>			
Personal Services	\$6,687,799	\$9,307	\$6,697,106
Other than Personal Services	\$271,950	\$0	\$271,950
Capital	\$1,500	\$0	\$1,500
Transfer	\$1,328,794	\$0	\$1,328,794
Total Fire Department	\$8,290,043	\$9,307	\$8,299,350
<u>Fire Prevention Bureau</u>			
Personal Services	\$94,580	\$22,254	\$116,834
Other than Personal Services	\$5,200	\$0	\$5,200
Capital	\$1,000	\$0	\$1,000
Total Fire Prevention Bureau	\$100,780	\$22,254	\$123,034
<u>Joint Dispatch Transfer</u>			
Other than Personal Services	\$0	\$1,066,078	\$1,066,078
Transfer	\$1,066,078	(\$1,066,078)	\$0
Total Joint Dispatch	\$1,066,078	\$0	\$1,066,078
<u>Street Lighting</u>			
Transfer	\$18,600	\$0	\$18,600

TOTAL PUBLIC SAFETY	\$19,870,330	\$68,036	\$19,938,366
<hr/>			
PUBLIC HEALTH	<u>Original Appropriation Amount</u>	<u>Increase</u>	<u>Total</u>
<u>Health & Vital Statistics</u>			
Other than Personal Services	\$222,114	\$10,000	\$232,114
Total Health Department	\$222,114		\$232,114
<u>Commission on Aging</u>			
Other than Personal Services	\$250	\$0	\$250
Total Commission on Aging	\$250		\$250
TOTAL PUBLIC HEALTH	\$222,364	\$0	\$232,364
<hr/>			
CULTURE & RECREATION	<u>Original Appropriation Amount</u>	<u>Increase</u>	<u>Total</u>
<u>Recreation Administration</u>			
Personal Services	\$235,055	\$11,912	\$246,967
Other than Personal Services	\$36,150	\$0	\$36,150
Total Recreation Administration	\$271,205	\$11,912	\$283,117
<u>Swimming Pools</u>			
Personal Services	\$265,023	\$0	\$265,023
Other than Personal Services	\$40,450	\$103,108	\$143,558
Non-Governmental	\$0	\$0	\$0
Total Swimming Pools	\$305,473	\$103,108	\$408,581
<u>Cain Park</u>			
Transfer to Cain Park Fund	\$80,000	\$20,000	\$100,000
<u>Ice Programs</u>			
Personal Services	\$222,816	\$0	\$222,816
Other than Personal Services	\$19,850	\$0	\$19,850
Non-Governmental	\$0	\$730	\$730
Total Ice Programs	\$242,666	\$730	\$243,396
<u>General Recreation Programs</u>			
Personal Services	\$132,138	\$0	\$132,138
Other than Personal Services	\$31,800	\$5,891	\$37,691
Non-Governmental	\$2,500	\$0	\$2,500
Total General Recreation Programs	\$166,438	\$5,891	\$172,329
<u>Sports Programs</u>			
Personal Services	\$119,733	\$2,909	\$122,642
Other than Personal Services	\$101,500	\$0	\$101,500
Capital	\$0	\$0	\$0
Non-Governmental	\$5,000	\$0	\$5,000
Total Sports Programs	\$226,233	\$2,909	\$229,142
<u>Community Center</u>			
Personal Services	\$516,338	\$49,040	\$565,378
Other than Personal Services	\$494,300	\$20,100	\$514,400
Non-Governmental	\$1,500	\$2,300	\$3,800
Total Community Center	\$1,012,138	\$71,440	\$1,083,578
<u>Office on Aging</u>			
Personal Services	\$139,549	\$10,582	\$150,131
Other than Personal Services	\$34,000	\$0	\$34,000
Non-Governmental	\$300	\$250	\$550
Total Office on Aging	\$173,849	\$10,832	\$184,681
TOTAL CULTURE/RECREATION	\$2,478,002	\$226,822	\$2,704,824
<hr/>			
COMMUNITY ENVIRONMENT	<u>Original Appropriation Amount</u>	<u>Increase</u>	<u>Total</u>

Community Relations

Personal Services	\$51,125	\$9,830	\$60,955
Other than Personal Services	\$13,550	\$1,766	\$17,610
Total Community Relations	\$64,675	\$11,596	\$78,565

Public Relations

Personal Services	\$213,558	\$12,710	\$226,268
Other than Personal Services	\$107,000	\$0	\$107,000
Total Public Relations	\$320,558	\$12,710	\$333,268

Planning Department

Personal Services	\$393,760	\$0	\$393,760
Other than Personal Services	\$8,000	\$18,550	\$26,550
Capital	\$0	\$0	\$0
Total Planning Department	\$401,760	\$18,550	\$420,310

Planning Commission

Personal Services	\$8,139	\$0	\$8,139
Other than Personal Services	\$3,500	\$0	\$1,500
Non-Governmental	\$450	\$450	\$900
Total Planning Commission	\$12,089	\$450	\$10,539

Board of Zoning Appeals

Personal Services	\$6,960	\$0	\$6,960
Other than Personal Services	\$2,975	\$0	\$2,975
Non-Governmental	\$500	\$100	\$600
Total Board of Zoning Appeals	\$10,435	\$100	\$10,535

Architectural Board of Review

Personal Services	\$5,813	\$1,632	\$7,445
Other than Personal Services	\$500	\$0	\$500
Non-Governmental	\$300	\$400	\$700
Total Board of Zoning Appeals	\$6,613	\$2,032	\$8,645

SPECIAL IMPROVEMENT DISTRICTS

	\$371,961	\$0	\$371,961
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Building Department

Personal Services	\$0	\$0	\$0
Other than Personal Services	\$511,700	\$0	\$511,700
Non-Governmental	\$0	\$0	\$0
Total Building Department	\$511,700	\$0	\$511,700

Housing Inspections

Personal Services	\$505,121	\$5,000	\$510,121
Other than Personal Services	\$47,500	\$0	\$47,500
Capital	\$20,000	\$4,000	\$24,000
Non-Governmental	\$3,000	\$0	\$3,000
Total Housing Inspections	\$575,621	\$9,000	\$584,621

Forestry

Transfer to Tree Fund	\$18,600	\$6,132	\$24,732
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Landmark Commission

Other than Personal Services	\$4,150	\$12,000	\$16,150
Capital	\$0	\$0	\$0
Total Landmark Commission	\$4,150	\$12,000	\$16,150

TOTAL COMMUNITY ENVIRONMENT

	\$2,298,161	\$72,570	\$2,371,026
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SANITATION

	<u>Original Appropriation Amount</u>	<u>Increase</u>	<u>Total</u>
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Refuse Collection/Transfer Station

Personal Services	\$1,617,175	\$24,379	\$1,641,554
Other than Personal Services	\$578,725	\$48,900	\$627,625
Capital	\$0	\$0	\$0
Total Refuse/Transfer Station	\$2,195,900	\$73,279	\$2,269,179

TOTAL SANITATION	\$2,195,900	\$73,279	\$2,269,179
TRANSPORTATION	<u>Original Appropriation Amount</u>	<u>Increase</u>	<u>Total</u>
<u>Vehicle Maintenance</u>			
Personal Services	\$839,652	\$0	\$839,652
Other than Personal Services	\$1,389,550	\$0	\$1,389,550
Capital	\$26,950	\$27,050	\$54,000
Total Vehicle Maintenance	\$2,256,152	\$27,050	\$2,283,202
<u>Street Maintenance</u>			
Personal Services	\$1,237,855	\$0	\$1,237,855
Other than Personal Services	\$117,050	\$33,700	\$150,750
Capital	\$0	\$0	\$0
Total Street Maintenance	\$1,354,905	\$33,700	\$1,388,605
TOTAL TRANSPORTATION	\$3,611,057	\$60,750	\$3,671,807
GENERAL GOVERNMENT	<u>Original Appropriation Amount</u>	<u>Increase</u>	<u>Total</u>
<u>City Council</u>			
Personal Services	\$77,882	\$0	\$77,882
Other than Personal Services	\$8,750	\$0	\$8,750
Total City Council	\$86,632	\$0	\$86,632
<u>City Manager</u>			
Personal Services	\$435,975	\$2,208	\$438,183
Other than Personal Services	\$19,450	\$22,000	\$41,450
Total City Manager	\$455,425	\$24,208	\$479,633
<u>Management Information Systems</u>			
Personal Services	\$288,418	\$0	\$288,418
Other than Personal Services	\$226,050	\$10,000	\$236,050
Capital	\$3,400	\$0	\$3,400
Total MIS	\$517,868	\$10,000	\$527,868
<u>Civil Service Commission</u>			
Personal Services	\$1,743	\$0	\$1,743
Other than Personal Services	\$13,750	\$0	\$13,750
Total Civil Service	\$15,493	\$0	\$15,493
<u>Finance Department</u>			
Personal Services	\$432,138	\$0	\$432,138
Other than Personal Services	\$104,904	\$75,000	\$179,904
Capital	\$0	\$0	\$0
Non-Governmental	\$0	\$4,000	\$4,000
Total Finance Department	\$537,042	\$79,000	\$616,042
<u>Income Tax Department</u>			
Other than Personal Services	\$901,500	\$243,132	\$1,144,632
Total Income Tax Department	\$901,500	\$243,132	\$1,144,632
<u>Law Department</u>			
Personal Services	\$525,022	\$27,167	\$552,189
Other than Personal Services	\$292,200	\$400,000	\$692,200
Capital	\$1,750	\$0	\$1,750
Total Law Department	\$818,972	\$427,167	\$1,246,139
<u>Service Administration</u>			
Personal Services	\$303,491	\$0	\$303,491
Other than Personal Services	\$7,500	\$0	\$7,500
Capital	\$0	\$0	\$0
Total Service Administration	\$310,991	\$0	\$310,991

Capital Projects

Personal Services	\$0	\$0	\$0
Other than Personal Services	\$21,250	\$0	\$21,250
Capital	\$0	\$0	\$0
Total Capital Projects	\$21,250	\$0	\$21,250

Public Properties/Park Maintenance

Personal Services	\$1,230,066	\$0	\$1,230,066
Other than Personal Services	\$983,350	\$124,650	\$1,108,000
Non-Governmental	\$0	\$0	\$0
Capital	\$0	\$0	\$0
Total Public Properties/Park Maintenance	\$2,213,416	\$124,650	\$2,338,066

Community Services Administration

Personal Services	\$244,346	\$0	\$244,346
Other than Personal Services	\$6,600	\$0	\$6,600
Total Community Services Administration	\$250,946	\$0	\$250,946

County Fiscal Officer Deductions

Other than Personal Services	\$229,500	\$0	\$229,500
Total County Auditor	\$229,500	\$0	\$229,500

Municipal Court

Personal Services	\$1,040,743	\$0	\$1,040,743
Other than Personal Services	\$191,515	\$0	\$191,515
Non-Governmental	\$120	\$0	\$120
Total Municipal Court	\$1,232,378	\$0	\$1,232,378

General Operations

Personal Services	\$266,114	\$0	\$266,114
Other than Personal Services	\$819,900	\$400,000	\$1,219,900
Capital	\$0	\$0	\$0
Non-Governmental	\$0	\$0	\$0
Transfers	\$630,000	\$0	\$630,000
Total General Operations	\$1,716,014	\$400,000	\$2,116,014

TOTAL GENERAL GOVERNMENT **\$9,307,427** **\$1,308,157** **\$10,615,584**

HOSPITALIZATION INSURANCE **\$4,079,277** **\$0** **\$4,079,277**

TOTAL GENERAL FUND	\$44,062,518	\$1,809,614	\$45,882,427
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102-BUDGET STABILIZATION ACCOUNT

Transfers	\$0	\$100,000	\$100,000
Total Budget Stabilization Account	\$0	\$100,000	\$100,000

SPECIAL REVENUE FUNDS

<u>Original Appropriation Amount</u>	<u>Increase</u>	<u>Total</u>
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201-STREET CONSTRUCTION/MAINTENANCE

Personal Services	\$139,584	\$0	\$139,584
Other than Personal Services	\$500	\$241,568	\$242,068
Capital	\$2,203,281	\$0	\$2,203,281
Transfers/Repayment of Advances	\$0	\$0	\$0
Total Street Construction/Maintenance	\$2,343,365	\$241,568	\$2,584,933

202-FOUNDATION/GRANTS FUND

Personal Services	\$0	\$0	\$0
Other than Personal Services	\$399,000	\$0	\$399,000
Capital	\$0	\$0	\$0
Transfers/Repayment of Advances	\$0	\$61,150	\$61,150
Total Foundations/Grants Fund	\$399,000	\$61,150	\$460,150

203-FIRST SUBURBS CONSORTIUM

Personal Services	\$0	\$0	\$0
Other than Personal Services	\$0	\$0	\$0
Capital	\$0	\$0	\$0
Total First Suburbs Consortium	\$0	\$0	\$0

204-COMMUNICATION SYSTEM OPERATING FUND

Personal Services	\$0	\$0	\$0
Other than Personal Services	\$1,066,078	(\$1,066,078)	\$0
Capital	\$0	\$0	\$0
Transfers	\$0	\$0	\$0
Total Communication System Operating Fund	\$1,066,078	(\$1,066,078)	\$0

206-LAW ENFORCEMENT FUND

Other than Personal Services	\$282,851	\$775	\$283,626
Capital	\$13,245	\$6,500	\$19,745
Total Law Enforcement Fund	\$296,096	\$7,275	\$303,371

207-DRUG ENFORCEMENT FUND

Personal Services	\$65,596	\$15,829	\$81,425
Other than Personal Services	\$96,127	\$9,983	\$106,110
Non-Governmental	\$0	\$0	\$0
Capital	\$0	\$0	\$0
Transfers/Repayment of Advances	\$15,000	\$0	\$15,000
Total Drug Enforcement Fund	\$176,723	\$25,812	\$202,535

208-CDBG RESOURCE FUND

Financial Administration

Personal Services	\$13,370	\$23,200	\$36,570
Other than Personal Services	\$0	\$0	\$0
Transfers/Repayment of Advances	\$0	\$0	\$0
Total Financial Administration	\$13,370	\$23,200	\$36,570

Administrative Contracts

Other than Personal Services	\$290,325	\$65,000	\$355,325
Total Administrative Contracts	\$290,325	\$65,000	\$355,325

Commercial Area Improvements

Other than Personal Services	\$0	\$0	\$0
Capital	\$0	\$20,800	\$20,800
Total Commercial Area Improvements	\$0	\$20,800	\$20,800

Water Improvement Projects

Capital Improvements	\$0	\$92,965	\$92,965
Total Water Improvements	\$0	\$92,965	\$92,965

CDBG-Office on Aging

Personal Services	\$34,303	\$27,690	\$61,993
Other than Personal Services	\$0	\$0	\$0
Total CDBG-Office on Aging	\$34,303	\$120,655	\$61,993

CDBG-Contingency

Personal Services	\$0	\$0	\$0
Other than Personal Services	\$0	\$57,197	\$57,197
Capital	\$0	\$0	\$0
Total CDBG-Contingency	\$0	\$57,197	\$0

CDBG - GIS

Personal Services	\$32,402	\$27,121	\$59,523
Other than Personal Services	\$2,000	\$1,136,107	\$1,138,107
Capital	\$20,000	\$0	\$20,000
Total CDBG - GIS	\$54,402	\$1,220,425	\$1,217,630

LDC-Economic Development

Personal Services	\$117,923	\$27,121	\$145,044
Other than Personal Services	\$123,277	\$1,200,000	\$1,323,277
Capital	\$0	\$0	\$0
Total LDC-Economic Development	\$241,200	\$1,227,121	\$1,468,321

CDBG-Administration

Personal Services	\$98,706	\$19,361	\$118,067
Other than Personal Services	\$63,617	\$20,077	\$83,694
Capital	\$0	\$1,910	\$1,910
Total CDBG-Administration	\$162,323	\$41,347	\$203,670

CDBG-Public Works

Other than Personal Services	\$0	\$35,550	\$35,550
Capital	\$180,000	\$28,500	\$208,500
Total CDBG-Public Works	\$180,000	\$28,500	\$208,500

CDBG-Home Repair Resource

Other than Personal Services	\$215,827	\$130,000	\$345,827
Total CDBG-Home Repair Resource	\$215,827	\$187,000	\$345,827
Housing Preservation Agency			
Personal Services	\$358,394	\$43,507	\$401,901
Other than Personal Services	\$150,920	\$211,124	\$362,044
Capital	\$0	\$80	\$80
Total Housing Preservation Industry	\$509,314	\$254,711	\$764,025
CDBG-Code Enforcement			
Personal Services	\$48,385	\$14,951	\$63,336
Total CDBG-Code Enforcement	\$48,385	\$14,951	\$63,336
CDBG-Neighborhood Relations			
Personal Services	\$64,712	\$16,683	\$81,395
Total CDBG-Neighborhood Relations	\$64,712	\$16,683	\$81,395
CDBG-Program Income			
Other than Personal Services	\$0	\$121	\$121
Capital	\$0	\$0	\$0
Total CDBG-Program Income	\$0	\$121	\$121
TOTAL CDBG RESOURCE FUND	\$1,814,161	\$2,150,251	\$3,702,848
<u>211-HUD-HOMEPROGRAM FUND</u>			
Home Administration			
Personal Services	\$0	\$0	\$0
Other than Personal Services	\$361,995	\$0	\$361,995
Transfers/Repayment of Advances	\$0	\$0	\$0
Total Home Administration	\$361,995	\$0	\$361,995
Home-Program Income			
Other than Personal Services	\$0	\$0	\$0
Total Home-Program Income	\$0	\$0	\$0
TOTAL HUD HOME FUND	\$361,995	\$0	\$361,995
<u>212- FEMA Grant</u>			
Personal Services	\$0	\$47,667	\$47,667
Total FEMA	\$0	\$47,667	\$47,667
<u>213-POLICE FACILITY IMPROVEMENT FUND</u>			
Other than Personal Services	\$20,000	\$0	\$20,000
Capital	\$29,000	\$0	\$29,000
Total Police Facility Improvement Fund	\$49,000	\$0	\$49,000
<u>214-LOCAL PROGRAMMING FUND</u>			
Personal Services	\$101,710	\$0	\$101,710
Other than Personal Services	\$162,900	\$209,962	\$372,862
Capital	\$254,250	\$165,750	\$420,000
Non-Governmental	\$0	\$50,000	\$50,000
Transfers/Repayment of Advances	\$1,575	\$0	\$1,575
Total Local Programming Fund	\$520,435	\$425,712	\$946,147
<u>215-CAIN PARK FUND</u>			
Cain Park Administration			
Personal Services	\$173,175	\$10,000	\$183,175
Other than Personal Services	\$535,360	\$207,252	\$742,612
Capital	\$0	\$0	\$0
Non-Governmental	\$0	\$0	\$0
Total Cain Park Administration	\$708,535	\$217,252	\$925,787
Cain Park Arts Festival			
Personal Services	\$0	\$0	\$0
Other than Personal Services	\$27,800	\$8,673	\$36,473
Capital	\$0	\$0	\$0
Non-Governmental	\$0	\$0	\$0
Total Cain Park Arts Festival	\$27,800	\$8,673	\$36,473
Cain Park Theatre 8906			
Personal Services	\$12,122	\$0	\$12,122
Other than Personal Services	\$56,040	\$6,100	\$62,140
Capital	\$0	\$0	\$0

Non-Governmental	\$0	\$0	\$0
Total Cain Park Theatre 8906	\$68,162	\$6,100	\$74,262

TOTAL CAIN PARK FUND	\$804,497	\$232,025	\$1,036,522
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216-RECREATION FACILITIES IMPROVEMENTS FUND

Other than Personal Services	\$185,000	\$133,069	\$318,069
Capital	\$476,612	\$0	\$476,612
Transfers	\$27,340	\$0	\$27,340
Total Recreation Facilities Improvements Fund	\$688,952	\$133,069	\$822,021

217-PUBLIC RIGHT OF WAY FUND

Other than Personal Services	\$0	\$0	\$0
Total Public Right of Way Fund	\$0	\$0	\$0

221-INDIGENT DUI TREATMENT

Other than Personal Services	\$14,000	\$0	\$14,000
Total Indigent DUI Treatment	\$14,000	\$0	\$14,000

222-COURT COMPUTER FUND

Personal Services	\$74,875	\$0	\$74,875
Other than Personal Services	\$1,000	\$0	\$1,000
Capital	\$10,000	\$0	\$10,000
Non-Governmental	\$0	\$0	\$0
Transfers/Repayment of Advances	\$0	\$0	\$0
Total Court Computer Fund	\$85,875	\$0	\$85,875

223-DUI ENFORCEMENT/EDUCATION

Other than Personal Services	\$10,000	\$0	\$10,000
Total DUI Enforcement/Education	\$10,000	\$0	\$10,000

225-COURT SPECIAL PROJECTS

Personal Services	\$48,738	\$0	\$48,738
Other than Personal Services	\$167,500	\$27,329	\$194,829
Capital	\$372,000	\$0	\$372,000
Non-Governmental	\$0	\$0	\$0
Total Court Special Projects	\$588,238	\$27,329	\$615,567

226-LEAD SAFE CUYAHOGA

Personal Services	\$0	\$50,000	\$50,000
Other than Personal Services	\$164,733	\$279,467	\$444,200
Capital	\$0	\$0	\$0
Transfers/Repayment of Advances	\$0	\$0	\$0
Total Lead Safe Cuyahoga Fund	\$164,733	\$329,467	\$494,200

227-NEIGHBORHOOD STABILIZATION

Personal Services	\$0	\$0	\$0
Other than Personal Services	\$0	\$0	\$0
Capital	\$0	\$0	\$0
Total Neighborhood Stabilization	\$0	\$0	\$0

237-FIRST SUBURBS DEVELOPMENT COUNCIL

Personal Services	\$0	\$0	\$0
Other than Personal Services	\$0	\$0	\$0
Total First Suburbs Development Council	\$0	\$0	\$0

TOTAL SPECIAL REVENUE FUNDS	\$9,383,149	\$2,615,247	\$11,736,831
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CAPITAL PROJECT FUNDS

<u>Original Appropriation Amount</u>	<u>Increase</u>	<u>Total</u>
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402-CAPITAL EQUIPMENT IMPROVEMENTS

Other than Personal Services	\$0	\$0	\$0
Capital	\$500,000	\$992,354	\$1,492,354
Total Capital Equipment Improvements	\$500,000	\$992,354	\$1,492,354

411-ECONOMIC DEVELOPMENT FUND

Personal Services	\$0	\$2,000	\$2,000
Other than Personal Services	\$287,300	\$60,000	\$347,300
Capital	\$0	\$75,000	\$75,000
Total Economic Development Fund	\$287,300	\$137,000	\$424,300

412-CITY HALL REPAIR FUND

Other than Personal Services	\$15,000	\$6,589	\$21,589
Capital	\$15,000	\$0	\$15,000
Total City Hall Repair Fund	\$30,000	\$6,589	\$36,589

415-RING ROAD CONSTRUCTION

Other than Personal Services	\$0	\$0	\$0
Capital	\$0	\$0	\$0
Total Ring Road Construction	\$0	\$0	\$0

TOTAL CAPITAL PROJECTS	\$817,300	\$1,135,943	\$1,953,243
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DEBT SERVICE FUNDS

Original Appropriation Amount	Increase	Total
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<u>301-GENERAL OBLIGATION BONDS</u>	\$2,742,117	\$275,207	\$3,017,324
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TOTAL DEBT SERVICE FUNDS	\$2,742,117	\$275,207	\$3,017,324
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SPECIAL ASSESSMENT FUNDS

Original Appropriation Amount	Increase	Total
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230-STREET LIGHTING FUND

Other than Personal Services	\$930,000	\$0	\$930,000
Non Government	\$0	\$0	\$0
Total Street Lighting Fund	\$930,000	\$0	\$930,000

231-TREE FUND

Personal Services	\$784,713	\$0	\$784,713
Other than Personal Services	\$563,800	\$55,959	\$619,759
Capital	\$0	\$250,648	\$250,648
Transfers	\$25,570	\$0	\$25,570
Total Tree Fund	\$1,374,083	\$306,607	\$1,680,690

TOTAL SPECIAL ASSESSMENT FUNDS	\$2,304,083	\$306,607	\$2,610,690
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PROPRIETARY FUNDS

Original Appropriation Amount

601-WATER FUND

Finance Administration			
Other than Personal Services	\$0	\$0	\$0
Total Finance Administration	\$0	\$0	\$0

Water Administration

Personal Services	\$0	\$0	\$0
Other than Personal Services	\$0	\$0	\$287,300
Capital	\$0	\$0	\$0
Non-Governmental	\$0	\$0	\$0
Transfers	\$0	\$0	\$0
Total Water Administration	\$0	\$0	\$287,300

Water Distribution

Personal Services	\$0	\$0	\$0
Other than Personal Services	\$0	\$0	\$0
Capital	\$1,042,000	\$0	\$1,042,000
Non-Governmental	\$0	\$25,000	\$25,000
Total Water Distribution	\$1,042,000	\$25,000	\$1,067,000

Water Supply

Other than Personal Services	\$0	\$0	\$0
Capital	\$0	\$0	\$0
Total Water Supply	\$0	\$0	\$0

MeadowBrook Blvd. Project

Other than Personal Services	\$0	\$18,371	\$18,371
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Total MeadowBrook Blvd. Project	\$0	\$18,371	\$18,371
Cedar Road Water Project			
Other than Personal Services	\$0	\$47,044	\$47,044
Total Cedar Road Water Project	\$0	\$47,044	\$47,044
Runnymede/Quilliams Water Project			
Other than Personal Services	\$0	\$20,207	\$20,207
Total Runnymede/Quilliams Water Project	\$0	\$20,207	\$20,207
TOTAL WATER FUND	\$1,042,000	\$110,622	\$1,439,922
602-SEWER FUND		Increase	Total
Sewer Maintenance			
Personal Services	\$1,614,325	\$0	\$1,614,325
Other than Personal Services	\$769,350	\$30,000	\$799,350
Capital	\$3,236,200	\$223,000	\$3,459,200
Transfers	\$20,710	\$0	\$20,710
Total Sewer Maintenance	\$5,640,585	\$253,000	\$5,893,585
Sewer Administration			
Other than Personal Services	\$0	\$0	\$0
Non-Governmental	\$0	\$0	\$0
Total Sewer Administration	\$0	\$0	\$0
MeadowBrook Blvd. Project			
Other than Personal Services	\$22,964	\$0	\$22,964
Total MeadowBrook Project	\$22,964	\$0	\$22,964
Cedar Road Water/Sewer Project			
Other than Personal Services	\$8,521	\$0	\$8,521
Total Cedar Road	\$8,521	\$0	\$8,521
Demington Road Sewer Project			
Other than Personal Services	\$38,273	\$0	\$38,273
Total Demington Road Sewer Project	\$38,273	\$0	\$38,273
TOTAL SEWER FUND	\$5,710,343	\$253,000	\$5,963,343
603-PARKING FUND			
Personal Services	\$198,479	\$0	\$198,479
Other than Personal Services	\$958,635	\$0	\$958,635
Capital	\$8,000	\$0	\$8,000
Non-Governmental	\$4,000	\$703	\$4,703
Transfers	\$1,000	\$0	\$1,000
Total Off Street Parking Fund	\$1,170,114	\$703	\$1,170,817
606-AMBULANCE SERVICES FUND			
Personal Services	\$199,500	\$0	\$199,500
Other than Personal Services	\$412,200	\$0	\$412,200
Capital	\$475,815	\$652,455	\$1,128,270
Refunds/Transfers	\$40,559	\$0	\$40,559
Total Ambulance Services Fund	\$1,128,074	\$652,455	\$1,780,529
TOTAL ENTERPRISE FUNDS	\$9,050,531	\$1,016,780	\$10,354,611
TOTAL PROPRIETARY FUNDS	\$9,050,531	\$1,016,780	\$10,354,611
FIDUCIARY FUNDS	Original Appropriation Amount	Increase	Total
SELF INSURANCE FUNDS			
701 - Hospitalization			
Personal Services	\$500,000	\$0	\$500,000
Total Hospitalization Fund	\$500,000	\$0	\$500,000
702 - Workers Compensation			
Personal Services	\$238,633	\$0	\$238,633
Total Workers Compensation	\$238,633	\$0	\$238,633
TOTAL SELF INSURANCE FUND	\$738,633	\$0	\$738,633

TRUST FUNDS

<u>232-POLICE PENSION FUND</u>	\$1,145,324	\$0	\$1,145,324
<u>233-FIRE PENSION PLAN</u>	\$1,585,888	\$0	\$1,585,888
<u>804-OAA DONATION FUND</u>			
Office on Aging Administration			
Other than Personal Services	\$6,360	\$0	\$6,360
Capital	\$0	\$0	\$0
Total Office on Aging Administration Fund	\$6,360	\$0	\$6,360
Office on Aging Computer Center			
Other than Personal Services	\$5,180	\$0	\$5,180
Capital	\$3,000	\$0	\$3,000
Total Office on Aging Computer Center	\$8,180	\$0	\$8,180
TOTAL OOA DONATION FUND	\$14,540	\$0	\$14,540
<u>808-YOUTH RECREATION DONATION</u>	\$5,500	\$0	\$5,500
<u>809-POLICE MEMORIAL TRUST FUND</u>	\$0	\$0	\$0
TOTAL TRUST FUNDS	\$2,751,252	\$0	\$2,751,252
<u>AGENCY FUNDS</u>			
<u>234-EARNED BENEFITS FUND</u>	\$657,225	\$0	\$657,225
<u>810-YOUTH ADVISORY COMMISSION FUND</u>	\$100	\$0	\$100
<u>811-JUVENILE DIVERSION FUND</u>	\$12,000	\$0	\$12,000
<u>857-SALES TAX FUND</u>	\$0	\$15	\$15
<u>858-MISCELLANEOUS AGENCY FUND</u>	\$64,500	\$585,528	\$650,028
<u>864-NEOSORD BILLING FUND</u>	\$0	\$0	\$0
TOTAL AGENCY FUNDS	\$733,825	\$585,543	\$1,319,368
TOTAL TRUST & AGENCY FUNDS	\$4,223,710	\$585,543	\$4,070,620
TOTAL ALL FUND TYPES	\$72,583,408	\$7,844,941	\$80,464,379

SECTION 2.

There shall be, and there are hereby, monies transferred from various funds in amounts not to exceed those stated below:

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
101-GENERAL FUND	\$0	204-COMMUNICATIO SYSTEM OPERATIONS
101-GENERAL FUND	\$100,000	215-CAIN PARK FUND
101-GENERAL FUND	\$18,600	230-STREET LIGHTING FUND
101-GENERAL FUND	\$24,732	231-FORESTRY FUND
101-GENERAL FUND	\$909,820	232-POLICE PENSION FUND
101-GENERAL FUND	\$1,328,794	233-FIRE PENSION FUND
101-GENERAL FUND	\$630,000	234-EARNED BENEFITS FUND
102 - BUDGET STABILIZATION ACCOUNT	\$100	101-GENERAL FUND
204-COMMUNICATIONS SYSTEMS OPERATING FUND	\$0	234-EARNED BENEFITS FUND
207-DRUG ENFORCEMENT FUND	\$15,000	232-POLICE PENSION FUND
214-LOCAL PROGRAMMING FUND	\$1,575	101-GENERAL FUND
216-RECREATION FACILITIES/IMPROVEMENT FUND	\$27,340	301-GENERAL OBLIGATION BOND FUND
231-FORESTRY FUND	\$3,570	234-EARNED BENEFITS FUND
231-FORESTRY FUND	\$22,000	301-GENERAL OBLIGATION BOND FUND
601-WATER FUND	\$0	234-EARNED BENEFITS FUND
602-SEWER FUND	\$20,710	234-EARNED BENEFITS FUND
606-AMBULANCE SERVICES FUND	\$370	234-EARNED BENEFITS FUND
606-AMBULANCE SERVICES FUND	\$40,189	233-FIRE PENSION FUND
TOTAL TRANSFERS FROM FUNDS	\$3,142,800	TOTAL TRANSFERS TO FUNDS

SECTION 3.

In order to avoid a deficit balance in any fund, the City Manager is hereby authorized to temporarily advance from any unrestricted fund to any other fund, an amount sufficient to cover said deficit balance.

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
101-GENERAL FUND	\$100,000	201- Street Construction Fund
101-GENERAL FUND	\$100,000	202- Foundation Grant Fund
101-GENERAL FUND	\$100,000	208 - Community Development Block Grant
101-GENERAL FUND	\$100,000	211 - HOME Program Fund
101-GENERAL FUND	\$100,000	222 - Court Computerization
101-GENERAL FUND	\$100,000	226 - LEAD SAFE

SECTION 4.

All expenditures of the City of Cleveland Heights within the fiscal year ending December 31, 2019, shall be made within the appropriations herein provided. "Appropriation" as used herein means the total amount appropriated for the individual fund. Notwithstanding the financial detail herein presented within an individual fund, the City Manager is authorized to transfer budgeted amounts within each fund, so long as the total amount appropriated for each individual fund is not exceeded.

SECTION 5.

Notice of the passage of this ordinance shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one paper of general circulation in the city of Cleveland Heights.

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 that in order to preserve the faith and credit of the City, it shall take effect at once; wherefore, Council declares that emergency exists and that this emergency Ordinance which shall take effect and be in force from and after the date of its passage.

CAROL ANN ROE, MAYOR
 President of Council

SUSANNA NIERMANN O'NEIL
 Acting Clerk of Council

Proposed: 12/2/2019

ORDINANCE NO. 109-2019 (F)

By Council Member

An ordinance conditionally determining to issue economic development revenue bonds to finance costs of the acquisition, construction, equipping, installation, furnishing and other improvement of a project, as defined in Ohio Revised Code Section 165.01, and authorizing and approving related matters.

WHEREAS, this Council has previously enacted legislation (including, without limitation, Ordinances Nos. 7-2018, 121-2018, 135-2018) relating to the redevelopment of the site generally known as “Top of the Hill” located on approximately 4 acres of land situated between Euclid Heights Boulevard and Cedar Road at the top of Cedar Hill (“Project Site”); and

WHEREAS, the City has entered into a development agreement (as amended from time to time, “Development Agreement”) with F & C Development, Inc. (“Developer”) relating to the lease of the Project Site to the Developer for redevelopment with improvements to include (a) approximately 261 market-rate apartments, (b) approximately 11,400 square feet of first floor restaurant, retail and commercial space, (c) a public parking garage containing approximately 550 parking spaces, (d) public gathering and green spaces, and (e) all sidewalks, driveways, access ways and utility connections necessary for the improvements described in (a) through (d) above (“Improvements” and, together with the Project Site, “Project”); and

WHEREAS, the Development Agreement anticipates, among other things: (i) the issuance of tax increment financing revenue bonds by the City or another qualified issuer to pay a portion of the costs of the Improvements (“TIF Bonds”) and (ii) a contribution by the City of up to \$1.85 million to be applied towards costs of the Improvements (“City Contribution”); and

WHEREAS, the City Manager has advised this Council that the Administration has determined that it is in the best interest of the City to issue the TIF Bonds as conduit revenue bonds, secured only by tax increment financing revenues derived from the Project and the obligations of the owner or owners thereof, in order to pay costs of the Project and related costs, including financing costs; and

WHEREAS, the City Manager has advised this Council that the Administration has determined that it is in the best interest of the City to issue to issue additional economic development revenue bonds of the City, secured only by the non-tax revenues of the City (“NTR Bonds”), or to issue notes in anticipation of the issuance of such NTR Bonds (“NTR Notes”), in order to fund the City Contribution and pay related costs, including related issuance costs; and

WHEREAS, United States Treasury Regulations Section 1.150-2 (“Reimbursement Regulations”) prescribes conditions under which proceeds of bonds, notes or other obligations used to reimburse advances made for certain expenditures paid before the issuance of such obligations will be deemed to be expended (or properly allocated to expenditures) for purposes of

ORDINANCE NO. 109-2019 (F)

Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (“Code”) so that, upon such reimbursement, the proceeds so used will not further be subject to requirements or restrictions under those sections of the Code, and certain provisions of the Reimbursement Regulations require that there be a Declaration of Official Intent not later than 60 days following payment of the expenditure expected to be reimbursed from proceeds of such obligations, and that the reimbursement occur within prescribed time periods after the expenditure is paid or after the property is placed in service; and

WHEREAS, this Council has determined that the Project constitutes a “project” within the meaning of Ohio Revised Code Chapter 165, as enacted and amended from time to time pursuant to Article VIII, Section 13, of the Ohio Constitution (“Act”) and, pursuant to and subject to conditions stated in the Act, the City Charter and other applicable laws of the State, the City has full authority to issue the TIF Bonds, the NTR Bonds and any NTR Notes (collectively, “Bond Obligations”), and desires to authorize, approve and take those preliminary actions required of the City in anticipation of the issuance of the Bond Obligations, including negotiating and signing a preliminary financing term sheet for the TIF Bonds, engaging bond counsel, financial advisors, placement agents or underwriters, and consultants, and participating in and cooperating with the Developer, affiliated entities and other parties in structuring and negotiating the documentation necessary for the issuance of the Bond Obligations, all subject to approval by this Council in one or more ordinances approving issuance of the Bond Obligations;

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

SECTION 1. This Council hereby finds and determines, based upon the Development Agreement and other representations of and information provided by the Developer that: (i) the Project will constitute a “project” under the Act, consistent with Article VIII, Section 13, Ohio Constitution, and in furtherance of the public purposes of the State to create and preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, (ii) the issuance of the Bond Obligations, and the financing of a portion of the costs of the Project as required by the Development Agreement, will aid in inducing the Developer to take those actions contemplated by the Development Agreement, including the lease of the Project Site and the acquisition, construction, installation, furnishing, equipping and other improvement of the Improvements thereon, all of which will further the public purposes of the City and the State under and as described in the Act, including creating and preserving jobs and employment opportunities for, and improving the economic welfare of, the residents of the City and the State, and (iii) subject to those conditions stated in the Act, the City Charter and other applicable laws of the State, the City is authorized to issue the Bond Obligations for the purposes contemplated herein.

SECTION 2. In order to finance costs of the Project, this Council hereby agrees that the City will cooperate with the Developer, its affiliates and agents, and other participants in the issuance of the Bond Obligations and the financing of the costs of the Project (collectively “Other Participants”), and hereby authorizes and directs the Administration to cooperate with the Developer and all Other Participants, in seeking and obtaining all necessary authorizations and approvals for the financing of costs of the Project in the manner contemplated by the Development Agreement and herein and, subject to any such required approvals and the conditions stated in the Act, the City Charter, other applicable laws of the State, the Development Agreement and the

ORDINANCE NO. 109-2019 (F)

School Compensation Agreement (referenced in the Development Agreement), declares its present intention to thereafter authorize and cause the City to issue Bond Obligations, in the estimated maximum aggregate face amount of \$30,000,000 pursuant to the Act and suitable documentation applicable to the particular Bond Obligations; provided, that the NTR Bonds or NTR Notes are expected to be issued in a maximum principal amount of approximately \$2,000,000 and all other Bond Obligations, if any, will be issued as TIF Bonds. Debt service charges on the TIF Bonds are expected to be paid from the Service Payments, as defined in the Development Agreement) and any other “revenues” under the Act pledged under a trust indenture for the TIF Bonds. Debt service charges on the NTR Bonds are expected to be paid from non-tax “revenues” of the City pledged under the ordinance authorizing the NTR Bonds and any related agreements. Debt service charges on any NTR Notes issued are expected to be paid from the proceeds of subsequent series of NTR Notes or NTR Bonds and, to the extent not payable therefrom, are expected to be paid from non-tax “revenues” of the City pledged under the ordinance authorizing the NTR Notes.

SECTION 3. This Council hereby authorizes the City Manager or designee or an officer of the City who succeeds to the functions, duties or responsibilities of the City Manager pursuant to or by operation of law or who is fully authorized to perform such functions or duties to sign such preliminary term sheets, engagement agreements and other instruments or documents as she determines to be reasonably necessary to effect the purposes of this ordinance; provided, that any such term sheets, engagement agreements and other instruments or documents so signed shall be approved as to form by the Director of Law and shall not obligate the City to pay any amounts not contemplated by the Development Agreement without the approval of this Council except from the proceeds of the Bond Obligations, when and if authorized by this Council and issued, sold and delivered.

SECTION 4. This Council hereby declares that the City reasonably expects that capital and other expenditures relating to the Project made by the City, the Developer or others will be reimbursed from the proceeds of “bonds” (as defined in Section 150 of the Internal Revenue Code) and that the maximum principal amount of bonds expected to be issued for the Project is approximately \$30,000,000. This resolution constitutes a Declaration of Official Intent under the Reimbursement Regulations.

SECTION 5. Notice of the passage of this ordinance shall be given by publishing the title and an abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 6. The legal services of Squire Patton Boggs (US) LLP (“Squire”), as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, issuance, sale and delivery of the Bond Obligations and the rendering of the necessary legal opinions upon the delivery of the Bond Obligations. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. Squire shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those

ORDINANCE NO. 109-2019 (F)

legal services. The fees and expenses of Squire for those legal services, except to the extent if any expressly agreed to by the City, shall be paid by the Developer pursuant to an engagement agreement with Squire and the provisions of the related Bond Obligation documents, including those provisions obligating the Developer to timely pay all such amounts and to indemnify the City against costs and expenses relating to the issuance of the TIF Bonds and the financing of the costs of the Improvements, but may be paid or reimbursed from proceeds of the Bond Obligations, if and when authorized by this Council and issued by the City.

SECTION 7. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 8. This ordinance shall be in full force and effect from and after the earliest period allowed by law.

CAROL ANN ROE, Mayor
President of Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:



Memorandum

To: Tanisha Briley- City Manager
From: Allan Butler- Housing Programs Director
Date: November 26, 2019
Re: Nuisance Abatement for 983 Pembroke, PPN 681-37-120

The single family structure located at 983 Pembroke is currently deeded to Michelle Keys (deceased 4/14/17). It has been owned by Michelle Keys, Donald Keys (deceased 5/28/19) or Dolores Thomas (dec.1/11/10) since 1992 when it was purchased from HUD. The property was deeded to from Donald Keys (son-in-law) to Dolores Thomas (mother) in 2006 and then back to Michelle Keys (daughter) in 2011. Mortgage foreclosures were filed in 2002, 2008 and 2010 on the property but were dismissed due to various reasons. A tax foreclosure was filed by Cuyahoga County Treasurers Office in 2019 due to unpaid property taxes since 2016 totaling \$12,529. The property has been vacant since 12/4/2017.

The City has performed nuisance abatement grass cutting and yard cleanups in 2018 and 2019 for a total of \$787.50.

The home been cited by the City Housing Dept. for numerous violations including pending violations from a 2007 Systematic Exterior inspection and a recent notice to raze the structure.

The structures roof requires complete replacement including rafters and sheathing. The continual roof leaks over numerous years have completely deteriorated the rear section of the home including the rear porch, bathroom, kitchen and nook requiring complete rebuilding of all including joists, studs, flooring wall covering etc. The structure has mold growth on every level due to the water intrusion. The foundation along the north side is bowed and collapsing and requires replacement. The house requires replacement of entire the plumbing system, mechanical system, and electrical system. The exterior of the house requires complete painting, significant carpentry work, chimneys rebuilt, masonry steps replaced and significant other violations. The garage would need to be razed and rebuilt and the driveway requires replacement.

A Housing Department inspection has noted \$122,000 in class 'A' violations and a Housing Preservation Office cost estimate report indicated \$179,070 in repair costs. These repair costs exceed the average fair market value for homes in this area.

Based on the information provided, I hereby request that City Council declare this property a nuisance as defined by Chapter 553 of the Codified Ordinances.

Furthermore, upon such declarations, I request that the Council order the property owner to make the following repair needed to abate the nuisance.

1. Raze home and clear debris.	\$13,000
2. Asbestos survey and removal.	\$3,000
3. Debris removal	\$3,000
TOTAL ESTIMATED COSTS	\$19,000

In the event the owner fails to comply with this Order, the City should be authorized to abate the nuisance and to assess such cost of abatement against the subject real estate.

The housing preservation office has determined that that the total estimated cost of the repairs to abate the nuisance is \$19,000 if done by the City. Please note individual cost estimates next to each repair.

If you have questions regarding this matter, please contact me at your convenience.

Proposed: 12/2/2019

RESOLUTION NO. 110-2019 (HTC)

By Council Member

A Resolution declaring the property at 983 Pembroke Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.

WHEREAS, the City Manager has reported to this Council that the residential property known as 983 Pembroke Road, owned by Michelle Keys, is currently vacant, is in a state of severe disrepair, and hazardous; and

WHEREAS, the City Manager has further reported that the owner of the subject property has been cited by the Housing Inspection Department for numerous housing code violations on the property and no progress has been made toward correction of the violations; and

WHEREAS, the City Manager has further reported that the property has deteriorated over the years to the point that it is a hazard to the health, safety, and welfare of potential occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property.

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

SECTION 1. This Council hereby finds and determines that the premises known as 983 Pembroke Road, owned by Michelle Keys, is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and hereby declares said property to be a public nuisance pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights.

SECTION 2. The City Manager is authorized and directed to cause the nuisance to be abated in accordance with Chapter 553 of the Codified Ordinances of the City of Cleveland Heights or in any manner determined to be appropriate and in accordance with law, up to and including razing the structures on the property.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being that the condition of the property is so hazardous that it must be abated at the earliest time permitted by law. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this

RESOLUTION NO. 110-2019 (HTC)

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

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:



Memorandum

To: Tanisha Briley- City Manager
From: Allan Butler- Housing Programs Director
Date: November 26, 2019
Re: Nuisance Abatement for 3277 Desota, PPN 681-31-050

The two family structure located 3277 Desota Ave. is owned by Live More LLC a subsidiary Auburn Loan Servicing of Auburn Maine since title transfer 5/4/18 via quit claim from NEW VISION CONSTRUCTION CLEVELAND LLC in lieu of foreclosure. The property was previously owned by George Williams who lost the property to HSBC Bank via Sheriff's deed 12/30/13 and HSBC subsequently transferred the property to NEW VISION via quit claim 7/8/14 for \$14,000. NEW VISION attempted to rent the property without occupancy permits, inspections, and water accounts throughout their ownership. The property tax balance is 32,608 and no payments have been made since 2013.

There are outstanding notices of code violations dating back to a 9/25/12 Systematic Rental Inspection, and multiple complaints for tall grass and failure to obtain occupancy permit or vacant registration.

The City has performed nuisance abatement grass cutting multiple times since 2017 totaling \$800.

The property underwent a substantial interior renovation in 2007 following a fire; however the owners never addressed the deteriorated roof on the structure. Through multiple title transfers following, the owners failed to replace the roof and as a result, the third floor was openly visible to the elements causing significant water damage to the all floors in the structure. The water damage has continued through all 3 floors and into the basement. Nearly every area in the property has significant mold and water damage. All floors have had significant sagging as a result of the water damage and the third floor is not safely walkable. The rear basement wall suffered significant structural damage which has compromised the foundation and structural integrity. A Point of Sale inspection was conducted at the request of Live More LLC on 9/19/2018. The inspection identifies \$79,000 in class A violations including replacement of both furnaces, rebuilding of rear foundation wall, replacement of floor joists and flooring throughout, mold remediation, replacement of roof, replacement of front step unit, and need to paint the entire house. Currently all POS violations remain open and there have been no maintenance performed to the property as it continues to deteriorate.

A recent Cost Estimate Report by the City's Housing Preservation Dept. estimated the repair costs to be \$201,120. These repair costs and delinquent taxes exceed the average fair market value for homes in this area.

Based on the information provided, I hereby request that City Council declare this property a nuisance as defined by Chapter 553 of the Codified Ordinances.

Furthermore, upon such declarations, I request that the Council order the property owner to make the following repair needed to abate the nuisance.

- | | |
|--------------------------------|----------|
| 1. Raze home and clear debris | \$18,000 |
| 2. Asbestos survey and removal | \$3,000 |

TOTAL ESTIMATED COSTS	\$21,000
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In the event the owner fails to comply with this Order, the City should be authorized to abate the nuisance and to assess such cost of abatement against the subject real estate.

The housing preservation office has determined that that the total estimated cost of the repairs to abate the nuisance is \$21,000 if done by the City. Please note individual cost estimates next to each repair.

If you have questions regarding this matter, please contact me at your convenience.

Proposed: 12/2/2019

RESOLUTION NO. (HTC)

By Council Member

A Resolution declaring the property at 3277 Desota Avenue, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.

WHEREAS, the City Manager has reported to this Council that the residential property known as 3277 Desota Avenue, owned by Live More LLC, is currently vacant, is in a state of severe disrepair, and hazardous; and

WHEREAS, the City Manager has further reported that the owner of the subject property has been cited by the Housing Inspection Department for numerous housing code violations on the property and no progress has been made toward correction of the violations; and

WHEREAS, the City Manager has further reported that the property has deteriorated over the years to the point that it is a hazard to the health, safety, and welfare of potential occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property.

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

SECTION 1. This Council hereby finds and determines that the premises known as 3277 Desota Avenue, owned by Live More LLC, is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and hereby declares said property to be a public nuisance pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights.

SECTION 2. The City Manager is authorized and directed to cause the nuisance to be abated in accordance with Chapter 553 of the Codified Ordinances of the City of Cleveland Heights or in any manner determined to be appropriate and in accordance with law, up to and including razing the structures on the property.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being that the condition of the property is so hazardous that it must be abated at the earliest time permitted by law. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this

RESOLUTION NO. (HTC)

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

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:



Memorandum

To: Tanisha Briley- City Manager
From: Allan Butler- Housing Programs Director
Date: November 26, 2019
Re: Nuisance Abatement for 3650 Atherstone, PPN 682-06-055

The single family structure located at 3650 Atherstone is currently deeded to Josh Alton since 4/5/2018 when he purchased the REO property from US Bank for \$,44,000. US Bank the property purchased the property at sheriff's sale for \$73,334 on 12/5/17 as a result of their mortgage foreclosure filed 5/12/16.

The property sustained a major fire on 3/1/19 of which the Cleveland Heights Fire Department responded to and extinguished with aid from neighboring municipalities including South Euclid, University Hts. and Shaker Hts. The fire report indicated that the owner resides in Ontario, Canada and occasionally stays at the house when working on it. The fire report indicated \$115,000 of estimated loss of structure and contents.

Mr. Alton has provided a local address in Shaker Heights and has also indicated that there he does not have insurance on the property. The CHFD has not received and Fire and Securing funds to date.

Taxes for the property have not been paid for 2018 and the current balance is \$4,860.

The property has pending violations from a Point of Sale inspection conducted on 12/18/17. The property transferred to Mr. Alton with approval from the City and \$12,500 being held in escrow by the title company for class "A" violations. There was a partial release of escrow in the amount of \$3,250 for repairs to the property. Mr. Alton has not complied with complaint notices sent after the fire to repair the fire damaged structure, provide vacant property registration or razing of the structure.

The Housing Dept. has conducted nuisance abatement grass cutting and window board ups this year totaling \$418.75.

On 10/11/19 the owner agreed to allow city inspectors into the home for an evaluation. The house is boarded from the outside and all of the windows are broken. The roof of the house is tarped due to fire damage. It has significant damage to the interior from the fire which started near the kitchen floor and burned through the floor and into the attic and roof. Much of the flooring has been burned through making the house unsafe to walk through. The main bathroom and kitchen would need to be replaced completely. Approximately 70 % of the floor joists are charred and require replacement as well as all the walls and ceiling joists in kitchen, bath and hall. The roof, furnace and electrical system, plumbing system, and windows would need to be replaced. The entire property requires cleaning and sealing of the smoke damaged surfaces in order to remove the smell of smoke. Complaints have been lodged from neighbors who live

next door regarding the smoke odors that are emanating from the house. The Housing Dept. inspection required \$125,500 in class "A" violations. The city's Housing Preservation Office Cost Estimate Report estimated the repair cost totals at \$149,900.

Based on the information provided, I hereby request that City Council declare this property a nuisance as defined by Chapter 553 of the Codified Ordinances.

Furthermore, upon such declarations, I request that the Council order the property owner to make the following repair needed to abate the nuisance.

1. Raze home and clear debris	\$25,000
2. Asbestos survey.	n/a
TOTAL ESTIMATED COSTS	\$\$25,000

In the event the owner fails to comply with this Order, the City should be authorized to abate the nuisance and to assess such cost of abatement against the subject real estate.

The housing preservation office has determined that that the total estimated cost of the repairs to abate the nuisance is \$25,000 if done by the City. Please note individual cost estimates next to each repair.

If you have questions regarding this matter, please contact me at your convenience.

Proposed: 12/2/2019

RESOLUTION NO. 112-2019 (HTC)

By Council Member

A Resolution declaring the property at 3650 Atherstone Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.

WHEREAS, the City Manager has reported to this Council that the residential property known as 3650 Atherstone Road, owned by Josh Alton, is currently vacant, is in a state of severe disrepair, and hazardous; and

WHEREAS, the City Manager has further reported that the owner of the subject property has been cited by the Housing Inspection Department for numerous housing code violations on the property and no progress has been made toward correction of the violations; and

WHEREAS, the City Manager has further reported that the property has deteriorated over the years to the point that it is a hazard to the health, safety, and welfare of potential occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property.

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

SECTION 1. This Council hereby finds and determines that the premises known as 3650 Atherstone Road, owned by Josh Alton, is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and hereby declares said property to be a public nuisance pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights.

SECTION 2. The City Manager is authorized and directed to cause the nuisance to be abated in accordance with Chapter 553 of the Codified Ordinances of the City of Cleveland Heights or in any manner determined to be appropriate and in accordance with law, up to and including razing the structures on the property.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being that the condition of the property is so hazardous that it must be abated at the earliest time permitted by law. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise,

RESOLUTION NO. 112-2019 (HTC)

it shall take effect and be in force from and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 12/2/2019

RESOLUTION NO. 113-2019 (HTC)

By Council Member

A Resolution to suspend enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2020, or at such earlier time as Council may subsequently prescribe, on the following-described streets; providing for on-street overnight permit parking on specified portions of Kensington, Hillcrest, Belmar, Glenmont and Eddington Roads; and declaring an emergency.

WHEREAS, Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights prohibits, with the exception of a physician making an emergency call, parking of any vehicles on any street in the City of Cleveland Heights between the hours of 3:00 a.m. and 6:00 a.m.; and

WHEREAS, there is insufficient off-street parking for the residents and guests of certain streets which are hereafter named, due to a high concentration of older apartment buildings with inadequate garage space; and

WHEREAS, the City Manager has thus declared an emergency to exist on such streets and has recommended that all-night parking be permitted; and

WHEREAS, additional resident parking is also necessary on Kensington Road between Lee Road and Cottage Grove Road and on Hillcrest, Belmar, Glenmont and Eddington Roads between Mayfield Road and Avondale Road; and

WHEREAS, this Council previously initiated a program to implement overnight permit on-street parking on the aforementioned streets, and it would be in the best interest of the City and its residents to continue such program.

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

SECTION 1. The aforementioned regulations contained in Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights shall remain in full force and effect upon all streets not specifically enumerated below, but the enforcement thereof shall be temporarily suspended for the period ending December 31, 2020, or at such earlier time as Council may subsequently prescribe, on the following-described streets in the City of Cleveland Heights.

1. Mayfield Road from the Westerly line of Eddington Road west to Coventry Road.

RESOLUTION NO. 113-2019 (HTC)

2. Euclid Heights Boulevard from Coventry Road to Edgehill Road.
3. Derbyshire Road from Euclid Heights Boulevard to Norfolk Road.
4. The entire length of the east side of Surrey Road.
5. Bellfield Avenue from Cecil Court Southerly to North Park Boulevard.
6. Middlehurst Road from Mayfield Road to the south side of Hampshire Road.
7. South side of Hampshire Road from Hampshire Lane to Coventry Road.
8. Grandview Avenue from Cecil Place Southerly to West St. James Parkway.
9. Superior Park Drive from North Taylor Road to South Compton Road.
10. Yorkshire Road from Lee Road, extending in an Easterly direction on the south side to a point coinciding with the Westerly property line of a single-family home identified as 3220 Yorkshire Road, and extending in a Westerly direction on the south side of Yorkshire Road to a point coinciding with the Easterly property line of the first single-family home on Yorkshire Road west of Lee Road.
11. Norfolk Road between Cedar Road and Derbyshire Road.
12. East side of Overlook Road from south of the Edgehill Road intersection in front of PPN 685-03-057 to the northern driveway of 2300 Overlook Road, PPN 685-02-002.

SECTION 2. The City Manager is authorized to issue permits to residents and owners of property on Kensington Road between Lee Road and Cottage Grove Road which will allow such permit holders to park either in Municipal Lot No. 16 or overnight on Kensington Road between Lee Road and Cottage Grove Road. Such permits will be available for sale for a period from January 1, 2020, through December 31, 2020, at a cost of One Hundred Fifteen Dollars (\$115.00) per calendar quarter.

SECTION 3. The City Manager is additionally authorized to issue permits to residents

RESOLUTION NO. 113-2019 (HTC)

and owners of property on Hampshire Road to park overnight on the area between Hampshire Lane and Overlook Road at Euclid Heights Boulevard. Such permits shall be available for sale from January 1, 2020, through December 31, 2020, at a cost of One Hundred Fifteen Dollars (\$115.00) per calendar quarter.

SECTION 4. The City Manager is further authorized to issue permits to residents and owners of property on Hillcrest, Belmar, Glenmont and Eddington Roads between Mayfield Road and Avondale Road to park overnight on the owner's or resident's street in the area between Mayfield Road and Avondale Road. Such permits shall be available for sale for a period from January 1, 2020, through December 31, 2020, at a cost of One Hundred Fifteen Dollars (\$115.00) per calendar quarter.

SECTION 5. 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 6. 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 necessity of having this regulation in effect and of benefit to the residents at the earliest time possible. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 12/2/2019

ORDINANCE NO. 114-2019 (PD)

By Council Member

An Ordinance amending Ordinance No. 7-2018 and Ordinance No. 135-2018 to authorize a second amendment to the development agreement with F & C Development, Inc. concerning Top of the Hill; and declaring an emergency.

WHEREAS, by Ordinance No. 7-2018, this Council authorized the City Manager to enter into a Development Agreement with F & C Development, Inc.; and

WHEREAS, by Ordinance No. 135-2018, this Council authorized the City Manager to enter into a First Amendment to the Development Agreement; and

WHEREAS, the First Amendment to the Development Agreement principally concerned adding an additional property to the Top of the Hill project, which property was to be purchased by F & C Development, Inc. and subsequently sold to the City; and

WHEREAS, the First Amendment to Development Agreement also provided that the City would make an additional contribution to the Project, including the additional property; and

WHEREAS, in connection with the purchase and transfer of such additional property from F & C Development, Inc. to the City, it has become apparent that the terms upon which the additional contribution is to be made by the City to the Project should be clarified for consistency and to implement the intent and purpose of the First Amendment to the Development Agreement.

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

SECTION 1. This Council hereby authorizes the City Manager to enter into a Second Amendment to Development Agreement with F & C Development, Inc. concerning Top of the Hill. Said Second Amendment to the Development Agreement shall be substantially similar to the proposal on file with the Clerk of Council and clarify the City's total additional monetary contribution to the project with regard to the cost paid by the City for the additional property, together with other adjustments consistent with the above. Said Second Amendment to Development Agreement and any related documents shall be approved as to form by and subject to the final approval of the Director of Law.

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

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to proceed with the Top of the Hill Project and corresponding Development Agreement without detrimental interruption or undue delay.

ORDINANCE NO. (PD)

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

CAROL ANN ROE, Mayor
President of Council

SUSANNA NEIRMANN O'NEIL
Acting Clerk of Council

PASSED:

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT (“Second Amendment”) is made and entered into as of the ____ day of _____, 2019 (“Effective Date”), by and among the **CITY OF CLEVELAND HEIGHTS** (the “City”), a municipal corporation and political subdivision duly organized and existing under the laws of the State of Ohio, and **F & C DEVELOPMENT, INC.** (the “Developer”), an Indiana corporation.

R E C I T A L S:

WHEREAS, the City and the Developer entered into that certain Development Agreement with the effective date of April 6, 2018 (the “Original Development Agreement”) and a First Amendment to Development Agreement with the effective date of December 7, 2018 (the “First Amendment”); and collectively with the Original Development Agreement, the “Development Agreement”); and

WHEREAS, since the effective date of the Original Development Agreement, the City and the Developer have been working together to effectuate the terms and provisions of the Development Agreement; and

WHEREAS, in satisfaction of Section 4(B)(xv) and (xvi) of the Development Agreement, (a) the City Council proposes to adopt an ordinance (the “TIF Ordinance”) providing for, among other things, the TIF Exemption (as defined in the Development Agreement), and such TIF Ordinance will replace the previously adopted Ordinance No. 16-2018, (b) the City, the Developer and the School District (as defined in the Development Agreement) have entered into a Compensation Agreement dated March 20, 2018 (as amended from time to time, the “School Compensation Agreement”) providing for the compensation of the School District for the real estate taxes that would have been paid to the School District had the City not granted the TIF Exemption;

WHEREAS, as a result of working together since the effective date of the Original Development Agreement, the City and the Developer identified (a) an opportunity to purchase a parcel of additional property adjacent to the Project Site (as defined in the Development Agreement) and (b) the need for the Developer and the City to each make an additional contribution to the Project (as defined in the Development Agreement) in order for Developer to secure construction financing for the Project;

WHEREAS, as part of the transfer of such additional property from the Developer to the City it has become apparent that certain provisions of the terms upon which the additional contribution by the City to the Project will be made require revision in order to continue to implement the intent and purpose of the Development Agreement; and

WHEREAS, the City and the Developer desire to amend the Development Agreement as set forth herein; and

WHEREAS, execution of this Second Amendment was authorized by Ordinance No. ____ - 2019 passed by the Cleveland Heights City Council on _____, 2019.

NOW, THEREFORE, for good and valuable consideration, including, without limitation, the mutual covenants set forth herein and in the Development Agreement, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer agree as follows:

1. Capitalized terms used herein and not defined herein have the meaning ascribed to them in the Development Agreement.

2. Recital B(i) of the Development Agreement is hereby deleted and the following inserted in its place:

(i) Developer proposes to build in a single phase a mixed-use development that shall include (a) approximately 261 market-rate apartments, (b) approximately 11,400 square feet of first floor restaurant, retail and commercial space, (c) a public parking garage containing approximately 550 parking spaces, (d) public gathering and green spaces, and (e) all sidewalks, driveways, access ways and utility connections necessary for the improvements described in (a) through (d) above (collectively, the “Improvements” or the “Project”).

3. The date “June 30, 2019” wherever set forth in Section 4(A)(i), Section 4(C), and Section 5(C) of the Development Agreement is hereby deleted and the date “March 31, 2020” is hereby inserted in each of its places.

4. Section 8(C)(ii) of the Development Agreement is hereby deleted and the following inserted in its place:

(ii) Subject to adjustment as provided in Section 8(C)(vi) below, the City has agreed to contribute a total of \$1,850,000 to address the Shortfall, in the form of (a) the Added Property Purchase Price and (b) a cash contribution in the amount of \$1,850,000 less the Added Property Purchase Price (the “City Contribution”).

5. Section 8(C)(iv) of the Development Agreement is hereby deleted and the following inserted in its place:

(iv) The City shall deliver cash on the date of the Closing as follows: (a) the Added Property Purchase Price, and (b) the City Contribution, either (a) to the Escrow Agent, or (b) to the Trustee for deposit into the Project Fund, provided that, upon the closing date for the TIF Financing, the City Contribution held by the Escrow Agent shall be transferred to the Trustee for deposit in to the Project Fund.

6. This Second Amendment may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one agreement. The signature page of any entity, or copies or facsimiles thereof, may be appended to any counterparts of this Second Amendment, and, when so appended, shall constitute an original.

IN WITNESS WHEREOF, the City and Developer have each caused this Second Amendment to be executed as of the Effective Date at the beginning of this Second Amendment.

Signed in the Presence of:

CITY OF CLEVELAND HEIGHTS

-
Print
Name: _____

By: _____
-
City Manager

-
Print
Name: _____

The legal form and correctness of this instrument is approved:

Director of Law

F & C DEVELOPMENT, INC.

-
Print
Name: _____

By: _____
Print
Name: _____
Its: _____

-
Print
Name: _____

CITY'S FISCAL OFFICER CERTIFICATE

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure for the attached agreement between F & C Development, Inc. and the City of Cleveland Heights has been lawfully appropriated for such purpose and is in the Treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

Director of Finance

Date: _____

Proposed: 12/2/2019

ORDINANCE NO. 115-2019 (PD)

By Council Member

An ordinance designating the Cleveland Heights Community Improvement Corporation as the agency of the City, approving a related agreement, confirming the plan adopted by that corporation and providing direction to corporation directors that are also City officials or employees.

WHEREAS, this Council, by Ordinance No. 13-2019, authorized the creation, under Chapter 1724 of the Ohio Revised Code (“Act”), of the Cleveland Heights Community Improvement Corporation (“CHCIC”) as an economic development corporation and community improvement corporation organized for the purpose of advancing, encouraging and promoting the industrial, economic, commercial and civic development of the City of Cleveland Heights; and

WHEREAS, in accordance with Ordinance No. 13-2019, various Directors of CHCIC are and will, from time to time be, officials and/or employees of the City appointed for the purpose of representing the interests of the City on the Board of Directors of CHCIC (all such Directors, whether now or hereafter appointed and/or serving, being referred to herein collectively, as “City Directors”); and

WHEREAS, CHCIC has been created and organized in accordance with Ordinance No. 13-2019 and consistent with Ohio Revised Code §1724.10(B)(1), has adopted the City of Cleveland Heights Master Plan, as adopted by the City on March 20, 2017, as the same may be amended and supplemented from time to time, as the plan of CHCIC for the industrial, commercial, distribution and research development of the City, and this Council wishes to confirm that plan, designate CHCIC as the agency of the City for industrial, commercial, distribution and research development and enter into an Agency Agreement with CHCIC regarding the implementation of the plan;

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

SECTION 1. CHCIC is hereby designated as the agency of the City for industrial, commercial, distribution and research development pursuant to the Act, and the plan of CHCIC for the industrial, commercial, distribution and research development of the City, as adopted by CHCIC (“Plan”), is hereby acknowledged and confirmed.

SECTION 2. This Council hereby authorizes the City Manager to enter into an Agency Agreement with CHCIC regarding its actions as agency of the City for industrial, commercial, distribution and research development the implementation of the Plan. Such Agency Agreement shall be substantively similar to the proposal on file with the Clerk of Council and shall be approved as to form by the Director of Law.

SECTION 3. Each of the City Directors is and shall be appointed as a CHCIC Director for the sole purpose of representing the interests of the City with respect to the activities of CHCIC, and

ORDINANCE NO. 115-2019 (PD)

each of such City Directors, whether now or hereafter appointed, is hereby formally instructed to represent only the City and its interests so long as they shall so serve.

SECTION 4. Notice of the passage of this ordinance shall be given by publishing the title and an 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 Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 6. This ordinance shall be in full force and effect from and after the earliest period allowed by law.

CAROL ANN ROE, Mayor
President of Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

AGENCY AGREEMENT

This Agency Agreement is made by and between the City of Cleveland Heights, Ohio, an Ohio municipal corporation and the Cleveland Heights Community Improvement Corporation, a community improvement corporation organized and existing under the laws of the State of Ohio.

WHEREAS, the existence of the Cleveland Heights Community Improvement Corporation (the "CHCIC") has been authorized by the City of Cleveland Heights, Ohio (the "City") by Ord. No. 13-2019, adopted March 4, 2019 ("Ord. No. 13-2019");

WHEREAS, the agency relationship between the CHCIC and the City, pursuant to which the CHCIC shall act as the agent of the City, has been approved and authorized by the City by Ord. No. 13-2019;

WHEREAS, the CHCIC has adopted the most recent Cleveland Heights Master Plan as its plan for redevelopment and re-use of land within the City pursuant to Ord. No. 13-2019;

WHEREAS, the City has confirmed the adoption of its Master Plan by the CHCIC as the CHCIC's plan for redevelopment and re-use of land within the City pursuant to Ord. No. 13-2019;

WHEREAS, the CHCIC shall be authorized to sell or lease any real property or interests in real property owned by the City determined from time to time by City Council not to be required by the City for its purposes, for uses determined by City Council as those that will promote the welfare of the people of the City, stabilize the economy, provide employment, assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City, and shall provide additional opportunities for their gainful employment;

WHEREAS, the City will convey to the CHCIC real property and interests in real property owned by the City and determined by City Council not to be required by the City for its purposes and that such conveyance of real property or interests in real property will promote the welfare of the people of the City, stabilize the economy, provide employment, assist in development of industrial, commercial, distribution, and research activities to the benefit of the people of the City, and provide additional opportunities for their gainful employment;

WHEREAS, the CHCIC may acquire from others additional real property or interests in real property, and any real property or interests in real property so conveyed by it for uses that will promote the welfare of the people of the City, stabilize the economy, provide employment, assist in the development of industrial, commercial, distribution and research activities required for the people of the City and for their gainful employment;

WHEREAS, the shared goal of the City and the CHCIC is to implement the City Master Plan, and to create economic development, commercial development and a greater number of housing units than what currently exists in the City;

WHEREAS, new development and construction projects within the City will help to stabilize the economy, increase commercial activity, provide employment opportunities for City residents and be for the benefit of the people of the City; and

WHEREAS, refurbishment and/or re-purposing of existing structures within the City will help to stabilize the economy, increase commercial activity, provide employment opportunities for City residents and be for the benefit of the people of the City

NOW THEREFORE, the parties hereto, for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties hereto, now agree as follows.

1. The CHCIC shall serve as an agent for the City for the purposes set forth in Chapter 1724 of the Ohio Revised Code and R.C. Section 1724.10 and pursuant to Ord. No. 13-2019.
2. The CHCIC shall ~~act attempt~~ to implement the goals of the City's Master Plan dated March 10, 2017 on file with the Clerk of Council and adopted by City Council on March 20, 2017 pursuant to Ord. No. ~~21-201713-2019~~.
3. If any real property or interests in real property conveyed by the City pursuant to this Agreement or under R.C. Section 1724.10 are sold by the CHCIC at a price in excess of the consideration received by the City from the CHCIC, such excess shall be paid to the City after deducting, to the extent and in the manner provided in the agreement, the costs of such acquisition and sale, taxes, assessments, costs of maintenance, costs of improvements to the real property by the CHCIC, service fees, and any debt service charges of the CHCIC attributable to such real property or interests.

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IN WITNESS WHEREOF, the parties hereto have set their hands effective this 23rd
day of July, 2019.

THE CITY OF CLEVELAND HEIGHTS

By: _____
Tanisha R. Briley, City Manager _____ Date

**CLEVELAND HEIGHTS COMMUNITY
IMPROVEMENT CORPORATION**

By: _____
Carol Roe, Mayor
Director

By: _____
Michael N. Ungar, Chair, Planning and Development Committee
Director

By: _____

Tanisha R. Briley, City Manager _____ Date
Authorized by CHCIC Res. No. 6-2019
Director

By: _____
Allan Butler, Director of Housing
Director

Formatted: Indent: First line: 0"

Proposed: 12/2/2019

ORDINANCE NO. 116-2019 (PD)

By Council Member

An Ordinance declaring certain improvements to real property located in the City of Cleveland Heights, Ohio to be a public purpose; declaring such improvements to be exempt from real property taxation; making provision for the collection of service payments in lieu of taxes; establishing an urban redevelopment tax increment equivalent fund for the deposit of such service payments; confirming a compensation agreement with the Cleveland Heights-University Heights City School District; providing related authorizations pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43; rescinding Ordinance No. 16-2018 adopted on March 19, 2018.

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

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

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

WHEREAS, the City has entered into a Development Agreement (the “Development Agreement”) with F & C Development, Inc. pursuant to which a development entity established by F & C Development, Inc. (such entity, “the Developer”) will lease the Parcels from the City and improve the Parcels by building thereon a mixed-use development which will include construction of (a) approximately 261 market-rate apartments, (b) approximately 11,400 square feet of first floor restaurant, retail and commercial space, (c) a public parking garage containing 550 parking spaces, (d) public gathering and green spaces, and (e) all sidewalks, driveways, access ways and utility connections (all of the foregoing being referred to herein collectively as the “Development”); and

WHEREAS, the City has previously passed Ordinance No. 16-2018 (the “Prior Ordinance”) authorizing a Compensation Agreement dated March 20, 2018 (“Base Compensation Agreement”) with the Board of Education of the Cleveland Heights-University Heights City School District (“School District”); declaring certain improvements to certain parcels included in the Top of the Hill Property to be a public purpose; declaring such improvements to be exempt from real property taxation and making provision for the collection of service payments in lieu of taxes; and

ORDINANCE NO. 116-2019 (PD)

WHEREAS, the Development has been delayed, and the Developer is now prepared to proceed with construction of the Development subject to the enactment of a new ordinance pursuant to R.C. Section 5709.41 that has an effective date in tax year 2020 and exempts from real property taxation 100% of the incremental value resulting from improvements to the parcels within the TIF Area for a period of thirty (30) years (the “Exemption Period”) commencing with tax year 2021.

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

WHEREAS, the City and School District have entered into the Base Compensation Agreement and, on request of the City, the School District has authorized an Addendum to such Base Compensation Agreement (the “Addendum”; the Base Compensation Agreement, as amended and supplemented by the Addendum, is referred to herein as the “Compensation Agreement”), to evidence that (1) the description of the Development has been modified since the date of the Base Compensation Agreement, and (2) the first year of the Exemption Period described in such Base Compensation Agreement is expected to be tax year 2021; and

WHEREAS, under the Compensation Agreement, the Board of Education of the School District waived any notice periods prescribed in R.C. Section 5709.41 and 5709.83, approved a 100% exemption for the Improvements to the Parcels under R.C. Section 5709.41 for thirty (30) years, and waived any other rights to compensation related to the grant of that exemption; and

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

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

SECTION 1. The Prior Ordinance is hereby rescinded in its entirety; provided, however, that the authority granted in Section 5 of the Prior Ordinance (to enter into the Base Compensation Agreement) is hereby saved, adopted, confirmed, ratified and incorporated herein, effective as of the effective date of the Prior Ordinance, and the execution and delivery of the Base Compensation Agreement by the City pursuant to that Section 5 is hereby approved, adopted, ratified and confirmed as fully as if the Prior Ordinance remained in effect.

SECTION 2. The Improvements (other than those Improvements, if any, to be used for residential purposes as such term is used in R.C. Section 5709.41(B)) to the Parcels on which the Developer will construct the Development are hereby declared to be a public purpose for purposes of R.C. Section 5709.41. One hundred percent (100%) of the increase in the assessed value of the Parcels (which increase in assessed value is an “Improvement” as defined in R.C. Section 5709.41) shall be exempt from real property taxation for a period of thirty (30) years commencing with tax year 2021.

ORDINANCE NO. 116-2019 (PD)

SECTION 3. As provided in R.C. Section 5709.42, the owner of the Development (initially, the Developer) is hereby required to make annual service payments for a period of thirty (30) years in lieu of taxes to the County Fiscal Officer on or before the final dates for payment of real property taxes. Each such payment (including interest and penalties) shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable if the Improvements were not exempt from taxation (with the payments in lieu of taxes, including any penalties, interest and rollback payments, collectively referred to as "PILOTS"). The County Fiscal Officer shall remit all PILOTS to the City. In addition to the payment of PILOTS described herein, in accordance with the Compensation Agreement, in connection with any TIF Debt (as defined in the Compensation Agreement), the owner(s) of the Development may also be required to make minimum service payments (the "Minimum Service Payments") as described in the Compensation Agreement.

This Council hereby authorizes the City Manager or designee (the "City Manager") or an officer of the City who succeeds to the functions, duties or responsibilities of the City Manager pursuant to or by operation of law or who is fully authorized to perform such functions or duties (an "Authorized Officer") to provide such information and certifications and execute and deliver, or accept delivery of such instruments as are necessary and incidental to collect those PILOTS from the County Fiscal Officer or collect the Minimum Service Payments from the Developer and to make such arrangements as are necessary and proper for payment of the portion of PILOTS and/or Minimum Service Payments dedicated to TIF Debt to be paid, if appropriate, to the trustee for any TIF Debt. Any late payments of PILOTS shall be subject to penalty and bear interest at the then current rate established under R.C. Sections 323.121 and 5703.47, as may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time.

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

SECTION 4. The City Manager or an Authorized Officer shall make, or cause to be made, payments to the School District as described in the Compensation Agreement.

SECTION 5. This Council hereby establishes pursuant to and in accordance with the provisions of R.C. Section 5709.43, the Top of the Hill Urban Redevelopment Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited the PILOTS distributed to the City with respect to the Improvements on the Parcels by or on behalf of the County Fiscal Officer as provided in Section 5709.42 of the Revised Code. One hundred percent (100%) of the moneys collected shall be deposited in the Fund and shall be retained by the City and used for any or all of the following purposes:

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

(ii) Construction, operation and maintenance of public improvements and publicly-owned facilities on the Parcels, including, but not limited to, streets, storm and sanitary

ORDINANCE NO. 116-2019 (PD)

sewers, water treatment facilities and water transmission lines, sidewalks, curbs, street trees and furniture, transitway improvements, off-street parking facilities, street lighting and signalization, pedestrian walkways, and public parks and plazas, whether owned by the City or other governmental entity by agreement with the City, and associated land acquisition and demolition, planning and engineering costs;

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

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

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

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

SECTION 6. The Compensation Agreement, including the Base Compensation Agreement and the Addendum, each in the form attached to this Ordinance as Exhibit B, is hereby authorized, approved and ratified, with changes or amendments thereto, not inconsistent with this Ordinance and not substantially adverse to the City, as determined by the Director of Law and which are approved by the City Manager or an Authorized Officer. The City Manager or an Authorized Officer, for and in the name of the City, is hereby authorized to execute the Addendum to the Compensation Agreement. The approval of changes or amendments by the City Manager or an Authorized Officer, and the character of the changes or amendments as not being inconsistent with this Ordinance and not being materially adverse to the City, shall be evidenced conclusively by the execution thereof by the City Manager or an Authorized Officer with the concurrence of the Director of Law. This Council further hereby authorizes and directs the City Manager or an Authorized Officer to make such arrangements as are necessary and proper for payments to be made to the School District pursuant to the Compensation Agreement.

SECTION 7. The City Manager or an Authorized Officer is authorized and directed to sign any other documents, instruments or certificates as are necessary or appropriate to consummate or implement the actions described herein, or contemplated by this Ordinance, including an agreement or agreements with the Developer to provide for the payment of PILOTS and Minimum Service Payments described in this Ordinance and in the Compensation Agreement.

SECTION 8. Pursuant to R.C. Section 5709.41, the City Manager is hereby directed to deliver a copy of this Ordinance to the Director of Development Services of the State within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 3 hereof remains in effect, the City Manager or an Authorized Officer shall prepare and submit to the Director of Development Services of the State the status report required under R.C. Section 5709.41(E).

SECTION 9. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this

ORDINANCE NO. 116-2019 (PD)

Council, and that all deliberations of this Council and any decision making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

SECTION 10. 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.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Clerk of Council

PASSED:

EXHIBIT A

DESCRIPTION OF PARCELS INCLUDED IN TIF AREA

(Identified by Parcel Number)

685-18-008

685-18-009

685-18-010

685-18-011

685-18-012

685-18-013

685-18- 016

685-18-018

685-18-019

EXHIBIT B

COMPENSATION AGREEMENT AND FORM OF ADDENDUM

(See Attached)

Proposed: 11/18/2019

ORDINANCE NO. 99-2019 (RCER), *Second Reading*

By Council Member Seren

An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2020.

WHEREAS, this Council annually reviews its use and rentals of the theatres in Cain Park; and

WHEREAS, the City Manager recommends the use and rentals set forth herein.

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

SECTION 1. The City of Cleveland Heights shall sponsor and present in Cain Park and other locations to be determined, through the spring and summer of 2020, a program of entertainment in general accordance with plans therefor previously adopted by the City Manager and the Community Relations and Recreation Committee of Council.

SECTION 2. Stage productions will be presented in Cain Park. Admission charges for these productions will not exceed One Hundred Twenty Five Dollars (\$125.00). Rates will be graduated according to seat location, with the designations subject to approval by the City Manager. Groups of twenty (20) or more may purchase tickets at a discount rate subject to the approval of the City Manager.

Musical concerts will be presented at times scheduled by the City Manager. Such programs may or may not be co-produced with an outside agency as deemed fit by the City Manager. Special arrangements may be made for ticket prices not to exceed One Hundred Twenty Five Dollars (\$125.00), with the proceeds of the box office split per an agreement approved by the Director of Law to accommodate costs of the concert.

SECTION 3. One or more plays (musicals) may be presented at times scheduled and at the theaters designated by the City Manager. The City's share in the cost of such programs is hereby approved and such expenditure is authorized in a total amount not to exceed Eighty Thousand Dollars (\$80,000.00) for the 2020 season.

The City Manager is hereby authorized and directed to enter into any and all agreements necessary for the presentation of summer concert and other non-theatrical programs at Cain Park. All agreements shall be in a form approved by the Director of Law.

To the extent possible, monies to pay for the aforesaid contracts shall be taken from the Cain Park Operating Fund and monies derived from Cain Park activities shall be placed in the Cain Park Operating Fund.

SECTION 4. (a) Such other programs and activities shall be presented as are approved by the City Manager and as are within the concept of the general program approved by the Community Relations and Recreation Committee of Council. Fees may be established by the City Manager to defray the cost of these new programs. Special promotions which reduce or eliminate ticket prices in exchange for media time, print advertising or other publicity may be arranged as approved by the City Manager.

(b) Except as otherwise provided herein, when any class or activity is offered which requires the use of materials to be furnished to the participant, the City Manager is authorized to establish a fee based upon actual costs, which shall be paid by each person at the time of registering for such activity.

(c) Special benefit performances either at Cain Park or elsewhere may be presented for the purpose of offsetting programs deemed appropriate by the City Manager with ticket prices not to exceed the sum of One Hundred Twenty Five Dollars (\$125.00). These arrangements will be made as deemed appropriate by the City Manager.

SECTION 5. (a) In the event that it should become necessary, in the judgment of the City Manager, at any time to limit the number of persons in attendance at any concert, dance or other activity to which the public would otherwise be generally admitted, the City Manager is hereby authorized to establish and place in effect such regulations and restrictions as she may deem necessary for such activities to protect the safety and welfare of the public grounds, the community in general, and members of the public at large.

(b) Such regulations may include, but are not limited to, advance or on-the-spot limitation of admissions, including closing-off of admission, and may also include a requirement that admission be limited to persons who are bona fide residents of Cleveland Heights and are authorized holders of a proper Recreation I.D. Card issued by the City of Cleveland Heights, and such number of guests accompanied by such Cardholder as the City Manager shall establish.

(c) In the event that the City Manager shall determine, in her sole discretion, that the conduct of a given program, or a portion of the program, would endanger the safety and welfare of the public, then she shall have the authority to cancel any program and, at the earliest time possible, to give, by appropriate means, notice to persons wishing to participate in such activity of the fact that the program or activity has been canceled.

(d) Notwithstanding any other provision, the City Manager is hereby vested with authority to transfer the conduct of any portion of the summer program for the year 2020 to another facility in order to ensure the safety and/or convenience of the general public. At such time, the City Manager shall, by appropriate means, advise persons wishing to participate in such activities of the change of location.

ORDINANCE NO. 99-2019 (RCER), *Second Reading*

SECTION 6. 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 7. This Ordinance shall take effect and be in force at the earliest time permitted by law.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 11/18/2019

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

By Council Member Seren

An Ordinance amending the use regulations and rates for admission and other services for the Cleveland Heights Community Center, City parks, and Cumberland Pool for the 2020 winter, spring and summer seasons, and repealing Ordinance No. 127-2018.

WHEREAS, the City of Cleveland Heights annually reviews its use regulations and rates for admission and other services for its Community Center, city parks, and Cumberland Pool; and

WHEREAS, the City Manager recommends the use regulations and rates set forth herein.

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

SECTION 1. For the purposes of this Ordinance, the following definitions apply:

“Adult” shall mean a person age 25 through age 59; and

“Child” shall mean a person age 5 through age 11; and

“Family” shall mean legal guardian(s), such as a parent, and their Preschooler, Children, or Youths; and

“Guest” shall mean a person who accompanies a Resident with a current Recreation ID card & annual or monthly pass to Fitness Center or Open Court at Gyms; and

“Non-resident,” except where otherwise noted, shall mean any person who does not have two forms of legal documentation (driver’s license, utility bill, library card etc.) to verify their Cleveland Heights address; and

“Preschooler” shall mean a person age 4 or younger; and

“Qualified Non-Resident” shall mean a person who meets one of the following criteria: (1) resides within the Cleveland Heights - University Heights School District boundaries; (2) resides in the City of University Heights; or (3) has a Child or Youth participating in a Community Center program. Residency shall be demonstrated with two forms of legal documentation (driver’s license, utility bill, library card etc.); and

“Recreation I.D. Card” shall mean the card purchased annually by Cleveland Heights

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

resident to be entitled to residential fees; and

“Resident” shall mean any person who resides in the City of Cleveland Heights or any person employed within the boundaries of the City of Cleveland Heights. Residency shall be demonstrated with two forms of legal documentation (driver’s license, utility bill, library card etc.). Employment shall be demonstrated by a paystub or a letter from an employer; and

“Resident Team” shall mean a team composed of at least sixty percent (60%) Cleveland Heights residents who are entitled to resident rates;

“Senior” shall mean a person age 60 or older;

“Young Adult” shall mean a person age 19 through age 24; and

“Youth” shall mean a person age 12 through age 18.

SECTION 2. The following fees or rates for admission and other services for the City’s Community Center, City parks, and Cumberland Pool shall apply for the calendar year 2020. Please note that Resident rates apply to Residents that obtain a Recreation ID card. Patrons without the Recreation ID card will be subject to Non-Resident rates, where permitted.

GENERAL	Fee or Rate
Recreation ID card	\$5.00
Replacement ID card or pass (individual or family)	\$6.00
Late registration fee	\$2.00

FITNESS CENTER & GYMS (FIELDHOUSE)	Fee or Rate
Annual Passes for Residents – 12 month pass from date of purchase	
Child	\$84.00
Youth	\$110.00
Young adults	\$180.00
Adults	\$220.00
Senior	\$115.00
Families	\$345.00
Annual Passes for Qualified Non-Residents – 12 month pass from date of purchase	

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

Child	\$126.00
Youth	\$165.00
Young Adult	\$248.00
Adult	\$299.00
Senior	\$173.00
Families	\$499.00
Annual Passes for City Employees (11am to 1pm use only)	\$5.00
Annual Swim Passes for Residents - 12 month pass from date of purchase	
Child	\$70.00
Youth	\$70.00
Young Adult	\$70.00
Adult	\$90.00
Senior	\$70.00
Families	\$200.00
30 day Passes for Residents - from date of purchase	
Child	\$10.00
Youth	\$18.00
Young adult	\$27.00
Adult	\$33.00
Senior	\$17.00
Families	\$55.00
30 day Passes for Non-Residents – from date of purchase	
Child	\$15.00
Youth	\$27.00
Young Adult	\$39.00
Adults	\$45.00
Senior	\$25.00
Families	\$79.00
Guest Admission (Limit 2 guests per resident at a time)	
Resident Guest – Fitness Center	\$6.00
Non-Resident Guest– Fitness Center	\$8.00
Military Guest – Fitness Center	\$3.00
Resident Guest - Open Gym (courts only)	\$3.00
Non- Resident Guest - Open Gym (courts only)	\$5.00

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

Personal Training - Specific rate for each personal trainer shall be determined the City Manager or designee based on experience and certifications of trainer. Participants need not have a current fitness center pass (monthly or annual) but rates shall be higher for participants without a pass.	
Individual Training Session	\$15-\$60
10 sessions	\$270 - \$320
Couples Training Session	\$20-\$80
Drop In Group Training (limit 5 per group)	\$4-15
1 Month of Group Training (limit 5 people per group)	\$30-100
3 Months of Group Training (limit 5 people per group)	\$75-\$250
Individual, written fitness program (drafted by Personal Trainer)	\$60.00
1 Month of "Any Time" assistance	\$40.00
1 Program Package: Includes 6 individual training sessions, 1 written program, and 1 month of "any time" assistance	\$225.00

ICE PROGRAMS	Fee or Rate
Skate Rental	\$2.00
Per Session	\$2.00
Book of 10 skate rental tickets	\$16.00
Skate Sharpening	\$5.00
Ice Rink Group Rental	\$130 - 250 per hour
Public Skating Individual admission fees per session:	
Resident Preschooler	Free with paying adult
Resident Child or Youth	\$2.00
Resident Young Adult, Adult or Senior	\$3.00
Non-Resident	\$5.00
Book of 10 guest tickets	\$45.00
Resident Annual Ice Pass -12 month season: from date of purchase	
Child	\$84.00
Youth	\$110.00
Young Adults	\$132.00

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

Adults	\$154.00
Senior	\$66.00
Family Pass	\$275.00
Non-Resident Annual Ice Pass -12 month season: from date of purchase	
Child	\$210.00
Youth	\$225.00
Young Adults	\$250.00
Adults	\$325.00
Senior	\$150.00
Family Pass	\$625.00
Private Instruction	
Each 15 minutes or fraction thereof. Range varies based on experience and credentials of skating instructor	\$5.50 - \$16.00
Group Instruction	
Resident	\$8.00 per 30 minutes
Non-resident	\$10.00 per 30 minutes
United States Figure Skating Association Basic Skills Program Registration Fee – (An annual registration fee of \$10.00 may be charged to group lesson participants to be registered in USFSA Basic Skills program. Price set by USFSA)	
Locker Rental:	
Daily – large	\$0.50
Monthly – large	\$14.00
Annual – large	\$80.00
Refundable deposit on locker rentals	\$10.00
Lost locker key	\$10.00
City Freestyle Ice Rental	
Individual	\$10.00/ per hour
7 session punch card	\$63.00
Monthly free style pass:	
Resident	\$120.00
Non-Resident	\$150.00
Travel Hockey League Regular Season:	

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

Resident	\$240.00
Non-Resident	\$440.00
Travel hockey try out - non-refundable deposit	\$100.00
Non-Travel Youth Hockey Fees:	
Tot Hockey (scheduled by sessions) seven week sessions:	
Residents	\$50.00
Non-Residents	\$70.00
Learn to Play Hockey (half season - September to December or January to March):	
Resident	\$100.00 per session
Non-Resident	\$140.00 per session
Girls Hockey Program B (March through April)	
Resident	\$45.00
Non-Resident	\$85.00
Hockey Equipment Rental (for the youth recreation/in-house programs only - full equipment, except for skates)	
	\$50.00
Rates and charges for the Speed Skating Program:	
Resident Lessons	\$11.00 per 1 hour
Non-Residents Lessons	\$11.00 per 1 hour
Speed Skating Club Membership:	
Resident 10 session punch card	\$120.00
Non-Resident 10 session punch card	\$140.00
Daily Drop-in for Speed Skating:	
Resident	\$13.00
Non-Resident	\$15.00
Adaptive Skating:	
1 lesson per week for 6 week session (resident/non-resident)	\$25.00
Drop in fee (resident/non-resident)	\$5.00
Men's Hockey:	
Resident	\$160.00

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

Non-Resident	\$250.00
Women's and/or Co-ed Hockey:	
Resident	\$160.00
Non-resident	\$250.00
Adult Pick-up Hockey:	
Daytime - Admission with annual skating pass or by paying general admission rates.	
Evenings	\$11.00 per session
Spring Youth Hockey Program (age 3 - 18):	
Resident	\$50.00
Qualified Non-Resident	\$65.00
Youth Hockey Skills clinic:	
Resident	\$50.00
Qualified Non-Resident	\$65.00

SPORTS PROGRAMS - YOUTH & ADULT:	
Adult Basketball (Men and Women):	
Resident Team	\$125.00
Non-Resident Team	\$250.00
Youth Basketball:	
Resident	\$50.00
Non-Resident	\$70.00
Youth Travel Basketball teams:	
Resident	\$75.00
Non-Resident	\$90.00
Travel Team Uniforms additional fee	\$65.00
Youth Soccer (Grades K-1, 2-3, 4-6):	

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

Resident	\$45.00
Non-Resident	\$65.00
Spring Youth Soccer (Grade K - 6):	
Resident	\$40.00
Qualified Non-Resident	\$60.00
Youth Flag Football (ages 5-8)	
Resident	\$45.00
Non-Resident	\$65.00
Summer Daytime Youth Basketball Program (K-12):	
Resident	\$50.00
Qualified Non-Resident	\$70.00
Evening outdoor basketball (CH-UH grade 6-12)	
	free
Summer Softball girls (age 7-18 years old):	
Rec league (slow or fast pitch)	
Resident	\$55.00
Qualified Non-resident	\$80.00
Fast Pitch Travel Teams:	
Resident	\$75.00
Qualified Non-resident	\$85.00
Summer Baseball (students age 4 – 18):	
Residents with Recreation I.D. cards:	
T Birds T-Ball	\$65.00
Rookie League Baseball	\$65.00
Coach-Pitch	\$65.00
Kid-Pitch	\$85.00
Qualified Non-Residents (students age 4 – 18):	
T Birds T-Ball	\$75.00
Rookie League Baseball	\$90.00
Coach-Pitch	\$90.00
Kid-Pitch	\$115.00

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

Summer Challenger Baseball Adaptive Program (ages 5 – 22 for mentally/ physically challenged individuals):	
Resident	\$30.00
Qualified Non-Resident	\$30.00
Adult Softball (Men, Women or Co-ed, two games per week):	
Resident Team	\$650.00
Non-resident Team	\$800.00
Adult Softball (Men, Women or Co-ed, one game per week):	
Resident Team	\$400.00
Non-resident Team	\$525.00
Refundable forfeit fee charged to each team	\$54.00
Tennis:	
Tennis court reservation	\$40.00 for a Season Reservation Pass
Group Tennis Lessons:	
Tots (Ages 4 - 6):	
Resident	\$35.00
Non-Resident	\$50.00
Students (Ages 7 - 18):	
Resident	\$45.00
Non-Resident	\$60.00
Adults	
Resident	\$60.00
Non-Resident	\$80.00
Competitive Skills Clinic for Juniors (middle school and high school age kids)	
Resident	\$80.00
Non-Resident	\$110.00
Seniors	
Resident	\$35.00
Non-Resident	\$45.00

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

Private Lessons:	
Single	
Resident	\$19.00 per 30 minutes
Non-Resident	\$34.00 per 30 minutes
Group of Two	
Residents	\$28.00 per 30 minutes
Non-Residents	\$45.00 per 30 minutes
Group of Three	
Resident	\$37.00 per 30 minutes
Non-Resident	\$50.00 per 30 minutes
Racquettes:	
Seniors:	
Resident	\$25.00
Non-Resident	\$30.00
Non-Seniors:	
Resident	\$45.00
Non-resident	\$60.00

GENERAL RECREATION:	
Arts, fitness, dance, martial arts, life enrichment, preschool	
Fees shall be determined by City Manager or designee and all fees shall be paid by each registrant at the time of registration.	
	\$0 – 180.00

SENIOR ACTIVITY CENTER PROGRAMS:	
Annual Membership Card	
Resident	\$5.00
Non-Resident (Limited number to University Heights residents only)	\$10.00
Senior Classes or Fieldtrips	
Fees shall be determined City Manager or designee	
	\$0 – \$180.00

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

INDOOR POOL PROGRAMS AT HEIGHTS HIGH:	
Season Pass:	
Adults (ages 18-59)	\$32.00
Adults (60 years or older)	\$25.00
Family	\$70.00
10 punch card	\$20.00
Group Instruction – Learn-to-Swim:	
Preschool through Level 6	\$30.00
Swim Team:	
Fall Season	\$35.00
Pool Classes:	
Water Aerobics	\$59.00

CUMBERLAND POOL PROGRAMS:	
Season Pass:	
Students (Kindergarten through High School):	
Before season opening date	\$35.00
After season opening date	\$45.00
Preschoolers (Must be accompanied by parent or adult with a current Recreation ID card):	
Before season opening date	free
After season opening date	free
Adults (ages 18-59):	
Before season opening date	\$49.00
After season opening date	\$59.00
Adults 60 Years of Age or Older:	
Before season opening date	\$39.00
After season opening date	\$49.00
Family:	
Before season opening date	\$115.00

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

After season opening date	\$135.00
Limited Non-resident Pool Pass Pilot Program - Residents receive preferred entry if capacity becomes limited	
Family	\$172.00
Individual – Young Adult, Adult	\$75.00
Individual – Child, Youth	\$52.00
Replacement of season pass or family pass or ID card	\$6.00
General Pool Admission:	
Preschoolers accompanied by parent or adult (w/ID card)	free
Child, Youth	\$3.00
Young Adults, Adults	\$4.00
Senior	\$3.00
Guests – Charge for Each Guest	\$7.00
Guests – Book of Five (5)	\$25.00
Private Swimming Instructions:	
Individual (per 30 minute session)	\$18.00
Group of Two (per 30 minute session)	\$27.00
Group Instruction – Learn-to-Swim (mornings and evenings) all sessions:	
Residents:	
Season Pass Holder	\$30-40
Non-Season Pass Holder	\$40-50
Pool Locker Rental:	
Daily Locker Rental:	
small	\$0.25
Large	\$0.50
Seasonal Locker Rental:	
Small	\$12.00
Large	\$20.00
Lost Locker Key – Replacement Charge	\$12.00
Refundable Key Deposit (Seasonal Rental)	\$12.00
Swim Team:	

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

Residents	\$55.00
Qualified Non-Residents	\$70.00
Team Registration Fee per child (Diving and Synchronized Teams-daily sessions)	\$49.00
Pool Classes:	
Water Aerobics (8 weeks, twice per week)	\$59.00
Deep Water Aerobics (8 weeks, once per week)	\$39.00
Life Guard and Water Safety Instructor Training	\$200.00

FACILITY & FIELD RENTALS:	
Community Center Space Rental per hour:	
Small Activity Room:	
Resident	\$25.00
Non-Resident	\$50.00
Activity Room 1a and 1b	
Resident	\$55.00 (plus \$110 refundable deposit)
Non-Resident	\$110.00 (plus \$110 refundable deposit)
Activity Room 7:	
Resident	\$110.00 (plus \$220 refundable deposit)
Non-Resident	\$220.00 (plus \$220 refundable deposit)
North Atrium:	
Resident	\$35.00
Non-Resident	\$70.00
South Atrium:	
Resident	\$35.00
Non-Resident	\$70.00

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

Senior Center Multi-purpose room	
Resident	\$150.00 (plus \$300 refundable deposit)
Non-Resident	\$300.00 (plus \$300 refundable deposit)
Ice Rinks (North & South – rate depends on the rink selected and preferred rental time. Rates will be higher for peak ice times)	
	\$150-230
Summer Fieldhouse (trade show)	
per hour	\$250.00
per day	\$1,000.00
Indoor basketball full court	
	\$75.00
Cumberland Pool Rental:	
Group use rental of pool (2 hours)	\$350.00
Athletic Field/Court Rental (baseball, soccer & turf fields, tennis & basketball courts):	
Institutional (School District, Non-Profit, Business) per hour	\$75 - 100
Non-Institutional per hour	\$50 - 75
Park Picnic Shelter Rental (Must be reserved by Cleveland Heights resident)	
Fee	\$25.00
Refundable deposit	\$50.00

SECTION 3. (a) The City Manager is hereby authorized to establish additional rules and regulations not inconsistent with the provisions of this Ordinance which she may, from time to time, deem necessary to provide for the orderly operation of the Cleveland Heights Community Center, City parks, Heights High School Pool, and Cumberland Pool and the conduct and protection of the members of the general public using the same.

(b) In the event that it should become necessary, in the judgment of the City Manager, at any time to limit the number of persons in attendance at any activity to which the public would otherwise be generally admitted, the City Manager is hereby authorized to establish and place in effect such regulations and restrictions as she may deem necessary for such activities to protect the

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

safety and welfare of the public grounds, the community in general, and members of the public at large. Such regulations may include, but are not limited to, advance or on-the-spot limitation of admissions, including closing-off of admission, and may also include a requirement that admission be limited to persons who are bona fide residents of Cleveland Heights and are authorized holders of a proper Recreation I.D. Card issued by the City of Cleveland Heights, and such number of guests accompanied by such Cardholder as the City Manager shall establish.

(c) In the event that the City Manager shall determine, in her sole discretion, that the conduct of a given activity, or a portion of the activity, would endanger the safety and welfare of the public, then she shall have the authority to cancel any program and, at the earliest time possible, to give, by appropriate means, notice to persons wishing to participate in such activity of the fact that the program or activity has been canceled.

(d) Notwithstanding any other provision, the City Manager is hereby vested with authority to transfer the conduct of any portion of any activity to another facility in order to insure the safety and/or convenience of the general public. At such time, the City Manager shall, by appropriate means, advise persons wishing to participate in such activities of the change of location.

(e) The City Manager is hereby authorized to change beginning and ending dates and hours for programs, facilities and sessions due to changes in the Cleveland Heights-University Heights school year dates, staffing shortages, and for other good cause, in her sole discretion.

SECTION 4. Ordinance No. 127-2018, passed by Council on December 3, 2018, is hereby repealed to the extent inconsistent herewith.

SECTION 5. 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 6. This Ordinance shall take effect and be in force at the earliest time permitted by law.

ORDINANCE NO. 100-2019 (RCER), *Second Reading*

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:



CLEVELAND HEIGHTS

Monday, November 18, 2019 Minutes

COMMITTEE OF THE WHOLE

6:25 – 7:15 p.m.

Mayor Roe presiding

Roll Call: Present: Dunbar, Roe, Seren, Stein, Ungar, Yasinow
Excused: Cobb

Staff present: Boland, Briley, Butler, Clinkscale, Freeman, Hanna, Howard, Lambdin, Mecklenburg, Niermann O'Neil, Smith, Trupo, Wong

Topics discussed: Report of City Council Members, Legislation, Report of the City Manager, Landmark Ordinance

CITY COUNCIL

7:30 – 9:00 p.m.

Mayor Roe presiding

Roll Call: Present: Dunbar, Roe, Seren, Stein, Ungar, Yasinow
Excused: Cobb

Staff present: Boland, Briley, Butler, Clinkscale, Freeman, Hanna, Howard, Lambdin, Mecklenburg, Niermann O'Neil, Smith, Trupo, Wong

The minutes from the City Council meeting held on November 4, 2019, were approved with submitted corrections.

Mayor Roe stated a proclamation had been given to Sunni & Co. Hair Salon in recognition of National Adoption Month. She thanked Laura Marks for organizing the tree planting on Sunday.

Personal communications from citizens

Melody Hart and Davida Russell thanked Council for tearing down 3084 Kirkwood. Ms. Hart stated that the AE7 vote should be postponed to January when new Council members are seated.

Marsha Kraus, a resident on Middlehurst Road, stated the rusting pipes were the problem with sinking bricks in the road and they should be fixed before asphaltting.

Susan Miller stated she was impressed with the AE7 presentation to Council the week prior. She stated she hopes for an open, inclusive and flat community-involved process.

Robin Coslyn made a statement that funding for school vouchers should come from Columbus and not local funds. She stated the Cleveland Heights-University Heights had religious diversity and that is why many choose schools that fit their religious views. Council Members Ungar, Dunbar and Stein stated they were having conversations about it.

Paul Volpe stated he is against the engagement of AE7 for the Severance Project. He made a statement about involving FutureHeights in the review of the proposals.

Bob Brown stated FutureHeights strongly supports the City's initiative to intervene with the Severance property, but they can't endorse the selected proposal without reviewing all of them.

Deanna Bremer Fisher stated FutureHeights is supportive of this project and wants to be involved. They had not received any information to say whether or not AE7 was the best proposal. They were not invited to review the proposals because FutureHeights had submitted a proposal.

Jonathon Gulley from AE7 stated Paul Volpe could join his team.

Bill Bruml stated he would like Middlehurst Road to remain brick. He stated there are brick roads of a similar age in Cleveland and we may be able to learn from what they have done to sustain them.

Kathy Flora stated she was proud of the City and everybody who ran in this last election, as well as everyone who worked on both sides of Issue 26.

Michael Bennet from Citizens for an Elected Mayor thanked everyone who worked on both sides of the campaign. He asked everyone to apply their energy to the next challenge – the Mayor that will be elected for 2022.

Willard Young made a statement about potholes on Eldridge Street that need to be fixed. He stated last winter the Cleveland Water Department did not place barrels over the manhole covers during construction which did damage to his car.

Gary Kanter made a statement about the PAC funds received by ICMA and Council Members Dunbar, Roe, Yasinow and Ungar. He made a statement about the responsibilities for Council Members and the limitations they should have as private citizens in the City they serve.

Report of the City Manager

Notify Council of Change Order No. 1FINAL for the Dugway East Culvert Emergency Rehabilitation project (#18-05) which resulted in a \$417,692.65 increase to the final contract price from \$161,067.12 to \$578,759.77.

Matter of Record

Notify Council of Change Order No. 1FINAL for the 2019 Street Resurfacing & ADA Curb Ramp Replacement project (#19-01) which resulted in a \$10,341.11 increase to the final contract price from \$556,075.39 to \$566,416.50.

Matter of Record

Notify Council of Change Order No. 1FINAL for the 2019 Surface Treating project (#19-02) which resulted in a \$23,228.07 increase to the final contract price from \$252,351.53 to \$275,579.60.

Matter of Record

Tanisha Briley gave an overview of her report to Council which may be read in full at https://www.clevelandheights.com/DocumentCenter/View/5645/cc_packet_11182019?bidId=.

Report of the Clerk of Council

No report.

RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE

ORDINANCE NO. 99-2019 (RCER), First Reading. An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2020

Introduced by Council Member Seren

ORDINANCE NO. 100-2019 (RCER), First Reading. An Ordinance amending the use regulations and rates for admission and other services for the Cleveland Heights Community Center, City parks, and Cumberland Pool for the 2020 winter, spring and summer seasons, and repealing Ordinance No. 127-2018

Introduced by Council Member Seren

Council Member Seren thanked residents for participating in democracy and voting for Issue 26. He thanked those that had faith in him to continue for another term.

SAFETY AND MUNICIPAL SERVICES COMMITTEE

No report.

ADMINISTRATIVE SERVICES COMMITTEE

No report.

FINANCE COMMITTEE

ORDINANCE NO. 101-2019, First Reading. An Ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, for the period of January 1, 2020 through December 31, 2020

Introduced by Council Member Dunbar

ORDINANCE NO. 102-2019, First Reading. An Ordinance to amends certain subparagraphs of Ordinance 130-2018 (F), relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2019

Introduced by Council Member Dunbar

She thanked voters for re-electing her to City Council and she looks forward to doing the very best for the City as we move ahead to continue to be a wonderful place.

HOUSING AND TRANSPORTATION COMMITTEE

No report.

PLANNING AND DEVELOPMENT COMMITTEE

RESOLUTION NO. 93-2019 (PD), Third Reading. A Resolution authorizing the City Manager to enter into an agreement with AE7 Pittsburgh, LLC, concerning the Severance Town Center Redevelopment Plan project

Introduced by Council Member Ungar

Council Member Ungar stated there has been a lot of conversation regarding agreement as well as a presentation by AE7. He stated newly Council Members Elect Russell and Hart should have a seat at the table and an opportunity to weigh in. Council Member Ungar stated he wants buy-in from FutureHeights.

Vice Mayor Yasinow stated she believes it is appropriate for the newly elected Council Members to weigh in. She does continue to have some reservations about waiting for the buy-in for FutureHeights as they were one of the applicants for the project. She was impressed with the AE7 proposal.

Council Member Dunbar stated it had been suggested that Council should have been more involved in selecting AE7 and she reviewed the responsibilities and time commitments for Council. She stated she trusted the City Manager and staff's selection and she was not in favor of re-opening the process.

Council Member Stein stated he agreed that they should wait until the new Council Members are seated to have a voice in this project. He stated he thought it was the administration's responsibility to bring options to Council, especially for large developments like this.

Vice Mayor Yasinow stated she wanted to know if FutureHeights still considers itself to have an active application or if they have withdrawn.

Council Member Dunbar stated that having staff choose the finalist was appropriate.

Mayor Roe stated she was ambivalent to get buy-in from stakeholders and which ones those were. Severance was one of the highest Council priorities for 2018-19 and staff followed Council's directives for requesting proposals. Some Council Members were given the opportunity to review proposals and be a part of discussions about their advantages and disadvantages. She stated she believes it is a priority and this project is a catalyst as far as what needs done up Noble Road and Center Mayfield. She disagrees with the rationale to hold off until there are new Council Members are seated as they were elected to do this work.

RESOLUTION NO. 103-2019 (PD). A Resolution authorizing the City Manager to apply for grant funding under the Cuyahoga County Department of Development's Community Development Supplemental Grant program to construct an inclusive playground at Forest Hill Park

Introduced by Council Member Ungar, Seconded by Council Member Stein

Roll Call:	Ayes:	Dunbar, Roe, Seren, Stein, Ungar, Yasinow
	Nays:	None

Council Member Ungar stated this is the first Council meeting since an election for a historic change. Newly elected Council Members Melody Hart and Davida Russell. He congratulated Council Members Dunbar and Seren on their re-election. He stated he thought Carol Roe has done a fantastic job as our Mayor and we owe her a debt of gratitude. He stated Craig Cobb has been a wonderful addition to Council. He stated he thinks highly of the two new members. He congratulated the people that worked on Citizens for an Elected Mayor.

Mayor's Report

Mayor Roe congratulated the two new Council Members and the people that worked on Issue 26. She stated the transition is an upcoming agenda item and welcomed people to submit ideas to the City Manager or herself. She also welcomed ideas about healing.

NEXT MEETING OF COUNCIL: MONDAY, DECEMBER 2, 2019

Respectfully submitted,

Carol Ann Roe, Mayor

Susanna Niermann O'Neil, Acting Clerk of Council
/jkc

DRAFT