

ORDINANCE NO. 179-2023(COTW),
Fourth Reading as Amended

By All City Council Members

An Ordinance authorizing the allocation, appropriation and expenditure of ARPA funds; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, on the 11th Day of March 2021, the President of the United States, Joseph R. Biden, signed into law the American Rescue Plan Act of 2021 (hereafter "ARPA"), Public Law 117-2, authorizing, among other things, payment of direct subsidies to the general revenue funds of cities, counties, school districts, and other governmental entities; and

WHEREAS, the intended purpose of the direct subsidy payments to state and local governmental entities under the ARPA is to alleviate the effect of funding shortfalls; invest in state and local economic development; make necessary investments in water, sewer, and other infrastructure; and provide relief from the economic and societal hardships sustained during the onset of the Coronavirus Pandemic and COVID-19 illness, including assistance to households, small businesses and nonprofits, or to impacted industries such as tourism, travel and hospitality; and

WHEREAS, the City of Cleveland Heights has received Thirty-Eight Million Eight Hundred Seventeen Thousand and Sixty-Two Dollars (\$38,817,062.00) in direct payments from the enactment of the ARPA; and

WHEREAS, Council has previously passed Ord. No. 140-2021, directing the use of Eighteen Million Dollars (\$18,000,000.00) in ARPA funding for the performance of sewer infrastructure improvement projects described and allocating those funds for that purpose, to be drawn upon for design contracts, local match grant programs, and construction contracts, to the maximum possible extent, within the timing requirements of the ARPA; and,

WHEREAS, Council has previously passed Ord. No. 92-2021, allocating not less than FIVE MILLION DOLLARS (\$5,000,000) of ARPA funding for the business neighborhoods in the City Of Cleveland Heights as follows:

1) Two Million Dollars (\$2,000,000.00) for the South Taylor District from Cedar Road to Euclid Heights Boulevard; and

2) Two Million Dollars (\$2,000,000.00) for the Noble Road Corridor north of Mayfield Road to the City of East Cleveland; and

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3) One Million Dollars (\$1,000,000.00) to be spent in the other business districts in the City as the needs exist; and

WHEREAS, subsequent to the passage of these Ordinances, community engagement on the allocation and spending of ARPA funds has been conducted at various locations throughout the City and over thirteen hundred (1,300) survey responses have been received from residents, businesses, community organizations and non-profits expressing respondents' preferences for the expenditure of ARPA funds; and

WHEREAS, Cleveland Heights residents and businesses continue to experience physical and mental health stress and economic stress due to the pandemic and its effects; and

WHEREAS, Council wishes to provide for and authorize uses of ARPA funds, to address pandemic related stresses and effects, which have been determined through and pursuant to the community engagement activities described above which uses are identified in Exhibit B, attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

SECTION 1. The expenditures of ARPA funds and/or allocations as described in Exhibit A to this Ordinance which have been previously approved by vote of Council.

SECTION 2. The new expenditures and/or allocations as described in Exhibit B are approved. All third-party recipients or their agents must comply with U.S. Dept. of Treasury Rules for the use or expenditure of ARPA funds.

SECTION 3. All awards to any third-party recipients are conditioned upon (A) the approval of the specific use by Guidehouse Inc.; and (B) execution of a written agreement with the City which among other things, may set forth terms, conditions and limitations accompanying any award or disbursement of ARPA funds to the recipient.

SECTION 4. Excluding those awards and allocations to third-parties, which are made in full compliance with Section 3, City Council expressly reserves the right to determine and approve the specific programs and expenditures accompanying those general allocations in Exhibit B as well as the right to reallocate those funds in the best interests of the City.

SECTION 5. Subject to SECTION 4, the Mayor or his designee is hereby authorized to encumber and expend all funds as allocated in Exhibits A and B.

SECTION 6. The Mayor, Director of Law and Director of Finance or their designees, be and are hereby authorized to execute, certify and/or furnish other such documents and take all other actions, including entering into separate agreements as

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are necessary or incidental to further acceptance, appropriation and expenditure of ARPA funds and/or which are incidental to carrying out the purposes of this Ordinance.

SECTION 7. The Director of Finance or his designee is hereby authorized to establish any additional funds or accounts, as may be necessary or incidental to the appropriation, encumbrance and/or expenditure of ARPA funds as allocated in Exhibits A and B.

SECTION 8. The Director of Finance or his designee is hereby authorized to transfer all ARPA funds between and among any funds, sub-funds and accounts, as necessary to allow for the posting of prior and future expenses, not to exceed the total ARPA funds awarded to the City.

SECTION 9. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 10. 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 allocation ARPA Funds 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.



MELODY HART
President of the Council



ADDIE BALESTER
Clerk of Council

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PASSED: 12/18/2023

Presented to Mayor: 12/22/2023

Approved: 12/27/2023

A handwritten signature in blue ink, appearing to read "Kahil Seren", is written above a horizontal line.

KAHIL SEREN
Mayor

EXHIBIT A to ORDINANCE NO. 179 - 2023
PRIOR ALLOCATED OR APPROVED USE OF ARPA FUNDS

TOTAL 2021 & 2022 ARPA FUNDS RECEIVED \$38,817,062.00

Prior Ordinances Allocating or Authorizing Expenditures of ARPA funds

Ordinance No. 92-2021 (Passed 8/31/2021)
Allocating \$5,000,000 geographically to be spent in certain neighborhoods and business districts.

Ordinance No. 140-2021 (Passed 11/15/2021)
Authorizing the allocation, appropriation and expenditure of \$18,000,000 in ARPA funds for sewer infrastructure projects.

2021 ARPA FUNDS RECEIVED
\$19,408,531.00

2021 ARPA Expenditures
Salaries [Fire \$2,500 Bonus] (\$177,537.50)

December 31, 2021 Fund Balance (Carried forward)
\$19,230,993.50

2022 ARPA FUNDS RECEIVED
\$19,408,531.00

2022 ARPA Expenditures
Salaries [Fire \$2,500 Bonus] (\$238,294.51)
Management Consultant Contract [Guidehouse] (\$250,000.00)
Capital Improvements (\$360,266.60)
Total 2022 ARPA Expenditures (\$848,561.11)

December 31, 2022 Unencumbered ARPA Fund Balance \$18,907,639.98
(Includes \$18,000,000 encumbered for sewers)

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CATEGORY/PROJECT	DESCRIPTION	AMOUNT
Water, Sewer, Infrastructure		
	Sewer: Per Ordinance No. 140-2021 (11/15/2021) authorizing the allocation, appropriation and expenditure of \$18,000,000 in ARPA funds for sewer infrastructure projects.	\$18,000,000.00
Revenue Replacement		
	Police Cars: Per Resolution No. 22-2023 authorizing an agreement with John Megel Ford for the purchase of four 2022 used hybrid police utility vehicles.	\$200,000.00
	Community Center/ Ice Rink Repairs Per: Ordinance 74-2023 authorizing the Mayor to enter into an agreement with Tempest Inc. for the Recreation Center – North Ice Rink Reconstruction Project.	\$1,800,000.00
	Cain Park Village Stramp: Per Resolution 111-2023 (PD) authorizing the Mayor to commit \$1,500.000.00 of the City's ARPA funds for the Cain Park Village Stramp Project	\$1,500,000.00
Public Health & Safety		
	New Ambulance: Per Resolution No. 100-2023(MSES): authorizing an agreement with Pfund Superior Sales Co., Inc. of Lower Burrell, PA for the purchase of a 2024 Freightliner Crew Cab Ambulance and Chassis for the Cleveland Heights Fire Department through the Ohio Department of Administrative Services Cooperative Purchasing Program.	\$362,505.00
	Second Ambulance (pending)	\$379,713.00

EXHIBIT B to ORDINANCE NO. 179 - 2023
NEW ALLOCATED USE OF ARPA FUNDS

CATEGORY	PROJECT / DESCRIPTION	AMOUNT
Housing		
	Cleveland Heights Improvement Corporation: Start-up and Operating Funds	\$300,000.00
	Lead Safe Programing (Allocation Only)	\$1,000,000.00
	Down Payment Assistance (Allocation Only)	\$750,000.00
	Exterior Repair for Residential Properties (Allocation Only)	\$2,500,000.00
	Tiny Homes Pilot Program	\$178,000.00
Non- Profit Housing Programs		
	Future Heights FutureHomes & Revitalization Program: Home Rehabilitation	\$510,000.00 (Award up to this amount with terms to be determined)
	StartRight Good Neighbor Project: Home Rehabilitation	\$200,000.00 (Award up to this amount with terms to be determined)
	StartRight Caledonia Homes Infill Housing Project: Infill Housing	\$300,000.00 (Award up to this amount with terms to be determined)
	Benjamin Rose Institute: Margaret Wagner Senior Apartments	\$200,000.00
City Garages		
REVENUE REPLACEMENT	Coventry Lennox	\$500,000.00 \$500,000.00
Parks and Recreation		
	Shipping Container: Pilot Program	\$500,000.00
	Park Improvements: Cain Park, Denison Park, Forest Hills	\$3,540,000.00
	(Breakout from Above) Cain Park (Seating Replacement, Roof Repairs, Office/Dressing Room Upgrades, New Sound/Lighting/Video Equipment): \$2,400,000.00	

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	<p>Denison Park (Resurface Tennis Courts, Basketball Court, Upgrade Restrooms): \$400,000.00</p> <p>Forest Hill Park (Restroom Upgrades, Picnic Shelter(s) Replacement): \$240,000.00</p> <p>ALL PARKS: Signage/Wayfinding/Pathway and Additional General Upgrades (tbd): \$500,000.00</p>	
REVENUE REPLACEMENT	Park Vehicle Fleet Enhancements	\$100,000.00
Non-Profit Park		
	Heights Libraries Coventry Peace Park: Park Improvements	\$300,000.00
Business Assistance		
	Community Investment Fund	\$1,400,000.00
	<p>(Allocated with programs to be determined)</p> <p>Comprehensive Development Plan: Noble \$100,000.00</p> <p>Comprehensive Development Plan: Taylor \$100,000.00</p> <p>Commercial Grant Program: Noble \$500,000.00</p> <p>Commercial Grant Program: Taylor \$500,000.00</p> <p>Commercial Grant Program: Other Districts \$200,000.00</p>	
Safety and Health		
	Safety lighting/police blue light boxes/ safety app (Allocation Only)	\$750,000.00
REVENUE REPLACEMENT	Police Locker Room Upgrades	\$100,000.00
REVENUE REPLACEMENT	Police Gym Equipment	\$57,000.00
REVENUE REPLACEMENT	Upfitting 4 Police Vehicles	\$40,000.00
Non-profit Safety and Health		
	Pride Among Daughters and Sisters; (Feminine Products and Education)	\$11,400.00 (Award up to this amount with terms to be determined.)
	Start Right: Hunger Center	\$60,000.00 (Award up to this amount

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		with terms to be determined.)
	Cleveland Chesed Center: Operating Funds	\$50,000.00
	Journey Center for Healing: Victim Advocacy, Child/Family Welfare	\$306,190.00
	Bellefaire: Police Training	\$25,000.00
Youth Programming		
	Lake Eire Ink: Youth Programming	\$104,900.00 (Award up to this amount with terms to be determined.)
	Kulture Kids: Youth Programming	\$15,000.00
	Building Heights: Youth Programming	\$244,259.00 (Award up to this amount with terms to be determined.)
	Reaching Heights: Youth Programming	\$75,000.00 (Award up to this amount with terms to be determined.)
	Family Connections: Social Emotional Project	\$77,000.00 (Award up to this amount with terms to be determined.)
Arts Programming		
	Artful: Art Programming and Support	\$71,000.00 (Award up to this amount with terms to be determined.)
	Heights Arts: Art Programming and Support	\$250,000.00 (Award up to this amount with terms to be determined.)
Total Allocations:		\$15,014,749.00