



CLEVELAND HEIGHTS

Council Committee of the Whole

Monday, August 22, 2022

10:00 a.m.

City Hall – Executive Conference Room

Agenda

1. Council Budget discussion
2. Executive Session:
 - a. *To consider the appointment of a public official(s)*
3. Other

MEMORANDUM

TO: Kahlil Seren, Mayor
Cleveland Heights, Ohio

FROM: Melisa Fisco, Account Manager
Clemans, Nelson and Associates, Inc.

CC: William Hanna, Law Director
Anna Smith, Human Resources Director
Amy Himmelein, Finance Director

DATE: August 5, 2022

SUBJECT: Executive Summary of the Negotiated Tentative Agreement between the City of Cleveland Heights and LIUNA, Local 860

Attached is an Executive Summary of the tentative agreements that the City of Cleveland Heights negotiating team reached with the negotiating team from Laborers' Local 860.

Based on negotiations between City representatives and those of the Union, the parties have arrived at a full tentative agreement to address wages, hours, and other terms and conditions of employment for the time period of April 1, 2022 through March 31, 2025.

The City was informed on August 3, 2022 that a tentative agreement was ratified by the Union.

Pursuant to O.R.C. 4117, please accept this submission of the formal tentative agreement on all issues for consideration. The legislative body has thirty (30) days from the date of submission to Council to act on the tentative agreement. Failure to act on the tentative agreement will result in the contract being approved by default under O.R.C. 4117.

The following outlines the changes to be made to the parties' Agreement should the tentative agreements be accepted by the City. All articles not specifically addressed herein are to remain current contract language.

Articles / Issues Tentatively Agreed Upon

ARTICLE/ISSUE	HIGHLIGHT
Article 11, Work Hours and Overtime	<p>With regard to overtime, the parties agreed, <i>effective the first full pay period following execution of the Agreement</i>, to eliminate “daily” overtime (hours worked in excess of 8 or 10 in a day) and base overtime on hours worked in excess of forty (40) in a work week. Additionally, the parties specified that sick leave and compensatory time are excluded from the computation of “hours worked.”</p> <p>The parties agreed to update the language with regard to assignment of overtime to conform to the current practice (i.e., The City must ask bargaining unit members only when an overtime situation presents itself for work within their classification <i>within the applicable Division</i>. When this procedure has been exhausted, the City may ask other qualified full-time employees, <i>within the applicable department</i>, to perform the required assignments as needed.)</p> <p>In Section 4, Compensatory Time, the parties agreed to include the “safe” harbor FLSA language, which provides that where <i>the use of compensatory time off has been denied, the employee may be offered an alternative day within the next thirty (30) days for use of the requested time off, or shall be offered cash payment for the number of hours denied at the employee’s regular rate of pay, and those hours will be deducted from the member’s compensatory time balance or the employee may withdraw the compensatory time request</i>.</p> <p><i>For FLSA purposes, the parties agree that thirty (30) days constitutes a “reasonable time period” for the granting of a request for compensatory time under the FLSA. Except as otherwise specifically restricted by this Agreement, the Employer retains all its rights to manage the use and administration of compensatory time under federal law, including the ability to schedule such time off or pay off compensatory time accrual.</i></p>
Article 13, Chemical Abuse (49 CFR 382)	The parties agreed to add a reference to the applicable Code of Federal Regulations (CFR) regarding the definition of reasonable suspicion.

Executive Summary of The Highlights Of The Negotiated Tentative Agreement Between The City
Of Cleveland Heights and Laborers', Local 860
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<u>ARTICLE/ISSUE</u>	<u>HIGHLIGHT</u>
Article 15, Discipline	The parties agreed to add Section 6, Last Chance Agreements, which acknowledges the use and validity of last chance agreements and such agreements are not a modification of the CBA requiring ratification to be effective.
Article 16, Seniority / Layoff	The parties agreed to modify Section 1 to define "seniority" as continuous full-time service within the bargaining unit and deleted City-wide seniority.
Article 23, Holidays	For year 2022 only, employees are granted a floating holiday in consideration of Juneteenth as the parties were in negotiations during Juneteenth. Beginning in 2023, Juneteenth shall be a recognized holiday, which shall be a day off on the recognized holiday (or the prior Friday or following Monday as applicable and consistent with non-bargaining unit City employees).
Article 26, Health Insurance	Consistent with the police bargaining units, the parties agreed to an opt-out payment of \$200 per month to any employee who waives health insurance coverage in its entirety. The amount would be paid in the amount of \$100 in each of the first two pay periods in a calendar month. Employees must maintain health insurance through another provider and must provide proof of that insurance. No waiver amount is paid where both spouses are employed by the City and one spouse elects City coverage.
Article 31, Training Attachment D, Agreement For Reimbursement Repayment	The parties agreed to add Section 3, which provides that employees who participate in training programs who resign from the program(s) or from the City of Cleveland Heights, at any time within 3 years of completion of the program(s), will be responsible for repayment of any costs incurred by the City in accordance with the attached repayment agreement (Attachment D). Under the reimbursement repayment agreement an employee who obtains non-mandatory training and resigns employment within three (3) years of obtaining the training will be required to repay the City. The amount of

Executive Summary of The Highlights Of The Negotiated Tentative Agreement Between The City Of Cleveland Heights and Laborers', Local 860

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ARTICLE/ISSUE	HIGHLIGHT
	reimbursement is based on a percentage of total costs and on a sliding scale depending on the time of separation (i.e., less than 1 year after training = 100%; at least one year but less than 2 years after training = 75%; at least two years but less than 3 years after training = 25%).
Article 32, Wages	<p>Effective the first full pay period following ratification of the Agreement by both parties, employees will receive a one dollar and fifty cents (\$1.50) per hour equity adjustment.</p> <p>Effective April 1, 2023, employees will receive a two percent (2%) general wage increase.</p> <p>Effective April 1, 2024, employee will receive a two percent (2%) general wage increase.</p> <p>Bargaining unit employees employed as of April 4, 2022, and still employed as of the date of execution of this Agreement, will be paid a one-time lump sum wage adjustment based on position and rate of pay. \$1.50 multiplied by hours worked and compensated for the time period of 4/4/2022 through the first full pay period following execution of the Agreement.)</p>
Article 37, Duration	The Agreement will be effective as of April 1, 2022 and remain in full force and effect until March 31, 2025.
Attachment B	The parties agreed to increase the ASE certifications (Medium/Heavy Truck and Automobile Technician) from \$0.75 / hour to \$1.00 / hour.
Memorandum of Understanding, Article 11, Work Hours and Overtime, Section 3	The parties acknowledge that the modification in Article 11, Work Hours and Overtime, Section 3 (in the 2022-2025 CBA) to base overtime on time actually worked (including paid time as applicable and set forth in Article 11, Section 3) in excess of forty (40) hours in a work week, shall not be used as a basis to reduce an employee's normal work day or work week once an employee reaches forty (40) hours in the work week.



CLEVELAND HEIGHTS

AGENDA - CLEVELAND HEIGHTS CITY COUNCIL MEETING

Monday, August 22, 2022
Special Meeting
9:50 a.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) Appointment of public official (Nuisance Abatement Review Board)
- 5) LEGISLATION

Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (MS)-Municipal Services; (PD)-Planning and Development; (PSH)-Public Safety and Health. See Resolution 1-2022 for a list of Council Committee subject matter areas (but note Resolution No. 97-2022, which was introduced on first reading on June 21, 2022).

a. First Reading – Consideration of Adoption Requested

RESOLUTION NO. 119-2022 (AS), First Reading. A Resolution appointing Addie Balester as Clerk of Council and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

Motion to Adopt/Second: _____/_____

Vote: _____
For _____ Against _____ No. Reading _____

ORDINANCE NO. 120-2022 (AS), *First Reading*. An Ordinance to approve current replacement pages to the Cleveland Heights Codified Ordinances; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

Motion to Adopt/Second: _____/_____

Vote: _____
For _____ Against _____ No. Reading _____

b. First Reading Only

ORDINANCE NO. 121-2022 (AS), *First Reading*. An Ordinance giving final approval of the compensation rates and benefits proposed by the tentative labor agreement with the Laborers' Local 860 Laborers' International Union of North America (Local 860) for the time period covering April 1, 2022 through March 31, 2025; giving the Mayor the authority to sign said agreement; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

6) Adjournment

Proposed: 8/22/2022

RESOLUTION NO. 119-2022 (AS), *First Reading*

By Council Vice President Cobb

A Resolution appointing Addie Balester as Clerk of Council and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, pursuant to Article III, Section 6 of the Charter of the City of Cleveland Heights, the Council is to appoint and provide for the compensation and duties of the Clerk of Council; and

WHEREAS, this Council has determined that it is necessary to hire a qualified candidate for the position of Clerk of Council; and

WHEREAS, this Council believes that Addie Balester is a qualified candidate for the position of Clerk of Council based on her experience and other qualifications.

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

SECTION 1. That Abby is hereby appointed Clerk of Council effective August 22, 2022 or such other date as may be mutually agreed by Ms. Balester and the President of Council, subject to Ms. Balester first taking the oath of office. The Clerk of Council is a full time permanent position eligible for the same benefits provided to other full-time City employees not within a bargaining unit.

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 install a qualified Clerk of Council at the earliest possible time, for the benefit of the Council, the City and the City's residents. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 119 -2022 (AS), *First Reading*

MELODY HART
President of the Council

CRAIG COBB
Clerk of Council, Pro Tem

PASSED:

Presented to the Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

PROPOSED: 8/22/2022

ORDINANCE NO. 120-2022 (AS), *First Reading*

By Vice President Cobb

An Ordinance to approve current replacement pages to the Cleveland Heights Codified Ordinances; and declaring the necessity that this legislation become immediately effective as an emergency measure.

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

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

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

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

SECTION 1. The following ordinances of the City of Cleveland Heights, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2022 Replacement Pages to the Codified Ordinances, are hereby approved and adopted:

Ordinance Number	Date	Codified Ordinance Section
25-2021	4-19-21	749.03(n), (ii), (jj), 749.07, 749.08
34-2021	4-19-21	765.01 to 765.05, 765.99
70-2021	11-1-21	1103.03, 1109.06, 1121.04, 1121.05, 1121.09, 1121.12, 1123.04, 1123.05, 1123.10, 1123.12, 1131.02, 1131.03, 1131.08, 1131.12, 1153.03, 1161.03, 1161.08, 1161.105, 1161.11, 1161.13, 1165.02, 1167.01
72-2021	6-7-21	Repeals 531.01(d), 531.06
79-2021	12-20-21	767.01 to 767.07
94-2021	6-28-21	Ch. 155 Ed. Note
103-2021	8-2-21	301.041 to 301.044, 373.01 to 373.04, 373.06 to 373.09, 373.11
106-2021	8-2-21	107.02
111-2021	8-16-21	150.01 to 150.05

ORDINANCE NO. 120-2022 (AS), *First Reading*

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
117-2021	9-13-21	141.01, 141.02
123-2021	9-13-21	107.01
153-2021	12-6-21	105.02, 109.02, 109.04, 110.01 to 110.03, 110.05, 110.06, 111.02, 111.03, 111.12, 111.19, 111.29, 111.30, 121.01, 121.02, 121.04 to 121.06, 121.08, 123.03 to 123.041, 123.08, 125.03, 125.07, 127.01, 127.03, 129.01, 129.04, 131.02 to 131.16, 131.20 to 131.23, 135.01 to 135.06, 136.01, 136.02, 137.01, 137.02, 137.04, 137.10, 137.11, 137.15, 137.16, 139.01 to 139.04, 139.06, 139.08, 139.10 to 139.22, 139.24, 139.25, 143.01, 143.07, 144.01, 144.02, 144.05, 145.01, 147.01, 148.05, 149.01, 150.04, 155.09, 157.2501, 158.21, 159.06, 171.01 to 171.04, 171.06, 171.08 to 171.15, 173.02, 177.01, 177.03, 177.04, 179.03 to 179.06, 181.02 to 181.04, 303.08, 351.09, 351.13, 355.01 to 355.04, 355.09, 503.06, 505.01, 505.20, 509.03, 521.08 to 521.11, 527.16,

ORDINANCE NO. 120-2022 (AS), *First Reading*

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
153-2021 (Cont.)		553.01 to 553.03, 553.05 to 553.08, 553.11, 555.02, 701.03, 701.06, 701.07, 709.03, 709.04, 711.03 to 711.06, 711.08, 713.02, 713.03, 713.06, 721.02, 721.04 to 721.07, 721.10, 721.11, 725.03, 725.04, 725.06, 725.09, 725.10, 731.01, 731.04, 731.06, 731.10, 733.02, 733.05, 733.09, 737.03, 737.05, 737.06, 741.01, 741.03, 741.04, 745.01, 745.03 to 745.009, 745.11 to 745.18, 745.20 to 745.23, 745.25, 745.27, 747.01, 747.06, 749.03, 749.05, 751.01, 751.02, 751.04, 753.02, 753.03, 753.07, 755.02, 755.06 to 755.09, 755.11 to 755.16, 755.18, 759.02, 761.01, 761.03, 761.07, 763.01, 763.02, 905.01, 911.06, 917.01, 917.02, 917.06, 917.09 to 917.15, 917.18 to 917.20, 923.01, 923.02, 923.04, 923.05, 923.99, 929.02 to 929.07, 935.01, 935.02, 935.99, 941.01 to 941.08, 941.99, 943.01, 943.02, 943.08,

ORDINANCE NO. 120-2022 (AS), *First Reading*

<u>Ordinance Number</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
153-2021 (Cont.)		943.15, 943.16, 943.18, 943.29, 943.30, 943.32, 943.33, 943.99, 1103.03, 1107.01, 1111.02, 1111.06, 1113.02, 1153.05, 1163.06, 1311.12, 1313.08, 1313.09, 1325.04, 1329.05, 1334.02, 1334.14, 1335.02, 1335.19, 1336.03, 1337.03, 1337.04, 1341.05, 1345.11, 1351.03, 1351.991, 1361.09, 1501.15, 1511.03, 1511.04, 1511.07; Repeals 121.03, 121.07
155-2021	12-20-21	183.01
42-2022	4-18-22	107.01
44-2022	4-18-22	Ch. 155 Ed. Note
63-2022	6-6-22	123.04
74-2022	6-21-22	1509.04(b)
75-2022	6-21-22	749.03(kk), (ll), 749.161
76-2022	6-21-22	111.10
77-2022	6-21-22	171.011
79-2022	6-21-22	131.15, 139.13, 139.16; Repeals 131.08
81-2022	6-21-22	150.02(a)
5-2022	6-6-22	107.01(b)

SECTION 2. The following sections and chapters of the Codified Ordinances shall be, and hereby are added, amended or repealed as respectively indicated in order to conform with changes in State Law. The complete text of the sections of the Codified Ordinances listed below are set forth in full in the current 2022 Replacement Pages to the Codified Ordinances. A summary of the amendments is set forth in Exhibit A which is attached to this Ordinance.

Administrative Code

101.03 Rules of Construction. (Amended)

Traffic Code

301.183	Low-Speed Micromobility Device. (Added)
301.22	Pedestrian. (Amended)
301.51	Vehicle. (Amended)
331.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amended)
331.37	Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
333.03	Maximum Speed Limits. (Amended)
335.02	Permitting Operation Without Valid License; One License Permitted. (Amended)
335.021	Ohio Driver's License Required for In State Residents. (Amended)
335.04	Certain Acts Prohibited. (Amended)
335.09	Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
371.13	Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)
371.14	Low-Speed Micromobility Devices. (Added)
373.10	Motorized Bicycle Operation. (Amended)

General Offenses Code

501.99	Penalties for Misdemeanors. (Amended)
505.102	Cruelty to Companion Animals. (Amended)
509.07	Making False Alarms. (Amended)
513.01	Drug Abuse Control Definitions. (Amended)
513.15	Sale of Dextromethorphan. (Added)
517.01	Gambling Definitions. (Amended)
517.02	Gambling. (Amended)
517.06	Methods of Conducting a Bingo Game; Prohibitions. (Amended)
517.08	Raffles. (Amended)
517.09	Charitable Instant Bingo Organizations. (Amended)
517.11	Bingo or Game of Chance Records. (Amended)
517.13	Bingo Exceptions. (Amended)
517.14	Instant Bingo Conduct by a Veteran's or Fraternal Organization. (Amended)
517.15	Skill-Based Amusement Machines. (Amended)
517.16	Electronic Instant Bingo; Prohibited Conduct. (Added)
525.13	Interfering with Civil Rights. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
533.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
533.09	Soliciting. (Amended)
533.091	Loitering to Engage in Solicitation. (Amended)
533.10	Prostitution. (Amended)
537.02	Vehicular Homicide and Manslaughter. (Amended)
537.20	Hazing Prohibited. (Added)

General Offenses Code (Cont.)

541.04	Criminal Mischief. (Amended)
541.051	Aggravated Trespass. (Amended)
545.03	Property Exceptions as Felony Offense. (Amended)
545.09	Passing Bad Checks. (Amended)
549.02	Carrying Concealed Weapons. (Amended)

SECTION 3. The aforementioned amendments to the Codified Ordinances, as revised, recodified and consolidated into component codes, titles, chapters and sections within the 2022 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

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

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to distribute current replacement pages to the Codified Ordinances. Wherefore, provided it receives the affirmative vote of five 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.

MELODY HART
President of the Council

CRAIG COBB
Clerk of Council, Pro Tem

PASSED:

Presented to the Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A

101.03 Rules of Construction. (Clarifies legal holidays.)

301.083 Low-Speed Micromobility Device. (Adds definition of “low-speed micromobility device.)

301.22 Pedestrian. (Adds “personal delivery device” to definitions.)

301.51 Vehicle. (Adds “low-speed micromobility device” to the exclusions.)

331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amends definition of “license plate” in subsection (d).)

331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Expands regulations for bicycles and electric bicycles or sidewalks.)

333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amends definition of “school” in subsection (b)(1)B.)

335.02 Permitting Operation Without Valid License; One License Permitted. (Amends regulations to include temporary instruction permit and identification card.)

335.021 Ohio Driver’s License Required for In State Residents. (Amends regulations to include temporary instruction permit and identification card.)

335.04 Certain Acts Prohibited. Expands prohibited acts in subsection (a)(5).)

335.09 Display of License Plates or Validation Stickers; Registration. (Amends requirements for display of license plates and temporary motor vehicle license registration.)

371.13 Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Adds new section regulating personal delivery devices.)

371.14 Low-Speed Micromobility Devices. (Adds new section regulating low-speed micromobility devices.)

373.10 Motorized Bicycle Operation, Equipment and License. (Deletes subsection (a)(5).)

501.99 Penalties for Misdemeanors. (Expands the regulations for court ordered restitution.)

505.071 Cruelty to Companion Animals. (Adds provision for distribution of fine moneys.)

509.07 Making False Alarms. (Adds regulations for critical infrastructure facility.)

513.01 Drug Abuse Control Definitions. (Amends definition (rr)(22).)

513.15 Sale of Dextromethorphan. (Adds regulations for the sale or distribution of products containing dextromethorphan.)

517.01 Gambling Definitions. (Expands gambling definitions.)

517.02 Gambling. (Corrects definition reference in subsection (a)(5)A.)

517.06 Methods of Conducting a Bingo Game; Prohibitions. (Adding new subsection (a)(2); renumbering old (a)(2) as (a)(3) and adding “electronic instant bingo” to that provision; amending ORC reference in subsection (c)(6); and adding “electronic instant bingo” to subsection (d)(2).)

517.08 Raffles. (In subsections (a)(1) and (2) changes “charitable organization” to “person or entity”.)

517.09 Charitable Instant Bingo Organizations. (In subsections (b)(1) and (2) adds reference to “type III license issued under Ohio R.C. 2915.08”.)

517.11 Bingo or Game of Chance Records. (Adds references to “electronic instant bingo” to several places in subsection (a); expands the enforcement provisions of subsections (h) and (i).)

517.13 Bingo Exceptions. (Amends ORC reference in subsection (a) and (a)(2)F.1.)

517.14 Instant Bingo Conducted by a Veteran’s or Fraternal Organization. (Adds “electronic instant bingo” to the regulations.)

517.15 Skill-Based Amusement Machines. (Corrects definition reference in subsection (a)(1).)

517.16 Electronic Instant Bingo; Prohibited Conduct. (Adds regulations for electronic instant bingo.)

525.13 Interfering with Civil Rights. (Revises regulations to comply with ORC 2921.45.)

529.01 Liquor Control Definitions. (Amends definition of “wine” to include cider, with exceptions.)

529.07 Open Container Prohibited. (Amends subsection (b)(2) to include reference to subsection (j). Adds new subsection (i) to exclude homemade beer or wine. Relatters previous subsection (i) as (j).)

533.08 Procuring; Engagement in Sexual Activity for Hire. (Adds regulation for sexual activity for hire.)

533.09 Soliciting. (Revises regulations to comply with ORC 2907.24)

ORDINANCE NO. 120-2022 (AS), *First Reading*

533.091 Loitering to Engage in Solicitation. (Adds regulations for carriers of a virus.)

533.10 Prostitution. (Adds regulations for carriers of a virus.)

537.02 Vehicular Homicide and Manslaughter. (Amends sentencing provisions.)

537.20 Hazing Prohibited. (Adds regulations defining and prohibiting hazing.)

541.04 Criminal Mischief. (Adds regulations for critical infrastructure facility and penalties.)

541.051 Aggravated Trespass. (Adds regulations for critical infrastructure facility.)

545.03 Property Exceptions as Felony Offense. (Amends section to include temporary motor vehicle license registration.)

545.09 Passing Bad Checks. (Revises regulations to comply with ORC 2913.11.)

549.02 Carrying Concealed Weapons. (Adds subsection (h) to exclude knife, razor or cutting instrument.)

PROPOSED: 8/22/2022

ORDINANCE NO. 121-2022(AS), *First Reading*

By Mayor Seren

An Ordinance giving final approval of the compensation rates and benefits proposed by the tentative labor agreement with the Laborers' Local 860 Laborers' International Union of North America (Local 860) for the time period covering April 1, 2022 through March 31, 2025; giving the Mayor the authority to sign said agreement; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, pursuant to Ordinance No. 21-2019, the current labor agreement for employees of the Public Works Department who are members of the Laborers' Local 860 Laborers' International Union of North America (Local 860) expired on March 31, 2022; and

WHEREAS, pursuant to Section 121.06 of the Cleveland Heights Codified Ordinances, the City reached a tentative agreement with Local 860; and

WHEREAS, said tentative agreement was ratified by a majority of the members of Local 860 on August 3, 2022; and

WHEREAS, this Council has determined that the compensation rates and benefits set forth in that tentative agreement are fair and granting final approval of the compensation rates and benefits would be in the best interests of the City and its residents.

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

SECTION 1. The Council hereby gives final approval of all compensation rates and benefits set forth in the tentative agreement between the City and the Laborers' Local 860 Laborers' International Union of North America (Local 860) for the time period covering April 1, 2022 through March 31, 2025. A full and complete copy of said tentative agreement is on file with the Clerk of Council and is available for inspection.

SECTION 2. The City Manager hereby is authorized to enter into an agreement between the City and the Local 860 that is substantively the same as said tentative agreement. The agreement shall be approved as to form by the Director of Law.

SECTION 3. 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 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely execute said agreement. 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

ORDINANCE NO. 121-2022(AS), *First Reading*

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

MELODY HART
President of the Council

CRAIG COBB
Clerk of Council, Pro Tem

PASSED:

Presented to the Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor