



# CLEVELAND HEIGHTS

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**Council Committee of the Whole**

**Monday, March 21, 2022**

**6:30 p.m.**

**City Hall – Executive Conference Room**

## **Agenda**

1. Legislation Review/Caucus
2. Lead Safe legislation: Ordinance 78-2021 (had 1<sup>st</sup> reading 6.21.21)
3. Guidehouse Presentation (David Matusoff, Guidehouse, Director – State and Local Govt.)
4. Executive Session:
  - a. *To consider the terms of a sale or lease of City-owned real property.*
  - b. *To consider the terms of a purchase of real property for public purchases.*



## CLEVELAND HEIGHTS

### **AGENDA (tentative) - CLEVELAND HEIGHTS CITY COUNCIL MEETING**

**Monday, March 21, 2022**

**Regular Meeting**

**7:30 p.m.**

**Cleveland Heights City Hall  
Council Chambers  
40 Severance Circle  
Cleveland Heights, Ohio**

**1) Meeting called to order by Council President**

**2) Roll Call of Council Members**

**3) Excuse absent members**

**4) Public Comment - Agenda Items only**

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Comments unrelated to the agenda may be made after Committee Reports.)

**5) Communications from the Mayor**

Request permission to bid project #22-04 – 2022 Hot-In-Place Asphalt Recycling Project.

### **Matter of Record**

**Refer to:** Municipal Services Committee

**6) Report of the Clerk of Council**

**7) Committee Reports**

**a.) PLANNING AND DEVELOPMENT COMMITTEE**

**RESOLUTION NO. 30-2022 (PD), First Reading.** A Resolution proclaiming April 11-15, 2022 to be *National Community Development Week*; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_  
No. Reading \_\_\_\_\_

**RESOLUTION NO. 31-2022 (PD), *First Reading*.** A Resolution authorizing the Mayor to enter into an agreement with the Home Repair Resource Center, a non-profit corporation, for the use of HOME Funds to administer the City's Down Payment Assistance loan program; providing compensation therefor; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_  
No. Reading \_\_\_\_\_

**b.) PUBLIC SAFETY AND HEALTH COMMITTEE**

**c.) ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION 24-2022 (AS), *Second Reading*.** A Resolution confirming the Mayor's appointment of Joseph E. Sinnott as City Administrator for the City of Cleveland Heights; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_  
No. Reading \_\_\_\_\_

**ORDINANCE NO. 25-2022 (AS), *Second Reading*.** An Ordinance establishing salary schedules, position classifications and other compensation, and benefits for officers and employees of the City; and declaring an emergency.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_  
No. Reading \_\_\_\_\_

d.) **COMMUNITY RELATIONS AND RECREATION COMMITTEE**

**ORDINANCE NO. 26-2022 (CRR), *Second Reading*.** An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2022.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**RESOLUTION NO. 32-2022 (CRR), *First Reading*.** A Resolution proclaiming April 2022 to be *National Poetry Month*; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**RESOLUTION NO. 33-2022 (CRR), *First Reading*.** A Resolution proclaiming April 3-9, 2022 to be *National Library Week*; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**RESOLUTION NO. 34-2022 (CRR), *First Reading*.** A Resolution proclaiming April 2022 to be *Autism Awareness Month*; and April 2, 2022 to be *World Autism Awareness Day*; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**RESOLUTION NO. 35-2022 (CRR), *First Reading*.** A Resolution joining with HUD and other communities throughout the nation in the observation of April as *Fair Housing Month*; reaffirming the City of Cleveland Heights' commitment to open housing; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**e.) FINANCE COMMITTEE**

**RESOLUTION NO. 29-2022 (F), *Second Reading*.** A Resolution authorizing the Mayor to execute a contract with Guidehouse Inc. for consulting services related to the use of American Rescue Plan Act State and Local Fiscal Recovery Funding; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**ORDINANCE NO. 36-2022 (F), *First Reading*.** An ordinance to amend certain subparagraphs of Ordinance No. 139-2021 (F), relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2022 and declaring an emergency.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**f.) HOUSING AND BUILDING COMMITTEE**

**g.) MUNICIPAL SERVICES**

**ORDINANCE NO. 37-2022 (MS), *First Reading*.** An Ordinance authorizing all actions necessary to accept Northeast Ohio Public Energy Council 2022 Energized Community Grant(s) Funds; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_  
No. Reading \_\_\_\_\_

**h.) COMMITTEE OF THE WHOLE**

**RESOLUTION NO. 38-2022 (COTW), *First Reading*.** A Resolution  
condemning the Russian Federation's military invasion of Ukraine and expressing  
support for Ukraine.

Introduced by Mayor Seren, Council President Hart, Vice President Cobb, and  
Council Members Russell, Moore, Mattox, Cuda, and Larson

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_  
No. Reading \_\_\_\_\_

**8) Public Comment**

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies.)

**9) Old Business**

**10) New Business**

**11) Council Member Comments**

**12) Council President's Report**

**13) Adjournment**

**NEXT MEETING OF COUNCIL: MONDAY, APRIL 4, 2022**

Proposed: 6/21/2021

ORDINANCE NO. 78-2021 (PSH), *First Reading*

By Council Member Seren

An Ordinance enacting and adopting Chapter 522, "Lead Hazards," of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights; repealing Chapter 1347, "Certificate of Occupancy," of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 1347, "Certificate of Occupancy"; and amending Section 1345.99, "Penalty," of Chapter 1345, "Enforcement and Penalty," of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights.

WHEREAS, this Council desires to provide for the regulation of lead hazards, to require rental units to be certified lead-safe as condition of obtaining a rental occupancy permit, and to authorize the Cuyahoga County Board of Health and Cleveland Heights Building Commissioner to administer and enforce this requirement; and

WHEREAS, lead poisoning is a serious threat to the health of children which can cause learning disabilities, language delays, hearing problems, and behavioral problems; and

WHEREAS, children living in residential rental units built before 1978 are disproportionately at risk for unsafe levels of lead exposure from lead-based-paint hazards; and

WHEREAS, this Council has determined that requiring all residential rental units constructed before January 1, 1978 to have lead-safe certification will help to decrease the occurrence of lead poisoning in the children of Cleveland Heights.

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

SECTION 1. Chapter 522, "Lead Hazards," of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is enacted and adopted to read in total as set forth in Exhibit A hereto.

SECTION 2. An amended Chapter 1347, "Certificate of Occupancy," of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights, is hereby adopted to read in total as set forth in Exhibit B hereto.

SECTION 3. Current Chapter 1347 of the Codified Ordinance of the City of Cleveland Heights, as it existed prior to the effective date of the ordinance, is hereby repealed.

SECTION 4. Section 1345.99, "Penalty," of Chapter 1345, "Enforcement and Penalty," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

**1345.99 PENALTY.**

(a) A violation of Sections 1351.14, 1347.02 1347.01, or 1347.04 1347.05(a) or (b) is hereby classified as a minor misdemeanor. Every day such violation occurs or continues shall constitute a separate offense.

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 possible permitted by law.

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JASON STEIN  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED

## EXHIBIT A

### CHAPTER 522

#### Lead Hazards

##### 522.01 Definitions

##### 522.02 Lead Hazards Are A Nuisance

##### 522.03 Prohibitions

##### 522.04 Secondary Prevention

##### 522.05 Lead Abatement and Lead Hazard Control

##### 522.06 Disclosures in Sale or Lease of Target Housing Regarding Lead Hazards

##### 522.07 Residential Property Renovation; Paint Outlet Information Rule

##### 522.08 Notice Requirements

##### 522.09 Enforcement

##### 522.99 Penalties

#### 522.01 Definitions

As used in this chapter:

(a) "Clearance examination" means an examination, performed by a clearance technician, lead inspector, or lead risk assessor, to determine whether lead hazards in a residential unit, child day-care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection and analysis of environmental samples.

(b) "Clearance technician" means a person, other than a licensed lead inspector or lead risk assessor, who is licensed under RC Chapter 3742 to perform a clearance examination.

(c) "Commissioner" means the Health Commissioner of the Cuyahoga County Board of Health unless otherwise specified.

(d) "Division" means the Division of Building and Inspectional Services in the Department of Public Safety unless otherwise specified.

(e) "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.

(f) "Landlord" has the same meaning as in division (e) of Section 1347.01.

(g) "Lead Abatement" means a measure or a set of measures, designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

- (1) Removal of lead-based paint and lead- contaminated dust;
- (2) Permanent enclosure or encapsulation of lead-based paint;
- (3) Replacement of surfaces or fixtures painted with lead-based paint;
- (4) Removal or permanent covering of lead- contaminated soil;
- (5) Preparation, cleanup, and disposal activities associated with lead abatement.

"Lead abatement" does not include any of the following:

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- (1) Residential rental unit lead-safe maintenance practices performed pursuant to RC 3742.41 and 3742.42;
- (2) Implementation of interim controls;
- (3) Activities performed by a property owner on a residential unit to which both of the following apply:
  - A. It is a freestanding single-family home used as the property owner's private residence;
  - B. No child under six (6) years of age who has lead poisoning resides in the unit.
- (4) Renovation, remodeling, landscaping or other activities, when the activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Abatement does not include operations and maintenance activities or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards. This definition shall not be interpreted to exempt any person from any requirement under State or federal law regarding lead abatement, including lead hazard control orders or requirements for full abatement of lead-based paint in certain federally-funded projects.

(h) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in Rule 3701-32-19 of the Ohio Administrative Code (OAC) as it may be hereafter amended.

(i) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as set forth in OAC Rule 3701-32-19. Lead hazard includes lead-based paint, lead-contaminated dust, lead-contaminated soil and lead-contaminated water pipes.

(j) "Lead hazard control" means measures taken to reduce or eliminate a lead hazard, which includes, but is not limited to, lead abatement, interim controls, or both, as appropriate.

(k) "Permanent" means an expected design life of at least twenty (20) years.

(l) "Rental agreement" has the same meaning described in division (m) of Section 1347.01 of the Codified Ordinances.

(m) "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age six (6) years or under resides or is expected to reside in such housing) or any zero (0) bedroom dwelling.

(n) "Tenant" has the meaning described in division (o) of Section 1347.01 of the Codified Ordinances.

(o) "Zero (0) bedroom dwelling" means any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings.

### 522.02 Lead Hazards Are A Nuisance

- (a) This Council finds that lead hazards constitute a nuisance.

## EXHIBIT A

(b) The Commissioner may determine that a nuisance is required to be immediately controlled under this section if, in the Commissioner's opinion, failure to immediately control the hazard may cause a serious risk to the health of the occupants of the property. In such a case, the Commissioner may require the owner or manager of the property to immediately control the nuisance or the Commissioner may, by his or her authorized representative, immediately control such nuisance.

### 522.03 Prohibitions

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

- (1) Violate any provision of RC Chapter 3742, as may be applicable, or the rules adopted pursuant to it;
- (2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child day-care facility, or school, unless the Ohio director of health has determined by rule under RC 3742.45 that no suitable substitute exists;
- (3) Interfere with an investigation conducted in accordance with this chapter or RC 3742.35 or by the Commissioner or the Commissioner's designee, any lead inspector or risk assessor.
- (b) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child day-care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under RC 3742.05.
- (c) No person shall do any of the following when a residential unit, child day-care facility, or school is involved:
  - (1) Perform a lead inspection without a valid lead inspector license issued under RC 3742.05;
  - (2) Perform a lead risk assessment without a valid lead risk assessor license issued under RC 3742.05, or provide professional advice regarding lead abatement without a valid lead risk assessor, lead abatement contractor, or lead abatement project designer license issued under RC 3742.05;
  - (3) Act as a lead abatement contractor without a valid lead abatement contractor's license issued under RC 3742.05;
  - (4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under RC 3742.05;
  - (5) Perform lead abatement without a valid lead abatement worker license issued under RC 3742.05;
  - (6) Perform a clearance examination without a valid clearance technician license issued under RC 3742.05, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;
  - (7) Perform lead training for the licensing purposes of RC Chapter 3742 without a valid approval from the director of health under RC 3742.08.
  - (8) Perform interim controls without complying with 24 C.F.R. Part 35.
  - (9) Perform lead-safe maintenance practices without complying with RC 3742.41 and 3742.42.

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(d) No person shall manufacture, sell or hold for sale toys and other articles intended for use by children as defined in 16 C.F.R. 1303.2, or furniture as defined in 16 C.F.R. 1303.2, that bears paint containing lead in excess of 0.009 percent by weight of the total nonvolatile content of the paint or the weight of the dried paint film.

(e) No person shall sell or lease target housing in the City unless the owner, lessor, or agent of the target housing meets all applicable requirements of Section 522.06 regarding disclosures of lead hazards.

(f) No person renovating target housing in the City shall fail to comply with Section 522.07.

(g) No owner or manager of a retail or wholesale outlet of paint and paint-removal products shall violate division (b) of Section 522.07 by failing to provide an EPA-approved lead hazard information pamphlet.

(h) All power-assisted methods of lead-based paint removal are hereby prohibited, unless the standards and methods set forth in OAC Chapters 3701-30 or 3701-32, as applicable, are followed. Open flame burning is prohibited under any circumstances.

### 522.04 Secondary Prevention

(a) When the Commissioner becomes aware that an individual under six (6) years of age has lead poisoning, the Commissioner is authorized to conduct an investigation or lead risk assessment in accordance with the requirements of OAC Chapter 3701.

(b) In conducting the investigation, the Commissioner may request permission to enter, or for a lead inspector or risk assessor to enter, the residential unit, child day-care facility, or school that the Commissioner suspects to be the sources of the lead poisoning. If the Commissioner or delegated lead inspector or risk assessor is unable to obtain permission to enter the property, either may apply for an order of court to enter the property.

(c) As part of the investigation, the Commissioner may review the records and reports, if any, maintained by a lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, lead abatement worker, or clearance technician.

(d) When the Commissioner determines, as a result of an investigation and/or risk assessment conducted under division (a) of this section, that a residential unit, child day-care facility, or school are contributing to a child's lead poisoning, the Commissioner is authorized to issue an order, in accordance with OAC Chapter 3701, to have each lead hazard controlled.

(e) No person shall fail to comply with an order issued by the Commissioner under division (d).

### 522.05 Lead Abatement and Lead Hazard Control

(a) The commissioners and inspectors of the Cuyahoga County Board of Health and Division of Building and Inspectional Services are authorized to issue a stop work or cease and desist order to any person performing work in violation of RC Chapter 3742 or this chapter.

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(b) No person shall fail to immediately stop lead abatement or control activities when ordered to do so under division (a) of this section. No person shall resume lead abatement or control activities except in conformance with all applicable standards and methods prescribed in RC Chapter 3742.

### 522.06 Disclosures in Sale or Lease of Target Housing Regarding Lead Hazards

#### (a) Disclosure in Purchase or Lease of Target Housing.

(1) A seller or lessor of target housing must disclose information concerning lead upon the transfer of any target housing pursuant to the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4852d, and shall adhere to all rules and regulations promulgated under the Act, as may be amended from time to time. Before a purchaser or tenant is obligated under a contract to purchase target housing or a rental agreement to lease target housing, the seller or lessor shall perform the activities and provide the disclosures described in this section:

A. Provide the purchaser or tenant with an EPA-approved lead hazard information pamphlet;

B. Disclose to the purchaser in writing in the sales contract, or to the tenant, in writing in the rental agreement: (i) the presence of any known lead-based paint, or any known lead-based paint hazards, in the housing; (ii) any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces; and (iii) whether the property or unit is under a lead hazard control order;

C. Disclose to the tenant a copy of the most recent clearance examination or lead risk assessment and, if applicable, the lead-safe certification;

D. Provide to the purchaser or tenant any records or reports (including notices or letters of violation) available pertaining to lead-based paint or lead-based paint hazards in the target housing, including regarding common areas, and regarding other residential dwellings in multi-family target housing, provided that the information is part of an evaluation or reduction of lead-based paint and/or lead-based paint hazards in the target housing;

E. Permit the purchaser a ten (10) day period (unless the parties mutually agree in writing to a different period of time or to waive this requirement) to conduct a lead risk assessment or lead inspection for the presence of lead-based paint and/or lead-based paint hazards;

F. Include in the sale or rental agreement the Lead Warning Statement prescribed in 40 C.F.R. 745.113;

G. Include in the sale or rental agreement acknowledgments that the pamphlet, disclosures, ten (10) day period (if required) and warning required were provided.

(2) Discovery of Lead Hazards or Presumed Lead Hazards. If the owner of a residential unit learns of the presence of lead-based paint and/or lead-based paint hazards the owner shall notify each tenant of the presence of lead-based paint and/or lead-based paint

## EXHIBIT A

hazards within ten (10) days of discovering its presence. In addition, the owner shall notify prospective tenants of presumed lead-based paint and shall provide each tenant with a Lead Warning Statement and the lead hazard information pamphlet, as prescribed by 42 U.S.C. 4852d.

(3) **Compliance Assurance.** Whenever a seller or lessor has entered into a contract with an agent for the purpose of selling or leasing a unit of target housing, the agent, on behalf of the seller or lessor, shall ensure compliance with the requirements of this section and 40 C.F.R. 745 Subpart F. An agent means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. The term "agent" does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.

(b) **Penalties for Violations.**

(1) **Criminal Penalty.** Any person who knowingly fails to comply with any provision of this section shall be subject to the penalties provided in Section 522.99.

(2) The Commissioner is authorized to take lawful action as may be necessary to enforce this section or to enjoin any violation of it.

(3) **Civil Liability.** Any person who violates any provision of this section will be jointly and severally liable to the purchaser or lessee in an amount equal to one (1) month's rent or one (1) month's mortgage payment.

(4) In any action brought for damages under this section, the appropriate court may award court costs to the party commencing the action, together with reasonable attorney fees and any expert witness fees, if that party prevails.

(5) A non-profit environmental health or housing rights organization is authorized to bring an action under division (b)(3) of this section on behalf of an aggrieved individual or individual(s) for violations of this section. Such organization may recover its costs under the remedies provided in divisions (b)(3) and (b)(4) of this section if the organization demonstrates that it has exerted organizational resources, including staff time, to investigate the alleged non-compliance with this section.

(c) **Validity of Contracts and Liens.** Nothing in this section may affect the validity or enforceability of any sale or contract for the purchase and sale or lease of any interest in residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with a mortgage loan, nor may anything in this section create a defect in title.

### 522.07 Residential Property Renovation; Paint Outlet Information Rule

(a) All renovations, repair and painting performed for compensation in target housing shall be performed in compliance with 40 C.F.R. Part 745, Subpart E, Residential Property Renovation, as may be amended from time to time. Any person performing renovations, repair and painting shall provide to occupants of the residential property a renovation-specific pamphlet as required under 40 C.F.R. 745.81.

(b) All retail and wholesale outlets of paint and paint removal products shall distribute an EPA- approved lead hazard information pamphlet to each purchaser of paint and paint removal products.

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### 522.08 Notice Requirements

(a) For any lead abatement, interim controls, lead-safe maintenance practices or lead-safe renovation work in a residential unit, child day-care facility or school, the owner shall provide seven (7) days advance written notice to all occupants of residential structures, or all parents, students, teachers, and staff of child day-care facilities or schools from which lead-based paint is to be removed, and to all occupants of residential structures which are within thirty (30) feet of the residential structure, child day-care facility or school from which the lead-based paint is to be removed. The notice shall be as prescribed by the Commissioner and shall include, at a minimum, the address at which the lead-based paint will be removed, the date of commencement of the lead-based paint removal, the anticipated length of time to complete the removal, and the method by which the lead-based paint will be removed. The notice shall include a copy of an EPA-approved lead hazard information pamphlet.

(b) The notice required under this section does not relieve any person from compliance with any other notice requirements under state or federal law, including when notice is required by a hazard control order.

### 522.09 Enforcement

(a) Whenever the Commissioner or Building Commissioner, or a designee, determines upon information, or by observation or inspection, that any provision of this chapter is being or has been violated, the official may issue a notice of violation to the owner, manager, or person in charge to correct the violation. If the violation constitutes a nuisance that, in the determination of the Commissioner, Building Commissioner, or designee, may endanger the health or safety of any person, the notice of violation shall order the immediate abatement of the nuisance.

(b) In addition to any penalty for a violation of this chapter, the Commissioner or Building Commissioner or a designee may use any and all remedies in this Code, including Chapter 553, to prevent, terminate or abate the nuisance, or to otherwise take action to control the nuisance, the costs and expense of which may be recovered as provided in RC 715.261, including certifying the costs and expense to the County Auditor, to be placed on the property as a lien to be collected as other taxes and returned to the City.

(c) In addition to any penalty for a violation of this chapter, the Commissioner or Building Commissioner or a designee may control such nuisance. The costs and expense of controlling a nuisance by the Commissioner or designee under this chapter, may be recovered as provided in RC 715.261, including certifying the costs and expense to the County Auditor, to be placed on the property as a lien to be collected as other taxes and returned to the City.

(d) The authority described in division (c) to control such nuisance includes the authority to order the owner or manager to relocate the occupants of a residential unit, day-care facility, or school, until the property passes a clearance examination, if the Commissioner determines that the health of the occupants may be at risk during the lead hazard control work. The Commissioner may relocate the occupants until the residential

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unit, child day-care facility, or school passes a clearance examination. The costs and expense of the relocation may be recovered by certifying those costs to the County Auditor, to be placed on the property as a lien to be collected as other taxes and returned to the City.

(e) In the event of an actual or threatened violation of this chapter, or in an emergency situation, the Director of Law, in addition to other remedies provided by law, may institute a proper suit in equity or at law to prevent, terminate or otherwise remedy the violation.

(f) In addition to all other penalties and remedies provided by law, any person damaged by a nuisance caused by a violation of this chapter may institute a proper action in equity or at law to prevent, terminate or otherwise remedy the violation.

(g) The City has enacted and enforces the provisions of this chapter only to promote the public health, safety and general welfare, and for obligations imposed on it by the State of Ohio under delegation by the Ohio Department of Health. The City does not assume, nor does it impose on its officers and employees, an obligation the breach of which causes it to be liable in money damages to any person who claims that such breach proximately caused injury. In addition, nothing in this chapter may be interpreted to limit the City's statutory immunity under RC Chapter 2744.

### 522.99 Penalties

(a) Whoever violates division (f) of Section 522.03 is guilty of a minor misdemeanor.

(b) Whoever violates any provision of Chapter 522 for which no other penalty is provided or rule or regulation or order under this chapter is guilty of a misdemeanor of the first degree. Except for a violation of division (f) of Section 522.03, each day during which noncompliance or a violation continues shall constitute a separate offense.

(c) As provided by RC 2901.23 and 2929.31, organizations convicted of an offense are guilty of a misdemeanor of the first degree.

## EXHIBIT B

### CHAPTER 1347

#### Certificate of Occupancy and Lead-Safe Certification

##### 1347.01 Definitions.

1347.024 Certificate of occupancy required.

1347.032 Certificate issuance, contents, term and revocation.

1347.043 Failure to apply for certificate; renewals.

1347.054 Posting and availability of certificate.

1347.065 Fees for original certificate.

1347.076 Changes; new certificate of occupancy; fees.

1347.08 Lead-safe certification required for residential rental units built before January 1, 1978

##### 1347.09 INTERNAL REVIEW

##### 1347.10 IMPACT OF LEAD-SAFE CERTIFICATION REQUIREMENT

##### 1347.11 LEAD-SAFE ADVISORY BOARD

##### 1347.12 RECORDS KEPT BY DEPARTMENT

##### 1347.13 INSPECTIONS, RIGHT OF ENTRY

### CROSS REFERENCES

Certificate of compliance required - see BLDG. 1311.02

#### 1347.01 DEFINITIONS

For purposes of this chapter:

(a) "Clearance examination" means an examination, performed by a clearance technician, lead inspector, or lead risk assessor, to determine whether lead hazards in a residential unit have been sufficiently controlled. A clearance examination includes a visual assessment, collection and analysis of environmental samples.

(b) "Clearance technician" means a person, other than a licensed lead inspector or lead risk assessor, who is licensed under RC Chapter 3742 to perform a clearance examination.

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(c) "Lead-safe certification" means that the owner of a residential rental unit built before January 1, 1978 has provided to the Building Commissioner a clearance examination report or lead risk assessment that indicates that lead hazards are not identified in the unit. A lead-safe certification is valid for two (2) years from the date of the certification.

(d) "Building Commissioner" means the Building Commissioner or designee.

(e) "Landlord" means the owner, lessor, or sublessor of residential premises, his or her agent, or any person authorized by him or her to manage the premises or to receive rent from a tenant under a rental agreement.

(f) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in Rule 3701-32-19 of the Ohio Administrative Code (OAC) as it may be hereafter amended.

## EXHIBIT B

(g) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as set forth in OAC Rule 3701-32-19. Lead hazard includes lead-based paint, lead-contaminated dust, lead-contaminated soil and lead contaminated water pipes.

(h) "Lead inspector" means any individual licensed under RC Chapter 3742 who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(i) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit including information gathering from the unit, current owner's knowledge regarding the age and painting history of the unit, and occupancy by children under six (6) years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(j) "Lead risk assessor" means a person licensed under RC Chapter 3742 who is responsible for developing a written inspection, risk assessment and analysis plan; conducting inspections for lead hazards in a residential unit; interpreting results of inspections or risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.

(k) "Owner" means the person, partnership or corporation that holds title to the residential rental unit.

(l) "Permanent" means an expected design life of at least twenty (20) years.

(m) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one (1) of the parties.

(n) "Residential rental unit" means any part of a building being used, designed or intended to be used as an individual's private residence, including a unit occupied by one (1) or more persons regardless of whether the occupant pays rent or provides anything else of value to the titled owner in consideration for occupying the structure. A residential rental unit does not include a unit occupied by the titled owner.

(o) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

### 1347.012 -CERTIFICATE OF OCCUPANCY REQUIRED.

On and after January 1, 1963, no owner, agent or person in charge of any dwelling structure used or designed, or intended to be used, as a two (2) family dwelling, double house or multiple dwelling, and after January 1, 1984, no owner, agent or person in charge of any dwelling structure used or designed or intended to be used as a single-family dwelling shall rent or lease such structure for residential occupancy unless the owner thereof holds a certificate of occupancy issued by the Building Commissioner for such structure, which certificate has not expired, been revoked or otherwise become null and void.

(Ord. 100-1983. Passed 12-19-83.)

### 1347.023 CERTIFICATE ISSUANCE, CONTENTS, TERM AND REVOCATION.

## EXHIBIT B

(a) Application for a certificate of occupancy required by the provisions of this Housing Code shall be made annually by supplying necessary information to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Commissioner. Such information shall include, but need not be limited to, the name, address ~~and~~, telephone number, ~~and email address~~ of the owner of the property, the name, address ~~and~~, telephone number, ~~and email address~~ of the agent or person in charge of the property, the address of the property, the number of dwelling units contained in the dwelling structure, and a list of the persons living in each dwelling unit along with their telephone number, ~~email address~~ and the relationship of each person living in such unit. Should any of the required information change during the period for which a certificate is issued, such changes shall be ~~timely~~ conveyed to the Building Commissioner within thirty (30) days to allow for updating of records.

(b) The Building Commissioner may require the submission of a certificate of occupancy stating such information, and he may cause a general inspection of the structure or premises to be made; provided, however, that in the case of a double house or two (2) family house which has all of the separate units occupied by tenants in common, joint tenants, or other co-owners, the Commissioner shall not cause a general interior inspection of the structure other than upon request, complaint or under emergency situations. And further provided that, in situations where one (1) unit of such double house or two (2) family house is owner-occupied, with the remaining unit occupied by those persons identified by Section 1341.15(b) and (c), the Commissioner shall not cause a general interior inspection other than upon request, complaint or under emergency situations.

(c) If a building or other structure is found in compliance with the provisions of this Housing Code, and all other laws, ordinances, rules and regulations applicable thereto, the Building Commissioner shall issue a certificate of occupancy for such building or structure, which shall contain the following information:

- (1) The street address or other identifying characteristics of the building or other structure.
- (2) The name, ~~and~~ address, ~~telephone number, and email address~~ of the owner and, if the owner does not reside on the premises, the name, ~~and~~ address, ~~telephone number, and email address~~ of the resident agent in charge of the building or structure, and the name, ~~and~~ address, ~~telephone number, and email address~~ of the nonresident agent, if any.
- (3) The exact nature and extent of the use or occupancy authorized.
- (4) The period for which such certificate of occupancy is issued.
- (5) The lead-safe certification status, if applicable

Such certificate shall not be valid beyond December 31 of the calendar year in which the certificate is issued.

(Ord. 100-1983. Passed 12-19-83.)

(d) The Building Commissioner shall have the power to revoke a certificate of occupancy if any false statement is made by the applicant in connection with the issuance of such certificate; for noncompliance of a structure or its use with the requirements of the Housing Code; if the owner, agent or person in charge of a structure refuses to comply with any applicable provisions of this Housing Code; or if the structure is being maintained or

## EXHIBIT B

used in such a manner as to constitute a public nuisance. In the event the Building Commissioner determines to revoke a certificate of occupancy for the reason that the structure is being maintained in such a manner as to constitute a public nuisance, the owner of said structure shall have the right to appeal the revocation to the Nuisance Abatement Board of Appeals pursuant to Section 553.08 of the Codified Ordinances and the Notice of Revocation shall advise the owner of the right of appeal.

(Ord. 191-2013. Passed 11-18-13.)

(e) An owner of a residential rental unit shall give notification of a change in the name, address, telephone number, and/or email address of a corporation, partnership or person listed on a certificate of occupancy to the Building Commissioner within fourteen (14) days after the change occurs. If the owner fails to give written notification as required in this section, the Building Commissioner may revoke the certificate of occupancy until the owner provides in writing the changed name, address, telephone number, and/or email address.

In addition to revocation of the certificate of rental registration, whoever violates this division (e) shall be fined not more than two hundred dollars (\$200.00). Each three (3) month period during which the violation continues is a separate offense.

(ef) Notwithstanding any other provisions of this Chapter, no certificate of occupancy shall be issued by the Building Commissioner for any structure used or intended to be used for residential occupancy located on a parcel which:

(1) Has a certified delinquent property tax balance or other unpaid liens that appear on the Cuyahoga County Real Property Tax duplicate unless the property owner, agent, or person in charge of such structure provides documentation of being on a Delinquent Payment Plan in good standing with the Cuyahoga County Treasury; or

(2) Has an unpaid balance for nuisance abatement costs imposed by the City pursuant to Subsection 553.10(e) that has not been placed on the Cuyahoga County Real Property Tax duplicate.

If such structure as described above is determined by the Building Commissioner to be occupied by a tenant, the Building Commissioner shall provide notice to such tenant of the rejection of application for the issuance or renewal of a certificate of occupancy. Notice shall be by mail, hand delivery, or posting on the structure. Notwithstanding the requirement of notice provided herein, failure of the Building Commissioner to notify a tenant shall not preclude the enforcement of any provision of this Chapter.

(Ord. 38-2017. Passed 4-17-17.)

### 1347.034 -FAILURE TO APPLY FOR CERTIFICATE; RENEWALS.

(a) The owner of a dwelling structure which subsequently is completed and becomes available for occupancy shall apply for such certificate as soon as practicable, but in no event shall the structure be occupied in whole or in part until such certificate of occupancy has been issued. Failure to so apply shall be deemed to be a violation of this Housing Code and shall subject the owner of the structure to the legal action and penalty prescribed herein.

(Ord. 47-1985. Passed 4-1-85.)

(b) For each twelve (12) month period beginning January 1, 1995, and for each year thereafter, the owner of a dwelling structure requiring a certificate of occupancy shall

## EXHIBIT B

apply for such certificate on or before December 15 of the year immediately preceding the year in which the certificate is to be issued.

(Ord. 16-1995. Passed 2-21-95.)

### 1347.045 POSTING AND AVAILABILITY OF CERTIFICATE.

(a) The owner, agent or person in charge of every multiple dwelling structure shall cause a certificate of occupancy to be posted conspicuously at all times at the main entrance of such structure. The certificate shall be provided with a protective covering and shall be securely affixed to the wall.

(b) The owner or owner's agent of a dwelling structure, other than a multiple dwelling structure, requiring a certificate of occupancy, shall have such certificate available on the licensed premises, or otherwise readily available, for exhibition to the Building Commissioner or other authorized City personnel.

(Ord. 100-1983. Passed 12-19-83.)

### 1347.056 FEES FOR ORIGINAL CERTIFICATE.

(a) An application for a certificate of occupancy for any residential property in the City shall be accompanied by a fee of two hundred dollars (\$200.00) for the first dwelling unit in a building plus fifty dollars (\$50.00) for the second dwelling unit in the building and twenty-five dollars (\$25.00) for each additional dwelling unit in the building. The fee for a newly-rented residential property issued after June 30 of any year for the remainder of the calendar year shall be one hundred dollars (\$100.00) for the first dwelling unit in a building, twenty-five dollars (\$25.00) for the second dwelling unit in the building and twelve dollars and fifty cents (\$12.50) for each additional unit in the building. The fee for any one building shall not exceed the sum of one thousand two hundred twenty-five dollars (\$1,225.00) per year. All fees for certificates of occupancy shall be nonrefundable.

(Ord. 201-2013. Passed 12-16-13.)

(b) Any renewal application received after January 1 of any year shall incur a late fee of twenty-five dollars (\$25.00) per month for each month or portion thereof that the application and/or fee is delinquent.

(Ord. 17-2008. Passed 2-19-08.)

### 1347.067 CHANGES; NEW CERTIFICATE OF OCCUPANCY; FEES.

(a) If there is a change in the resident agent or nonresident agent as shown by the certificate of occupancy, the owner shall notify the Building Commissioner in writing within thirty (30) days of such change, giving the name and address of the new resident agent or nonresident agent. Failure to notify the Building Commissioner within the specified time shall constitute a violation of this Housing Code. (Ord. 58-1972. Passed 9-18-72.)

(b) If there is a change in ownership of record, the certificate of occupancy issued under the provisions of this Housing Code to the former owner shall become null and void within thirty (30) days of the recorded date of such change of ownership, and a new certificate of occupancy must be obtained by the new owner. Application for such new certificate of occupancy shall be made not more than thirty (30) days after such change of ownership

## EXHIBIT B

has occurred, on forms supplied by the Building Commissioner. A fee of fifty dollars (\$50.00) shall be paid upon application for each new certificate. A new certificate shall expire on the same date as that of the certificate which it replaces.

(Ord. 10-2011. Passed 1-18-11.)

(c) Any change in the nature or extent of the use or occupancy as specified on the certificate of occupancy shall render the certificate of occupancy null and void upon the happening of such change. No such change is permissible under this Housing Code unless such change has been approved by the proper City authorities pursuant to this Housing Code, and unless a new certificate of occupancy, incorporating such change, has been issued. Any such change, without the approval of the proper City authorities, will subject the owner, operator or agent to the penalty provided in Section 1345.99.

(d) A fee of two dollars (\$2.00) shall be paid upon application for each such new certificate. If such change involves the addition of any dwelling units to the number of dwelling units previously authorized, an additional five dollars (\$5.00) shall be charged for each such additional dwelling unit, regardless of the date authorized. Such new certificate shall expire on the same date as that of the certificate which it replaces.

(Ord. 58-1972. Passed 9-18-72.)

### 1347.08 LEAD-SAFE CERTIFICATION REQUIRED FOR RESIDENTIAL RENTAL UNITS BUILT BEFORE JANUARY 1, 1978

(a) *Presumption and Policy.* Any residential rental unit originally constructed prior to January 1, 1978 is presumed to have lead-based paint. It is the policy of the City to help prevent the poisoning of children by requiring that the presence of deteriorated lead-based paint on the interior and exterior of residential rental structures built before January 1, 1978 be identified and be correctly addressed by reducing and controlling lead-based paint hazards which may be present in order to prevent human exposure to these hazards. Therefore, it is the further policy of the City to require all residential rental units in the City constructed prior to January 1, 1978 to have lead-safe certification no later than July 1, 2024.

(b) *Lead-Safe Certification.* Beginning July 1, 2022, all residential rental units constructed before January 1, 1978 shall have lead-safe certification from the Building Commissioner according to a quarterly schedule established by the Building Commissioner, but in no case later than July 1, 2024.

A lead-safe certification is valid for two (2) years from the date of issuance. No earlier than thirty (30) days prior to expiration, an owner shall re-apply for a lead-safe certification by providing the necessary documentation as set forth in this section.

(1) To obtain a lead-safe certification, an owner of a residential rental unit constructed prior to January 1, 1978 shall provide to the Building Commissioner a copy of a clearance examination report or lead risk assessment, completed pursuant to applicable Ohio laws and rules, within ninety (90) days prior to the date of submission evidencing that lead hazards were not identified in the unit.

(2) For a structure constructed prior to January 1, 1978 that contains five (5) or more residential rental units to obtain a lead-safe certification, an owner shall provide to the

## EXHIBIT B

Building Commissioner a copy of a report, completed pursuant to applicable law within ninety (90) days prior to the date of submission, that lead hazards were not identified in the minimum number of units tested relative to the total number of units in the structure, according to Federal HUD Guidelines, 2012 edition, as may be amended from time to time.

(c) Exemption. To be exempt from the lead-safe certification requirement set forth in this section, the owner of a residential rental unit originally constructed prior to January 1, 1978 shall submit a copy of a comprehensive lead risk assessment and paint inspection report, issued by a lead risk assessor verifying that the unit has been abated of lead hazards in accordance with 40 CFR 745.227 and applicable state law. The report shall have been completed within twenty (20) years prior to the date of submission to the Building Commissioner.

### 1347.09 INTERNAL REVIEW

The Building Commissioner, through a designated Lead-Safe Auditor, shall monitor the City lead-safe certification process to ensure efficiency and effectiveness. The Lead-Safe Auditor shall perform such other tasks as required by the Building Commissioner, including maintaining a list of certified inspectors and contractors and coordinating regular monitoring and reporting with the Lead-Safe Advisory Board and other appropriate entities.

### 1347.10 IMPACT OF LEAD-SAFE CERTIFICATION REQUIREMENT

Within one (1) year after implementation and yearly thereafter, the City shall review the impacts of the lead-safe certification requirement to determine if tenants have been unduly displaced and to identify any other negative unintended consequences that may have occurred due to implementation of the lead-safe certification requirement. If negative impacts are occurring or have occurred, the City will re-evaluate the program and work toward eliminating any negative impacts.

### 1347.11 LEAD-SAFE ADVISORY BOARD; RESPONSIBILITIES

(a) There is hereby established a Lead-Safe Advisory Board to consist of seven (7) members: the Mayor or their designee, and a member of Council appointed by Council (Ex Officio Members); and five (5) members appointed by the Mayor with approval of Council (Appointed Members). Of the Appointed Members, at least one (1) shall be a Tenant of a Residential Rental Unit within the City, and at least one (1) shall be a Landlord of a Residential Rental Unit within the City. Of the original Appointed Members, two (2) shall be appointed for terms of two (2) years and three (3) shall be appointed for terms of three (3) years. Thereafter, the terms shall be four (4) years. None of the Appointed Members shall be current employees of the City. The Lead-Safe Advisory Board shall meet as often as a majority of its members deems necessary, but at least quarterly in each calendar year. The Board shall establish its own rules.

(b) The responsibilities of the Lead-Safe Advisory Board shall be as follows: to provide recommendations for improvements to the City's lead-safe policies and procedures; to report, on a quarterly basis, progress and status of the City's Lead-

## EXHIBIT B

Safe Certification requirement and other lead poisoning prevention related efforts to the Council.

### 1347.12 RECORDS KEPT BY DEPARTMENT

Copies of all applications, certificates of occupancy, and documents submitted for lead-safe certification are a public record and shall be kept on file by the Building Commissioner as required by applicable law.

### 1347.13 INSPECTIONS; RIGHT OF ENTRY

(a) All residential rental units shall be subject to inspection for the purpose of determining compliance with the provisions of this Housing Code, Chapter 521, and all other applicable laws, ordinances, rules and regulations. Inspections shall be conducted in accordance with the residential rental unit inspection schedule established by the Building Commissioner, or as may be necessary in the Building Commissioner's discretion pursuant to specific complaint received under this Code.

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(b) The Building Commissioner and the Building Commissioner's duly authorized agents or inspectors may enter at reasonable times any residential rental unit registered under this Chapter in accordance with the right of entry defined in Chapter 1345.

Proposed: 3/7/2022

RESOLUTION NO. 24-2022 (AS), *Second Reading*

By Mayor Seren

A Resolution confirming the Mayor's appointment of Joseph E. Sinnott as City Administrator for the City of Cleveland Heights; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

WHEREAS, pursuant to Article IV, Section 4 of the Charter of the City of Cleveland Heights, the City Administrator shall be appointed by the Mayor, subject to confirmation by Council; and

WHEREAS, the Mayor has nominated Joseph E. Sinnott for appointment to the position of City Administrator on the basis of his executive and administrative training and experience; and

WHEREAS, the Council elects to confirm the Mayor's appointment of Joseph E. Sinnott to the position of City Administrator; and

WHEREAS, it is necessary that this Resolution become immediately effective in order to comply with Charter requirements and to provide for the uninterrupted, efficient provision of critical services by the City of Cleveland Heights and the effective daily operation of City government.

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

SECTION 1. The Council of the City of Cleveland Heights hereby confirms the Mayor's appointment of Joseph E. Sinnott to serve as the City Administrator upon his taking the oath of office.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure for the immediate preservation of the public peace, health and safety of the City, such emergency being the need to appoint the City Administrator in a timely manner in order to provide for the effective daily operation of City government in accordance with the Charter. 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. 24-2022 (AS), *Second Reading*

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

ProposedAmended: 03/21/2022

ORDINANCE NO. 25-2022 (AS), *Second Reading*

By Mayor Seren

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

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

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

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

Except as otherwise specifically provided herein, effective the date stated in the separate sections hereof, the following salary schedules and other compensation for described position classifications will be in effect for such classifications as of April 1, 2022; provided, however, that if the revenues received by the City are not sufficient to meet the foregoing salaries, all salaries shall be reduced by the Mayor to a point which will not exceed the appropriated revenues of the City.

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

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

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

ORDINANCE NO. 25-2022(AS)

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

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

ORDINANCE NO. 25-2022(AS)

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

ORDINANCE NO. 25-2022(AS)

Position	FLSA	SG	Min	Mid	Max
	NE	20	\$27.75	\$34.69	\$41.63
Executive Assistant to Mayor	NE	19	\$24.78	\$30.98	\$37.17
Assistant Clerk of Council Housing Program Coordinator Housing Property Investigator Paralegal	NE	18	\$22.13	\$27.66	\$33.19
Engineer/Inspector Housing Inspector Housing Inspector/ Housing court Representative Housing Rehabilitation Specialist Human Resources Generalist Legal Secretary	NE	17	\$19.75	\$24.69	\$29.63
Accountant Audio Engineer Camera Operator GIS Analyst Information Systems Technician Information Systems Technician - Senior Payroll Administrator Utility Inspector	NE	16	\$17.64	\$22.05	\$26.46
Accounts Payable Coordinator Community Relations Assistant Human Resources Coordinator Planning Technician Secretary to Director Special Projects Coordinator Social Media Coordinator Social Worker	NE	15	\$15.75	\$19.69	<del>\$23.62</del> <ins>\$25.00</ins>
Administrative Assistant Mayor Intern Office Assistant Office Assistant II	NE	14	\$14.06	\$17.58	\$21.09
Finance Clerk Receptionist Utility Billing Clerk	NE	13	\$12.55	\$15.69	\$18.83

ORDINANCE NO. 25-2022(AS)

		12	\$11.21	\$14.01	\$16.81
Building Attendant Cashier Head Cashier Laborer	NE	11	\$10.01	\$12.51	\$15.01
Front Desk Assistant Resident Services Supervisor Van Driver	NE	10	<del>\$8.949.30</del>	\$11.17	<del>\$13.40</del> <ins>\$17.00</ins>

**ELECTED OFFICIALS:**

Mayor (As of 1/1/22)	\$115,000.00
Council Member	9,270.00
Council President	11,840.00

**SEASONAL POSITIONS:**

**RECREATION PROGRAMS: SWIMMING POOLS:**

Assistant Supervisor <del>\$15.50</del> <ins>\$16.50</ins> /hour	9.36/hour	
Aquatic Program Supervisor	9.36/hour	<del>\$13.14</del> .48/hour
Cashier	<del>\$8.809.30</del> /hour	<del>\$12.13</del> .36/hour
Guard (A.L.S.) <del>\$11.59</del> <ins>\$13.00</ins> /hour	<del>\$8.809.30</del> /hour	
Head Guard <del>\$12.36</del> <ins>\$14.00</ins> /hour	10.00/hour	
Head Cashier	<del>\$8.809.30</del> /hour	<del>\$12.13</del> .36/hour
Head Coach (Summer)	364.14/ Per biweekly pay period	573.68/ Per biweekly pay period
Head Coach Assistant	260.10/ Per biweekly pay period	573.68/ Per biweekly pay period
Learn to Swim Coordinator	260.10/per season	573.68/season

ORDINANCE NO. 25-2022(AS)

Preschool Learn to Swim Coordinator	260.10/per season	573.68/season
Pool Attendant	<del>8.809.30</del> /hour	<del>1011.33</del> /hour
Pool Maintenance	<del>8.809.30</del> /hour	<del>1011.33</del> /hour
Pool Manager	10.40/hour	<del>1618.07</del> /hour
Private Instructor Fee	2/3 of private instruction; Fees charged and collected	
Security Guard	<del>8.809.30</del> /hour	<del>910.53</del> /hour
Sports Assistant	<del>8.809.30</del> /hour	<del>1112.33</del> /hour
Sports Coordinator	10.40/hour	23.65/hour
Sports Supervisor	<del>8.809.30</del> /hour	23.65/hour
Tennis Court Attendant	<del>8.809.30</del> /hour	<del>910.18</del> /hour
Tennis Lesson Instructor	10.40/hour	<del>1718.22</del> /hour
Tennis Program Coordinator	2,601.00/season	4,489.45/season
Umpire	10.40/hour	23.65/hour
Water Aerobics Instructor	182.07/per session	286.84/session

**PLAYGROUNDS:**

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

**CAIN PARK THEATRE:**

Actor	300.00/week	500.00/week
Assistant Box Office Manager	350.00/week	550.00/week
Assistant Operations Manager	350.00/week	550.00/week
Assistant Production Manager	350.00/week	550.00/week
Assistant Stage Manager	350.00/week	550.00/week

ORDINANCE NO. 25-2022(AS)

Assistant to General Manager	400.00/week	600.00/week
Box Office Manager	350.00/week	550.00/week
Box Office Staff <del>12.36</del> <ins>15.00</ins> /hour	<del>8.809.30</del> /hour	
Carpenter	300.00/week	500.00/week
Costume Shop Manager	350.00/week	550.00/week
Electrician	350.00/week	550.00/week
Events Production Manager	400.00/week	600.00/week
General Technician	300.00/week	500.00/week
Hospitality Coordinator	300.00/week	500.00/week
House Manager <del>12.36</del> <ins>15.00</ins> /hour	<del>8.809.30</del> /hour	
Maintenance <del>12.36</del> <ins>15.00</ins> /hour	<del>8.809.30</del> /hour	
Operations Assistant	300.00/week	500.00/week
Operations Manager	450.00/week	650.00/week
PR/Marketing Assistant	400.00/week	650.00/week
PR/Marketing Coordinator	300.00/week	500.00/week
Sound Engineer	350.00/week	550.00/week
Stage Manager	350.00/week	600.00/week
Theater Production Manager	400.00/week	650.00/week
Master Wardrobe Coordinator	300.00/week	500.00/week
<b><u>ICE SKATING RINK:</u></b>		
Cashier	<del>8.809.30</del> /hour	<del>1213.</del> 36/hour
Hockey Director	2,184.84	2,300.00/season
Ice Safety Guard	<del>8.809.30</del> /hour	<del>1112.</del> 20/hour

ORDINANCE NO. 25-2022(AS)

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

Ice Professional Group      16.65/hour  
57.31/hour

Learn to Skate Coordinator	208.08/per week	520.00/per week
Office Assistant	<del>8.809.30</del> /hour	<del>112.26</del> /hour
Supervisor – Assistant	9.36/hour	<del>1415.76</del> /hour
Supervisor – Head	10.40/hour	<del>1718.22</del> /hour

**YOUTH SPORTS PROGRAMS:**

Youth Hockey Coach	10.40/hour 2,601.00/	22.96/hour or 4,592.00/season
Youth Hockey Program Coordinator	10.40/hour 2,601.00/	22.96/hour or 4,265.00/season
Youth Hockey Skating Instructor	10.40/hour	45.92/hour
Basketball Supervisor	<del>8.809.30</del> /hour 520.20/	13.91/hour or 2,296.00/season
Basketball Coordinator	10.40/hour 2,080.80/ 2,601.00/	22.96/hour or 3,171.00/winter 4,318.00/summer
Girls Softball League Supervisor	<del>8.809.30</del> /hour 1,040.40/	13.78/hour or 2,296.00/season
Youth Baseball League Supervisor	<del>8.809.30</del> /hour 1,040.40/	13.78/hour or 2,870.00/season
League / Program / Camp Assistant	<del>8.809.30</del> /hour	<del>910.18</del> /hour
Sports Camp Supervisor / Instructor	<del>8.809.30</del> /hour 2,601.00/	13.91/hour or 1,148.00/camp
Sports Coordinator	10.40/hour	23.65/hour
Sports Program Assistant	<del>8.809.30</del> /hour	<del>112.33</del> /hour

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**ADULT SPORTS PROGRAMS:**

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

**FIELDHOUSE / FITNESS CENTER:**

Fitness Center Assistant	8.70/hour 11.07/hour	
Fitness Center Coordinator	9.50/hour	<del>1213</del> .36/hour
Fieldhouse Instructor / Aerobics Instructor	10.40/hour	<del>1213</del> .64/hour
Front Desk Assistant	<del>8.809.30</del> /hour	<del>1314</del> .39/hour
Personal Trainer	10.40/hour 70% of rate charged by trainer	12.64/hour or 70% of rate charged by trainer
Head of Personal Training Services	Additional 5% of total personal training program revenue (3% city portion/ 2% trainer portion) for administration of the program.	

**MISCELLANEOUS:**

1. The Mayor shall also serve without additional compensation as Director of Public Safety and Director of Public Services.
2. The Director of Finance shall also serve without additional compensation as Clerk of Council.
3. In addition to the salary herein above provided, the Director of Law and the Assistant Law Directors may be compensated at an overtime rate of not to exceed \$250.00 per hour for time spent in representing the City in court appearances and special projects over and above the normal work hours as approved by the Mayor.
4. School Crossing Guard      \$40.49 per day (based upon a 4-hour day)  
School Crossing Guard      \$10.12 per hour
5. "Minimum" and "maximum" as used in this Section are deemed to be exclusive of provisions for longevity, sick leave and vacation conversion, health care, deferred

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compensation, and other forms of non-salary compensation for which express authority is provided by ordinance.

6. To reduce criminal activity and promote safe neighborhoods, the Mayor may lease or transfer City-owned property to Basic Patrol Officers and/or members of the Classified Service of the Division of Police at fair market value.
7. The Mayor shall have the authority, when deemed in the best interests of the City, to issue a monetary car allowance in lieu of issuing a City-owned vehicle to an employee.
8. The Mayor shall have the authority, when deemed in the best interests of the City, to issue a cost of living adjustment in the form of a one-time lump sum payment to an employee.
9. The Mayor shall have the authority, when deemed in the best interests of the City, to grandfather an employee whose current rate of pay exceeds the maximum range of the salary grade identified in the 2018 Compensation Study.
10. The Mayor shall have the authority, when deemed in the best interest of the City, to issue a cost of living adjustment not to exceed 2% to a grandfathered employee whose rate of pay exceeds the maximum range of the salary grade identified in the 2018 Compensation Study.

**BOARD AND COMMISSION MEMBERS:**

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

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**SECTION 2. POLICE**

Sworn members of the Police Department who are members of the police bargaining units shall have the terms, conditions, and benefits of employment as described in the labor agreement and other related documents between the City of Cleveland Heights and the Northern Ohio Patrolmen's Benevolent Association. The agreement covers the period commencing August 2, 2021 through March 31, 2024 and may be extended by agreement of the parties. The fire arms proficiency, gun upon retirement, educational incentive bonus, and the clothing maintenance allowance shall apply to all sworn members of the Department. A copy of the labor agreement and related documents are on file in the Office of the Mayor.

**SECTION 3. FIRE**

Sworn members of the Fire Department who are represented by the International Association of Fire Fighters shall have the terms, conditions, and benefits of employment as described in the labor agreement and other related documents between the City of Cleveland Heights and the International Association of Fire Fighters. The agreement covers the period commencing April 1, 2021 through March 31, 2024 and may be extended by agreement of the parties. The paramedic compensation, academic achievement bonus, and the clothing maintenance allowance shall apply to all sworn members of the Department. A copy of the labor agreement and other related documents are on file in the Office of the Mayor.

**SECTION 4. PUBLIC WORKS and PARKS & RECREATION** Employees in the bargaining unit as described in the memorandum of understanding and other related documents between the City of Cleveland Heights and Laborer's International Union of North America, Laborer's Local 860 of Cleveland representing Service Employees, shall have the terms, conditions, and benefits of employment as described in said memorandum of understanding and other related documents. That agreement covers the time period commencing upon execution through March 31, 2022 and may be extended by agreement of the parties. A copy of the memorandum of understanding and other related documents are on file in the Office of the Mayor. Employees may be eligible for supervisor premium pay when such duties are assumed due to absence.

**SECTION 5. MUNICIPAL COURT**

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

Administrative Judge compensation: \$1,500.00

Total salary: \$63,250.00

Minimum

Maximum

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

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

**SECTION 6. VACATION**

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

**ALL FULL-TIME PERMANENT CITY EMPLOYEES**

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

ORDINANCE NO. 25-2022(AS)

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

Employees shall be paid for vacation leave accrued, but unused, at the time of separation provided the paid vacation does not exceed the employee's eligible annual accrual and further provided that such employee has worked six (6) months or more.

(b.) Permanent part-time employees with a base schedule of 20 or more hours per week will accrue vacation. Permanent part-time employees shall accrue hours based on the actual hours worked in the preceding pay period divided by 80 hours multiplied by the accrual per pay period.

<u>Period</u>	<u>Length of Service</u>	<u>Accrual Per Pay</u>
	Up to and including the fourth year	1.54 hours
	5 up to and including 6 years	3.08 hours
	7 up to and including 11 years	4.6 hours
	12 up to and including 17 years	6.2 hours
	18 years or more	7.7 hours

No more than the amount of vacation accrued in the previous twelve-month period may be carried forward into the next calendar year.

Employees shall be paid for vacation leave accrued, but unused, at the time of separation provided the paid vacation does not exceed the employee's eligible annual accrual and further provided that such employee has worked six (6) months or more.

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

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

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

**SECTION 7. SICK LEAVE**

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

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

Employees who transfer from any public agency in the State of Ohio to the City of Cleveland Heights may receive credit for unused sick leave accrued during such prior public employment, in accordance with the provisions of the Administrative Code. Credit for accrued sick leave shall not exceed the limits specified for all other employees in subsection (a). Employees who wish to receive credit for accrued sick leave under this subsection shall obtain a certified copy of their sick leave record from their former employer within thirty (30) days of hire. Documentation received after thirty (30) days will be accepted; however, any service accrual granted will start from the beginning of the pay period in which the documentation is received.

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

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

ORDINANCE NO. 25-2022(AS)

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

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

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

**SECTION 8. **LEGAL HOLIDAYS****

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

1. The first day of January;	8. The eleventh day of November;
2. The third Monday in January;	9. The fourth Thursday in November;
3. The third Monday in February;	10. The fourth Friday in November;
4. The last Monday in May;	11. The twenty-fifth day of December;
<u>5. The nineteenth day in June;</u>	12. Personal Day;
6. The fourth day of July;	13. Personal Day
7. The first Monday in September;	

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

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

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

**SECTION 9. **DEFERRED COMPENSATION PLANS****

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

ORDINANCE NO. 25-2022(AS)

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

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

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

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

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

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

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

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

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

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

(a) The City shall purchase or subscribe to and maintain in full force and effect for each full-time employee of the City a health care insurance plan, including medical-surgical protection, covering hospital and surgical benefits and related coverage, through one or more vendors subject to Council approval. Such health care insurance plan shall be maintained so long

ORDINANCE NO. 25-2022(AS)

as such employee remains in the employ of the City. The City shall contribute eighty-eight percent (88%) of the cost of Base Plan B and the employee shall be responsible for any costs above the amount of established employer contribution, *i.e.*, twelve percent (12%) of the cost for coverage.

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

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

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

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

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

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

**SECTION 12. LIFE INSURANCE**

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

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

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

ORDINANCE NO. 25-2022(AS)

**SECTION 13. LONGEVITY**

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

:Full Time Employees

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

Part Time Employees

1 <sup>st</sup> through 5 <sup>th</sup> year	No entitlement
6 <sup>th</sup> through 10 <sup>th</sup> year	8.46
11 <sup>th</sup> through 15 <sup>th</sup> year	16.92
16 <sup>th</sup> through 20 <sup>th</sup> year	25.62
21 <sup>st</sup> through 25 <sup>th</sup> year	34.61
26 <sup>th</sup> year and thereafter	38.46

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

**SECTION 14. OVERTIME**

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

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

**SECTION 15. EMPLOYEE INDEMNIFICATION**

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

ORDINANCE NO. 25-2022(AS)

**SECTION 16. PENSION**

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

**SECTION 17.**

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

**SECTION 18.**

The provisions of this Ordinance shall be deemed to be in effect as of midnight, April 1, 2022. Effective midnight, April 1, 2022, Ordinance No. 20-2021(AS) and all amendments thereto and provisions of all other ordinances heretofore adopted are repealed to the extent inconsistent herewith.

**SECTION 19.**

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

**SECTION 20.**

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

ORDINANCE NO. 25-2022(AS)

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MELODY HART,  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

**Formatted:** No underline

Proposed: 3/7/2022

ORDINANCE NO. 26-2022 (CRR), *Second Reading*

By Mayor Seren

An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2022.

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

WHEREAS, the Mayor 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 2022, a program of entertainment in general accordance with plans therefor previously adopted by the Mayor 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 Two Hundred Dollars (\$200.00). Rates will be gradated according to seat location, with the designations subject to approval by the Mayor. Groups of twenty (20) or more may purchase tickets at a discount rate subject to the approval of the Mayor.

Musical concerts will be presented at times scheduled by the Mayor. Such programs may or may not be co-produced with an outside agency as deemed fit by the Mayor. Special arrangements may be made for ticket prices to exceed Two Hundred Dollars (\$200.00), 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 Mayor. 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 2022 season.

The Mayor 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 Mayor 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 Mayor 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 Mayor.

(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 Mayor 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 Mayor with ticket prices not to exceed the sum of Two Hundred Dollars (\$200.00). These arrangements will be made as deemed appropriate by the Mayor.

SECTION 5. (a) In the event that it should become necessary, in the judgment of the Mayor, 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 Mayor is hereby authorized to establish and place in effect such regulations and restrictions as he 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 Mayor shall establish.

(c) In the event that the Mayor shall determine, in his 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 he 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 Mayor is hereby vested with authority to transfer the conduct of any portion of the summer program for the year 2022 to another facility in order to ensure the safety and/or convenience of the general public. At such time, the Mayor shall, by appropriate means, advise persons wishing to participate in such activities of the change of location.

ORDINANCE NO. 26-2022 (CRR), *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.

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MELODY JOY HART  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

# Memo

**To:** City Council

**From:** Amy Himmelein, Finance Director

**Date:** March 10, 2022

**Re:** Guidehouse Contract

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As part of the American Rescue Plan Act (ARPA) of 2021, Cleveland Heights was awarded \$38.8 million. ARPA funds are restricted in how they can be used; however, the allowable uses cover a very broad range of categories. The guidance provided by the United States Treasury is not all inclusive, which leads to many questions if programs are allowable. In addition, for certain categories of allowable programs the City must do additional reporting. Currently, it is unclear how in-depth the requirements are for reporting.

Council has already allocated \$18 million to the sewer projects and it's anticipated that \$10 million will be allocated to the revenue replacement program. This leaves \$10.8 million to allocate to other allowable programs. The vast majority of these remaining programs will require additional reporting. These programs also have more latitude in determining what is allowable.

My goal as Finance Director is to spend the funds in a way that is the most beneficial to the City while properly documenting their use to avoid audit issues and potential claw back of funds. Due to the uncertainty in reporting requirements and the broad ability to determine allowability, I recognize the City needs help to accomplish these goals. The City may also need help in administering approved programs. Administrative expenses are an allowable use of ARPA funds. With the Mayor's support, I am requesting the City contract with a consultant to help administer the remaining \$10.8 million ARPA funds.

Guidehouse is a firm that is working with other local and state governments in the administration of their ARPA funds. Currently in Ohio, they are working with the City of Dayton and the City of Akron. They have also partnered with the Ohio Mayors Alliance which provides local and technical expertise. Guidehouse will provide support for the City by determining allowability of programs and documentation of allowability. They can serve as a program administrator for any programs the City wishes to implement. Guidehouse can also help with all reporting requirements, including gathering required data.

The City is able to contract with Guidehouse via a contract with the City of Dayton. The City of Dayton competitively bid services for ARPA administration. They fashioned the contract so other local governments in Ohio may "piggyback" on their contract. The proposed contract with the City of Cleveland Heights has its own statement of work in order to meet our unique needs. The contract is for an amount not-to-exceed \$250,000 which is 2.3% of the \$10.8 million they would be helping to administer.

I ask for Council's support in approving this contract.

Proposed: 3/14/2022

RESOLUTION NO. 29-2022 (F), *Second Reading*

By Mayor Seren

A Resolution authorizing the Mayor to execute a contract with Guidehouse Inc. for consulting services related to the use of American Rescue Plan Act State and Local Fiscal Recovery Funding; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

WHEREAS, on March 11, 2021, the President of the United States, Joseph R. Biden, signed into law the American Rescue Plan Act of 2021 (hereafter “ARPA”), authorizing among other things the payment of direct subsidies to the general revenue funds of cities, counties, school districts, and other governmental entities; and

WHEREAS, the City of Cleveland Heights was awarded ARPA funding of approximately \$38.8 million, with one payment received in 2021 and the second and final payment to be made in 2022; and

WHEREAS, on May 10, 2021, the U.S. Treasury issued an Interim Final Rule to implement ARPA in Title 31, Part 35 of the Code of Federal Regulations (“CFR”), which becomes the final rule effective April 1, 2022 (“Final Rule”); and

WHEREAS, ARPA and the Final Rule provide that ARPA funds may be used for specific purposes including to respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and to make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, it is necessary to comply with the permissible use provisions of ARPA in designing programs utilizing ARPA funds, to properly report on the use of such funds, and to obligate and expend funds within the timeframes provided by law; and

WHEREAS, the City of Cleveland Heights wishes to utilize ARPA funds in ways that provide the maximum possible benefit to the City and its residents with regard to the effects of COVID described above, and to leverage such funds for maximum impact in accordance with the uses described above; and

WHEREAS, the City’s Mayor and Finance Director have identified a need for professional consulting services to assist the City in accomplishing its goals with regard to the use of ARPA funds and to ensure all funding requirements are satisfied; and

RESOLUTION NO. 29-2022 (F), *Second Reading*

WHEREAS, Guidehouse is a consulting firm that provides services to the public and private sectors and has particular experience in providing services to state and local governments in connection with ARPA State and Local Fiscal Recovery Funding and other COVID-related grant programs; and

WHEREAS, the City of Dayton, Ohio, has awarded a contract for ARPA funding consulting services to Guidehouse following a competitive bid process; and

WHEREAS, pursuant to Ohio Revised Code Section 9.48 and Section 171.02(b) of the Cleveland Heights Codified Ordinances the City may enter into a contract without competitive bidding if another political subdivision has entered into such contract pursuant to a competitive bid process and the Mayor finds that the services to be contracted can be obtained pursuant to such political subdivision contract at prices less than would be obtained by taking bids from private persons; and

WHEREAS, the Mayor has determined that the ARPA consulting services provided by Guidehouse pursuant to the contract with the City of Dayton are personal professional services that are available, upon the terms and conditions of that contract, at prices lower than would be obtained through a separate competitive bid process; and

WHEREAS, this Council wishes to authorize a contract with Guidehouse for ARPA consulting services consistent with that firm's contract with the City of Dayton, Ohio.

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

**SECTION 1.** The Mayor shall be and is hereby authorized to execute any and all agreements or related documents with Guidehouse Inc. in an amount not to exceed Two Hundred and Fifty Thousand Dollars (\$250,000.00), for the purpose of providing consulting services related to the City's deployment of ARPA funding including proper funds use and eligibility questions, programs design, distribution of funds to intended beneficiaries, and measurement, reporting and recordkeeping requirements, along with any related services, all as described in the proposal of Guidehouse, and substantially in accordance with a form of agreement and statement of work based upon the Guidehouse agreement with the City of Dayton, Ohio and on file with the Director of Finance.

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

**SECTION 3.** It is necessary that this Resolution become immediately effective as an emergency measure for the immediate preservation of the public peace, health or safety of the City, such emergency being the need to develop programs, metrics and reporting systems for the City's use of ARPA funds at the earliest possible time given ARPA spending timeframes. 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

RESOLUTION NO. 29-2022 (F), *Second Reading*

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

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor:

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

RESOLUTION NO. 30-2022 (PD), *First Reading*

By Mayor Seren

A Resolution proclaiming April 11 - 15, 2022 to be *National Community Development Week*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights is a participant in the Community Development Block Grant (“CDBG”) program, of which the main purpose is to provide decent, safe, and sanitary housing, a suitable living environment, and economic opportunities to low- and moderate-income people; and

WHEREAS, 2022 marks the 48<sup>th</sup> anniversary of the CDBG program, which was enacted into law as part of the Housing and Community Development Act of 1974; and

WHEREAS, the City of Cleveland Heights is also a participant in the HOME Investment Partnerships (“HOME”) program which provides funding to local communities to create decent, safe, and affordable housing opportunities for low-income persons; and

WHEREAS, the City of Cleveland Heights is a partner with the Cuyahoga County Board of Health in the HUD-funded Lead Hazard Control program, which provides funding for the removal of lead based paint hazards in low to moderate income homes; and

WHEREAS, this Council recognizes that the CDBG, HOME, and Lead Hazard Control programs are a partnership of federal, state, and local governments, businesses, non-profits, community organizations, and residents, and that the services funded by the US Department of Housing and Urban Development, which are administered by the local governments and often delivered by non-profit organizations, rely heavily on the dedication and good will of our combined efforts; and

WHEREAS, this Council believes that public recognition of the vital importance of the CDBG program to national communities like Cleveland Heights is essential.

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

SECTION 1. This Council hereby proclaims April 11- 15, 2022 to be *National Community Development Week* in the City of Cleveland Heights and resolves that during this week this community will give special thanks and recognition to all participants whose hard work and devotion to their neighborhoods and their low- and moderate-income residents help ensure the quality and effectiveness of the Community Development Block Grant, HOME Investment Partnerships program, and Lead Hazard Control program.

RESOLUTION NO. 30-2022 (PD), *First Reading*

SECTION 2. The City of Cleveland Heights, along with its service providers and other community residents, hereby petitions the United States Congress to recognize the outstanding work being done locally and nationally by the Community Development Block Grant, HOME and Lead Hazard Control programs and their vital importance to the nation's communities and to their low- and moderate-income residents. The Clerk of Council is hereby directed to send a copy of this Resolution to Senator Sherrod Brown, Senator Robert Portman and U.S. Representative Marcia Fudge.

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

SECTION 4. It is necessary that this Resolution become immediately effective as an emergency measure 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 for *National Community Development Week* to be recognized on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: \_\_\_\_\_, 2022

Presented to Mayor: \_\_\_\_\_, 2022

Approved: \_\_\_\_\_, 2022

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KAHLIL SEREN  
Mayor



## MEMORANDUM

To: Mayor Kahlil Seren  
William Hanna, Law Director

From: Eric Zamft, Planning Director; Karen Knittel, Assistant Planning Director

Date: March 16, 2022

Subject: Down Payment Assistance contract with HRRC Legislation

As we do every year, legislation is needed to allow the City to enter into a contract with Home Repair Resource Center (HRRC) to use HOME funds for our Down Payment Assistance program. This program assists qualified LMI households to purchase a home in Cleveland Heights by providing up to \$10,000 of down payment assistance. The homeowner is required to contribute a minimum of 3.5% of the sales price and complete down payment assistance homebuyer training prior to receiving the funds. The City contracts with HRRC to administer this program, as HRRC is our local HUD Housing Counseling Agency. Our current contract with HRRC for Down Payment Assistance has expired. On down payment loans that close, HOME funds would reimburse HRRC up to \$500 per client for the down payment assistance training and up to \$500 per client for direct program costs. The attached legislation is requesting a new contract for up to \$44,000 to continue our Down Payment Assistance program using HOME grant and/or program income funds.

Proposed: 3/21/2022

RESOLUTION NO. 31-2022 (PD),  
*First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with the Home Repair Resource Center, a non-profit corporation, for the use of HOME Funds to administer the City's Down Payment Assistance loan program; providing compensation therefor; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

WHEREAS, the City previously entered into an agreement with the Home Repair Resource Center ("HRRC") to administer the City's Down Payment Assistance loan program, wherein Cleveland Heights residents who met certain criteria would receive up to a ten-thousand-dollar (\$10,000) loan consisting of HOME funds issued by U.S. Department of Housing and Urban Development ("HUD") via Cuyahoga County; and

WHEREAS, this Council has determined that it would be in the City's best interest to continue the down payment assistance program for its citizens with HRRC's administration and under the City's oversight.

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

SECTION 1. The Mayor be, and he is hereby, authorized to enter into an agreement with the Home Repair Resource Center ("HRRC") to administer the City's Down Payment Assistance Program with City oversight. The program shall provide up to Forty-Four Thousand Dollars (\$44,000) of HOME funds issued by U.S. Department of Housing and Urban Development ("HUD") via Cuyahoga County.

SECTION 2. The services to be performed by HRRC shall be as set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The term of the agreement shall commence effective April 4, 2022 and terminate on December 31, 2022. All documents shall be approved as to form by and subject to the final approval of the Director of Law.

RESOLUTION NO. 31-2022 (PD), *First Reading*

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

SECTION 4. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to allow the City's Down Payment Assistance Program to continue without interruption. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

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

**HOME REPAIR RESOURCE CENTER**

Home Repair Resource Center (“HRRC”), formerly known as FHC Housing Corporation, is a non-profit organization chartered in 1971 located at 2520 Noble Road, Cleveland Heights, Ohio. Its mission is to strengthen and promote the housing stock of Cleveland Heights through education, financial assistance, counseling and community involvement, in order to support the economic, social, and racial diversity of the community. HRRC’s programs recognize the special needs of low and moderate-income homeowners and provide incentives to encourage and facilitate their participation.

HRRC will provide down payment assistance loans to Cleveland Heights homebuyers whose annual income does not exceed 80% of the Area Median Income adjusted for family size, as issued from year to year by the U.S. Department of Housing and Urban Development (“HUD”). Loans may be issued up to \$10,000 for single-family units. (A “single-family unit” means a one- to four-family residence.) The loan is a deferred zero (0%) interest second mortgage. The loan will be repaid immediately at the time of resale, transfer, or if the property becomes absentee-owned. All program income (re-paid loans) will be returned to the City of Cleveland Heights HOME program.

In addition to direct loans to eligible homebuyers, HRRC will invoice the City for housing counseling services and personnel costs associated with the administration of the down payment assistance program. Reimbursement for Housing Counseling Services shall be \$500 per completed loan up to a maximum of \$3,000. Reimbursement for Down Payment Assistance program administration shall be up to \$500 per completed loan up to a maximum of \$3,000. The total funds issued to HRRC shall not exceed \$44,000. The program shall commence on March 21, 2022 and continue until all funds are depleted or until December 31, 2022, whichever occurs first.

All HOME regulations shall be followed. HRRC shall report to the City of Cleveland Heights Planning & Development Department in the manner requested by its Director.

RESOLUTION NO. 32-2022 (CRR), *First Reading*

By Mayor Seren

A Resolution proclaiming April 2022 to be *National Poetry Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the Academy of American Poets established the month of April as *National Poetry Month* in 1996; and

WHEREAS, *National Poetry Month* seeks to highlight the extraordinary legacy and ongoing achievement of American poets, introduce Americans to the pleasures and benefits of reading poetry, bring poets and poetry to the public in immediate and innovative ways, and make poetry an important part of our children's education; and

WHEREAS, *National Poetry Month*, under the leadership and direction of the Academy of American Poets, is now the largest literary celebration in the world; and

WHEREAS, poetry enhances and enriches the lives of all Americans; and

WHEREAS, poetry, as an essential part of the arts and humanities, affects every aspect of life in America today, including education, the economy, and community pride and development; and

WHEREAS, poetry has produced some of the nation's leading creative artists and has inspired other artists in fields such as music, theatre, film, dance, and the visual arts; and

WHEREAS, the City of Cleveland Heights is home to the Arts; and

WHEREAS, this Council recognizes the benefits of poetry and has recognized the Poet Laureate selected by Heights Arts since the program began in 2006.

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

SECTION 1. This Council hereby proclaims April 2022 to be *National Poetry Month* in the City of Cleveland Heights and urges all residents to observe this month, to celebrate the cultural riches our community has to offer, and to recognize the important role of poetry in creating and sustaining this great city with appropriate ceremonies, activities, and programs.

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

RESOLUTION NO. 32-2022 (CRR), *First Reading*

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to recognize *National Poetry Month* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: \_\_\_\_\_, 2022

Presented to Mayor: \_\_\_\_\_, 2022

Approved: \_\_\_\_\_, 2022

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KAHLIL SEREN  
Mayor

RESOLUTION NO. 33-2022 (CRR), *First Reading*

By Mayor Seren

A Resolution proclaiming April 3 - 9, 2022 to be *National Library Week*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the Cleveland Heights-University Heights Public Library has been serving our community in myriad ways since 1916; and

WHEREAS, said library leads the nation as a five-star library because of its excellent staff, services, and facilities; and

WHEREAS, our library serves as a great equalizer of knowledge by providing free access to all; and

WHEREAS, our library works to meet the changing needs of our citizens, including building collections, expanding outreach services, and increasing programming; and

WHEREAS, our library provides a forum for diverse ideas and points of view that help us better understand each other and ourselves; and

WHEREAS, our librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn, and work; and

WHEREAS, our librarians design and offer programs to meet the community's economic needs, providing residents with resume writing classes, interviewing workshops, and job-seeking resources; and

WHEREAS, our libraries are places for education, opportunity, and lifelong learning; and

WHEREAS, libraries, librarians, library workers, and supporters across America are celebrating *National Library Week*.

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

SECTION 1. This Council hereby proclaims April 3 - 9, 2022 to be *National Library Week* in the City of Cleveland Heights and urges all residents to visit the library during this week to take advantage of the wonderful resources available at the library. This Council further notes that celebrations during National Library Week include:

•*National Library Workers Day*, Tuesday of National Library Week (April 5, 2022), a day for library staff, users, administrators and friends groups to recognize the valuable contributions made by all library workers; and

RESOLUTION NO. 33-2022 (CRR), *First Reading*

•*National Bookmobile Day*, Wednesday of National Library Week (April 6, 2022), a day to recognize the contributions of our nation's bookmobiles and the dedicated professionals who make quality bookmobile outreach possible in their communities.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to recognize *National Library Week* on a timely basis. Wherefore, provided it receives the affirmative note of five (5) or more members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: \_\_\_\_\_, 2022

Presented to Mayor: \_\_\_\_\_, 2022

Approved: \_\_\_\_\_, 2022

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KAHLIL SEREN  
Mayor

RESOLUTION NO. 34-2022 (CRR), *First Reading*

By Mayor Seren

A Resolution proclaiming April 2022 to be *Autism Awareness Month* and April 2, 2022 to be *World Autism Awareness Day*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, autism, the fastest growing developmental disability in the United States, affecting more than three million (3,000,000) people, is an urgent public health crisis that demands a national response; and

WHEREAS, in recognition of the growing needs of the worldwide autistic community and to raise awareness about autism spectrum disorders and the need to provide services to individuals and families who are affected, the United Nations has sanctioned April 2nd as *World Autism Awareness Day*; and

WHEREAS, Autism Speaks, an organization dedicated to enhancing lives today and accelerating a spectrum of solutions for tomorrow, promotes the awareness of autism worldwide; and

WHEREAS, in light of the growing impact of autism spectrum disorders and the need for greater awareness, Autism Speaks holds its “Light It Up Blue!” campaign on *World Autism Awareness Day*, designed to increase awareness about autism by asking participating organizations to turn their lights blue; and

WHEREAS, the City of Cleveland Heights is honored to take part in the annual observance of *Autism Awareness Month* and *World Autism Awareness Day* in the hopes that it will lead to a better understanding of the disorder.

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

SECTION 1. This Council hereby proclaims the month of April 2022 to be *Autism Awareness Month* in the City of Cleveland Heights and further proclaims April 2, 2022 to be *World Autism Day*, to raise public awareness of autism and the myriad of issues surrounding autism, as well as to increase knowledge of the programs that have been and are being developed to support individuals with autism and their families.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the

RESOLUTION NO. 34-2022 (CRR), *First Reading*

inhabitants of the City of Cleveland Heights, such emergency being the need to recognize *Autism Awareness Month* and *World Autism Day* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: \_\_\_\_\_, 2022

Presented to Mayor: \_\_\_\_\_, 2022

Approved: \_\_\_\_\_, 2022

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KAHLIL SEREN  
Mayor

RESOLUTION NO. 35-2022 (CRR), *First Reading*

By Mayor Seren

A Resolution joining with HUD and other communities throughout the nation in the observation of April as *Fair Housing Month*; reaffirming the City of Cleveland Heights' commitment to open housing; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, in celebration of the 54<sup>th</sup> anniversary of the Federal Fair Housing Law, the United States Department of Housing and Urban Development ("HUD") has promoted the observance of April as "Fair Housing Month" throughout the communities of this nation; and

WHEREAS, this City, since the year 1965, has continually and consistently approved and encouraged the concept of fair housing throughout the City of Cleveland Heights and the entire Cleveland metropolitan area; and

WHEREAS, 46 years ago, in 1976, this Council committed itself to a Resolution establishing the Nine-Point Plan to promote a well-maintained, full-service residential community, to prevent re-segregation and to develop programs with residents, community organizations, the Board of Education, the business community, and other institutions to implement this Plan; and

WHEREAS, since that time, the City of Cleveland Heights has created and operated programs to continue integration and to educate and persuade residents and non-residents of the benefits of integrated neighborhoods in this City and others across the country.

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

SECTION 1. This Council hereby proclaims April 2022 to be *Fair Housing Month* in the City of Cleveland Heights. The City joins with the United States Department of Housing and Urban Development and other communities nationwide in the observation of *Fair Housing Month* and hereby reaffirms its commitment established over 50 years ago to fair housing in Cleveland Heights and throughout the Greater Cleveland area and the nation.

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

RESOLUTION NO. 35-2022 (CRR), *First Reading*

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to recognize *Fair Housing Month* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: \_\_\_\_\_, 2022

Presented to Mayor: \_\_\_\_\_, 2022

Approved: \_\_\_\_\_, 2022

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KAHLIL SEREN  
Mayor

Proposed: 3/21/2022

ORDINANCE NO. 36-2022 (F), *First Reading*

By Mayor Seren

An ordinance to amend certain subparagraphs of Ordinance No. 139-2021 (F), relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2022 and declaring an emergency.

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

SECTION 1. Certain subparagraphs of Ordinance No. 139-2021 (F) relating to appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2022 be, and the same hereby are increased, decreased and/or transferred in the amounts set forth in Exhibit 1.

SECTION 2. All expenditures of the City of Cleveland Heights within the fiscal year ending December 31, 2022, 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 Mayor is authorized to transfer budgeted amounts within each fund, so long as the total amount appropriated for each individual fund is not exceeded.

SECTION 3. 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 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 ongoing and continuous need to preserve the faith and credit of the City. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART  
President of Council

ORDINANCE NO. 36-2022 (F), *First Reading*

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AMY HIMMELEIN  
Clerk of Council

Passed:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

ORDINANCE NO. 36-2022 (F), *First Reading*

## Exhibit 1

Fund	Department	Object	Reason	Approved Budget	Requested Change	Revised Budget	Net Effect to Budget
101 - General	1101 - City Council	O.T.P.S.	Increase to pay for an Ohio Municipal League training for Council.	5,644.00	209.41	5,853.41	Increase - Unbudgeted cash will be used.
214 - Local Programming	2201 - Management Info Serv	Capital	Increase to purchase alarms for the Police Department and doorbells for Fire Department due to the phone system upgrade.	0.00	7,737.00	7,737.00	Increase - Unbudgeted cash will be used.
218 - Miscellaneous State Grants	2201 - Management Info Serv	O.T.P.S.	Increase for IT Department training and certification which will be offset by a State of Ohio Tech Grant.	0.00	4,996.00	4,996.00	Zero - Grant funds will cover the cost.
<b>Total</b>				<b>5,644.00</b>	<b>12,942.41</b>	<b>18,586.41</b>	

ORDINANCE NO. 37-2022 (MS), *First Reading*

By Mayor Seren

An Ordinance authorizing all actions necessary to accept Northeast Ohio Public Energy Council 2022 Energized Community Grant(s) Funds; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and is eligible for one or more NOPEC Energized Community Grant(s) for 2022 (“NEC Grant(s)”) as provided for in the NEC Grant Program guidelines; and

WHEREAS, the City wishes to enter into a Grant Agreement with NOPEC, Inc. to receive one or more NEC Grant(s);

WHEREAS, this Council has determined that it would be in the best interest of the City and its residents to accept the NEC Grant(s) for 2022.

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

SECTION 1. The Mayor be, and he is hereby, authorized to take all actions necessary to accept the NEC Grant(s) funds for 2022.

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. It is necessary that this Ordinance become immediately effective as an emergency measure 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 accept and make use of the grant funds described herein 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 Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor:

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

Proposed: 3/21/2022

RESOLUTION NO. 38-2022, *First Reading*

By Mayor Seren, Council President Hart,  
Vice President Cobb, and Council Members  
Russell, Moore, Mattox, Cuda, and Larson

A Resolution condemning the Russian Federation's military invasion of Ukraine and expressing support for Ukraine.

WHEREAS, on or about February 24, 2022, the Russian Federation launched an unprovoked full-scale military invasion of its sovereign neighbor, Ukraine; and

WHEREAS, there have been reports of indiscriminate attacks on civilians and civilian facilities, including residences, schools, and hospitals, in violation of the laws of war and resulting in a humanitarian crisis in which many people are displaced and in need of refuge and assistance; and

WHEREAS, the Russian Federation's aggressive use of armed force and violence against the sovereignty, territorial integrity, and political independence of Ukraine and its escalating threats of nuclear war toward the United States and other NATO members are clear threats to international peace and security founded upon freedom, equality, justice, and respect for human rights as well as democracy and democratic values worldwide; and

WHEREAS, the European Union, the United States, and many other countries, companies, and organizations have imposed swift and severe economic and financial sanctions and taken other punitive actions against Russia in response to its government's invasion of Ukraine; and

WHEREAS, thousands of Russians have participated in anti-war demonstrations and protests across Russia opposing their government's military invasion of Ukraine at great personal risk and facing government suppression of free speech and civil liberties; and

WHEREAS, the Cleveland area is home to Ohio's largest Ukrainian community, with many residents having roots in Ukraine, and family and friends still living there; and

WHEREAS, since 2018 hundreds of Ukrainians have re-settled in Ohio, mostly in the Cleveland area, and Ohio and Northeast Ohio are preparing to welcome and support even more Ukrainian refugees; and

WHEREAS, the Council of the City of Cleveland Heights, Ohio, supports the United States' continued commitment to a strong, independent, and democratic Ukraine and friendship between the people of the United States and Ukraine; and

WHEREAS, the Council of the City of Cleveland Heights, Ohio, supports the efforts of the European Union, the United States, and the international community to impose financial and

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economic sanctions targeting the Russian government, government officials, political elites, and business oligarchs and their companies in order to isolate Russia from the world's economy and the international community with the objective of ending the war.

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

SECTION 1. The Council and Mayor of the City of Cleveland Heights, Ohio, condemn the Russia Federation's unprovoked military invasion of Ukraine and aggressive use of armed force and violence against the Ukrainian people.

SECTION 2. The Council and Mayor of the City of Cleveland Heights, Ohio, support the Ukrainian people, their freedom, equality, and rights to life, liberty, and security, as well as the sovereignty, territorial integrity, and political independence of Ukraine and its democratic government.

SECTION 3. The Council and Mayor of the City of Cleveland Heights, Ohio, support those Russian people demonstrating and protesting against their government's unjust war against Ukraine at the risk of personal harm, arrest and imprisonment.

SECTION 4. The Council and Mayor of the City of Cleveland Heights, Ohio, endorse the use of targeted economic and financial sanctions by the European Union, the United States, and the international community against the Russian Federation until its military ceases to wage war against Ukraine and withdraws from the territory of Ukraine.

SECTION 5. The Council and Mayor of the City of Cleveland Heights, Ohio, encourage Cleveland Heights residents with the means to do so to donate to non-profits supporting the Ukrainian people and Ukrainian refugees, including but not limited to organizations such as United Ukrainian Organizations of Ohio's Fund to Aid Ukraine, Cleveland Maiden Association, Global Cleveland, and MedWish International.

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 Resolution shall take effect and be in force at the earliest time permitted by law.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor