



COUNCIL UPDATE

March 3, 2021

MEETINGS & REMINDERS

Please note meetings are being held as webinars and conference calls. Information for residents to participate may be found on the clevelandheights.com calendar.

Thursday, March 4	-	6:00 p.m.	-	Meet Your Police
Monday, March 8	-	6:30 p.m.	-	Committee of the Whole
Wednesday, March 10	-	7:00 p.m.	-	Planning Commission
Thursday, March 11	-	5:00 p.m.	-	Board of Control
Monday, March 15	-	6:30 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council

LEGISLATION

- **Wage and Salary Ordinance, Second Reading.** An Ordinance establishing salary schedules, position classifications and other compensation, and benefits for officers and employees of the City
- **Hands-Free Ohio.** A Resolution expressing approval and support for the Hands-Free Ohio provisions in Governor DeWine's state budget proposal
- **Andrews Rd.** An Ordinance authorizing the vacation of a portion of the public Right-of-Way for Andrews Road; authorizing an agreement with the adjoining property owners related thereto

- **FutureHeights.** A Resolution authorizing the City Manager to enter into a First Extension of Development Services Agreement with FutureHeights for the performance of certain work

UPDATES

City Manager

- The Arbor Day celebration will be held on Friday April 30 at 10:00am at the Roanoke/Noble park. Our forestry crew will plant 2 trees and prune others. This event is hosted by the Heights Tree People and marks 43 years that the City recognizes Arbor Day and qualifies as a Tree City USA.
- Staff continues in contact with the Board of Health to encourage the use of the Community Center as a vaccine center.
- In anticipation of the 100th anniversary of the City in August , residents will be able to post memories that they or their family have experienced over the years.

Housing

- On February 16, the Housing Department went live the online portal of the new housing software CitizenServe. You can now APPLY and MAKE PAYMENTS ONLINE! We are now accepting submittals and payments for Rental Registrations, Vacant Property Registrations, Out of County Owner Registrations, Point of Sale Applications, and Foreclosure Bonds Online. Learn about types of applications, submittal requirements, apply online, pay fees, and view the status of your application all from your home, office or mobile device on our website <https://www.clevelandheights.com/194/Housing-Programs> The Housing Department has issued rental renewal and vacant property renewal registrations via email to owners and landlords that have provided valid emails on previous applications. We have also sent all notices for license renewals through regular mail with instructions on how to complete your applications online. Since the online launch on Feb. 15th and subsequently issuing renewal notices, the Housing has received more than 800 online applications and over \$160,000 in online payments.

Fire

- We will have 5 new hires starting on March 8 to fill our current vacancies.

- We will be going to Seagrave Fire Equipment on March 19 to do a final check on the Fire Engine we purchased and anticipate delivery by the end of March.
- Our COVID-19 related calls have dropped significantly over the last month.

Police

- The Police Department recently expressed interest in joining the Ring Neighborhood Watch App. In preparing to do so, we contacted area Police Departments to obtain further information about their experience with the app. The Police Departments reported that their experience with the app has been very positive thus far. They did not discuss with their communities before joining the app and they have not received any negative feedback from their residents. One of the main advantages of the app is that it allows the Police Department to send requests to residents for any video in areas where criminal activity occurs. The residents are able to provide the video if they so choose or they need not acknowledge the request at all if they choose not to provide video. In their experience, residents are eager to work with their Police Departments to help combat crime in their neighborhoods and make them safer. In addition to sending out requests for video, the app allows the Police Department to send out Crime Alerts to all residents using the app about. This feature is something that we already do on Nextdoor and Facebook and would only help to expand our outreach to more of our residents. By all accounts the Police Department believes that by joining the Ring Neighborhood App it would only help to improve our communication and relationship with the community that we serve.

Suggested Procedures from Council Member Melody Hart

Because elected officials and other employees of the City must maintain a high standard of ethics and because it must not appear that the city is favoring any candidate for public office, the City Council adopts the following rules governing members of City Council, the Mayor, and all other City officials;

1. No one may attach the city's logo or any branding (i.e. tagline, etc.) to any publication, website, or social media site or use the logo or branding during any event that is not officially sponsored by the City of Cleveland Heights as evidenced by either a vote of Council or an approval by the Mayor; and
2. No one may attach the city's name – i.e. City of Cleveland Heights - to any publication, website, or social media site or use the logo during any event that is not officially sponsored by the City of Cleveland Heights as evidenced by either a vote of Council or an approval by the Mayor; and
3. Every effort, including disclaimers where appropriate, must be made to make it clear to participants in non-city sponsored events that the event – whether educational or political – is not sponsored by nor sanctioned by the City of Cleveland Heights; and
4. No candidate for elected office in the city may be a host or primary speaker at a city sponsored event during the relevant election cycle;
5. If an individual uses the title of Vice President of Council or President of Council or Councilperson during an event that is not city sponsored, extra care must be taken to ensure the public and participants are aware that they are not acting in their official capacity for the city.

It is expected that all elected and appointed officials shall follow these rules and any violation may subject the person accused of violating this resolution to disciplinary action by Council.



CLEVELAND HEIGHTS

Committee of the Whole

March 8, 2021

6:30 p.m.

Agenda

Online Only

<http://www.youtube.com/cityofclevelandheights/live>

1. Legislative update
2. Committee meeting Community Relations & Recreation
3. Committee meeting Public Safety & Health
4. Other

Community Relations & Recreation Subcommittee Meeting

March 8, 2021

Agenda

2021 SPRING/SUMMER REOPEN PLAN

This document is intended to provide a brief overview of the City's phased plan to reopen recreational activities in the Spring and Summer of 2021. Staff received feedback from residents via an online suggestion box on the chparks.com website, direct emails, and from the Recreation Advisory Board during their February meeting.

This plan focuses on virtual and outdoor recreation activities in the spring and then expands summer activities and limited indoor offerings in the summer. These recommendations are based on current health & safety protocols from the CDC and takes into account anticipated increases in COVID-19 vaccinations in the coming months to larger segments of the population.

Phase 1: Spring 2021 (April – May)

- Continue and expand virtual program offerings on Facebook Live – fitness, senior center
- Restore the following outdoor recreation programs and amenities following appropriate COVID-19 safety protocols:
 - Youth Sports – soccer, baseball, softball
 - Field rentals – Forest Hill, Denison
 - Tennis courts/Pickleball courts
 - Outdoor Basketball courts at Denison Park, Cain Park, Cumberland Park
 - Outdoor fitness classes – boot camp, senior fitness, personal training
 - Yoga in the park
 - Martial Arts
 - Earth Day Run

Phase 2: Summer 2021 (June – September)

- Safely restore some indoor and outdoor summer programs & amenities
- Restore the following summer recreation programs and amenities following appropriate COVID-19 safety protocols:
 - Cumberland Pool - Lane reservations, attendance limits, no locker room, swim lessons
 - Splash Pad - To be determined
 - Playgrounds – disinfected daily
 - Cain Park – modified season July – September with limited attendance. Arts Festival
 - Summer Camps – basketball, soccer, Jump Start Sports Camp, Heights Youth Theater Arts Camp, and possibly a new outdoor nature-based camp
 - North Ice Rink only – rentals, limited learn to skate classes
 - Fitness Center – modified hours, enhanced cleaning protocols, limited attendance

To: Cleveland Heights City Council

From: Susanna Niermann O'Neil, City Manager

Re: The Housing Department/Novak Report

Date: March 3, 2021

The Novak report, prepared by an outside consultant (The Novak Consulting group), contains a review of the Housing Department and includes recommendations to make best use of the Department. The final report was received on July 21, 2020. The report is attached to this memo.

The Housing staff is dedicated , intelligent and hard working however due to staffing issues with covid and quarantine protocols and other disruptions the 6 month to 12 month completion date for the 18 recommendations is not realistic.

However, some of the recommendations (10) have been implemented and/are in progress. The following gives the category followed by the # of the recommendation. The 8 that still must be addressed are at the end of this memo.

The progress is underlined :

Technology Enhancements and Process Improvements:

- # 7 Create a Citizen Serve Implementation committee to assist with process improvement and troubleshooting: Citizen Serve is in progress as the software program to facilitate online reports and transactions. It still needs time before it is fully functioning but progress is being made

- #8 Provide inspectors with computers and telephones:
Inspectors in the field now have I pads so they can record inspections/notes and send them back to the office. In office computers are available.

Department Structure:

- #9 Reclassify the Chief Housing Inspector as an Assistant Director:
The Chief Housing Inspector position has been eliminated and the position of Assistant Director is being advertised.
- #10 Continue using Safebuilt to conduct POS inspections and fill a vacant housing position:
Safebuilt continues to process POS inspections and the vacant position will be filled. At that time ,we will evaluate whether or not Safebuilt will continue with POS.
- #11 Fill the vacant Rehabilitation Specialist position:
This job description is posted

- #12 Reallocate duties assigned to Office Assistants as Citizen Serve implementation proceeds:
Initial discussions were held with Adm staff at an earlier date, their feedback is still relevant and will be implemented.

Management Practices:

- #15 Engage in regular performance review/check ins with staff:
Reviews to be conducted in April 2021
- #16 Conduct regular Department meetings:
Due to covid restrictions full staff meetings are not being held. This will of course be reinstated when protocols are lifted.
- #17 Require appropriate training and certifications for all Housing Inspectors:
Staff will be having Customer service training and also a review of certifications is being held.
- #18 Eliminate the bonus program for systematic inspections:
This program has been eliminated.

The following 8 recommendations (8) will be addressed later in the year:

- #1 – Develop a formal housing strategy with clear program goals and objectives:
The Envisio report for 2020 can be used as the basis for additional strategies. Currently the Housing training Manual states: "The Housing Inspection Department's mission(goal) is to perform fair, standardized, comprehensive inspections of Cleveland Heights properties in order to preserve the housing stock, promote higher property values, eliminate health and safety hazard, and make the City a more desirable community."
- #2 Conduct a comprehensive Review of the City's Housing Code :
To be addressed at a later date when a complete study of the City Code is implemented.
- #3 Adopt a proactive code enforcement strategy:
To be determined
- #4 Enhance the Department's Guidebook and develop a comprehensive code enforcement manual:
The current Department manual is over 100 pages in content and can be reviewed later this year. Code enforcement manual see #3.

- #5 Expand tenant education regarding the use of escrow, if landlords fail to address violations:
To be addressed
- #6 Utilize civil procedures to enforce violations where appropriate:
To be addressed.
- #13 Create a Community Liaison position:
To be considered once other positions are filled.
- #14 Establish performance measures and track workload performance using Citizenserve:
Possible once the system is complete.

On Thursday February 25th I met with the Housing Department staff (social distanced) to discuss elements of the Novak report and also the expectations of 2021. All are aware of their responsibilities regarding inspections and work product. Going forward I asked for input/suggestions, including any changes in the physical plant that might provide a more productive work space.

Thank you for your consideration and patience, as they say in the vernacular "The lights are on and everybody is home" doing their very best.:

City of Cleveland Heights

Organizational Assessment of the Housing Department

Final Report / July 2020



A PART OF



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July 21, 2020

Tanisha R. Briley
City Manager
City of Cleveland Heights
40 Severance Circle
Cleveland Heights, OH 44118

Dear Ms. Briley:

We are pleased to present the Final Report of the Organizational Assessment of the City's Housing Department. This report contains a review of Department resources and operations in order to assess the effectiveness of its service delivery models, staffing level, processes, and procedures.

The recommendations contained in this report are based on input and information provided by Department staff, stakeholder groups as well as industry standards and best practices that are appropriate for Cleveland Heights. The recommendations are designed to ensure that the City makes the best use of the Housing Department's resources and that it continues to effectively serve the community. We are confident that the report recommendations can provide the City a framework to continue to provide high-quality service to the community.

Thank you for the opportunity to continue to work with the City of Cleveland Heights. It has been a pleasure to work with you and your team on this assessment.

Sincerely,

Michelle Ferguson
Senior Manager - Organizational Assessment

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Executive Summary

The City of Cleveland Heights has a history of proactively identifying local issues and working together as a community to solve them. In addition to its dynamic and successful commercial zones, the City maintains a vibrant and varied mix of housing options for residents. This housing mix is both a continuing strength and challenge for Cleveland Heights. As the community has aged, as well as lived through and moved past the housing and financial crisis of 2008, the City continues to face considerable and sustained property nuisance issues regarding private property maintenance that need to be addressed to ensure the peaceful enjoyment of all City residents' housing choices now and in the future.

Property nuisance issues can range from uncut grass to structural or sanitary problems creating a blight to a neighborhood. To meet these challenges, the City relies on the efforts of its Housing Department to implement City Council policy and provide the community with practices to identify nuisance situations and effectively apply available resources to mitigate and abate them. The City pursued an organizational assessment of the Housing Department as part of its continuous improvement efforts to enhance Department operations and services to the community.

This organizational assessment of the Housing Department identifies opportunities for improving Department policies and procedures, structure and organization, management practices, and technology enhancements. In particular, it must be emphasized that technology enhancements underpin the effectiveness of the Department's operations at all levels and are a continuing work in progress for staff. This report provides recommendations to support the current implementation of the Citizenserve® platform, as well as recommendations on hardware and software capabilities that should be available to all staff to better support the Department's performance and effectiveness.

The Department has also undergone recent significant leadership and management changes. This affords an opportunity to reassess responsibilities and roles throughout the Department generally as well as in support of the software implementation. Management practices that support these efforts are identified with recommendations to go "back to the basics" on management prioritization and communication. The leadership and management changes in the Department also provide organizational opportunities for review and realignment. This report provides specific recommendations on the structure to support organizational recovery and service revitalization.

Finally, the proposed policy changes are intended to identify community service demands and enable the Department to better meet the needs of all Cleveland Heights residents. The community is fortunate to have engaged and enthusiastic stakeholders who are focused on making the City a better place to live and work. The City government provides the community with a "safe space" to bring competing ideas and objectives together to promote communication, understanding, and advancement toward a shared purpose. This report recommends approaches to support these disparate voices and interests coming together to find the necessary common points of agreement on which the successful housing program can better support community objectives.

The recommendations included in this report build on existing Departmental strengths and position the Department to more effectively accomplish its work and deliver its services. While implementing the recommended changes will require time and dedicated management oversight, it will also enhance existing staff capacity and allow the Department to more effectively evaluate workload patterns, make informed staffing decisions, coordinate management and inspection tasks, and operate cohesively to implement the City's policy goals.

The following table illustrates the recommendations included in this report.

Table 1: List of Report Recommendations

Number	Recommendation
Policy Considerations	
1	Develop a formal housing strategy with clear program goals and objectives.
2	Conduct a comprehensive review of the City's Housing Code.
3	Adopt a proactive code enforcement strategy.
4	Enhance the Department's guidebook and develop a comprehensive code enforcement policy manual.
5	Expand tenant education regarding the use of rent escrow accounts if landlords fail to remedy violations.
6	Utilize civil procedures to enforce violations where appropriate.
Technology Enhancements and Process Improvements	
7	Create a Citizenserve implementation committee to assist with process improvement and troubleshooting.
8	Provide Inspectors with computers and telephones.
Department Structure	
9	Reclassify the Chief Housing Inspector as an Assistant Director.
10	Continue utilizing SAFEbuilt to conduct POS inspections and fill a vacant Housing Inspector position.
11	Fill the vacant Rehabilitation Specialist position.
12	Reallocate duties assigned to Office Assistant positions as Citizenserve implementation proceeds.
13	Create a Community Liaison position.
Management Practices	
14	Establish performance measures and track workload and performance using Citizenserve.
15	Engage in regular performance reviews/check-ins with staff.
16	Conduct regular department meetings.
17	Require appropriate training and certifications for all Housing Inspectors.
18	Eliminate the bonus program for systematic inspections.

Background and Methodology

In February 2020, the City of Cleveland Heights engaged The Novak Consulting Group (now a part of Raftelis) to conduct an organizational assessment of the Housing Department. The purpose of this assessment was to evaluate the Department's structure, operations, service levels, staffing, processes, and procedures and to make recommendations designed to improve efficiency and effectiveness.

To accomplish this work, the consulting team conducted individual interviews with City staff, as well as community stakeholder focus groups, to learn about the Department's policies and procedures, service demands, operations, and results. All Housing Department staff members were interviewed, and four focus groups were conducted, which involved 19 total participants, including realtors, residents, Community Development Corporation (CDC) partners, and City Council members.

The consulting team also requested and received information about the Department's budget, workload, assets, and operations. This information, along with data analysis and best practices research, informed the recommendations included in this report.

About the City of Cleveland Heights

The City of Cleveland Heights is a suburban community that comprises approximately 8.11 square miles. The City shares a border with Cleveland, Ohio, and the respective downtown areas are approximately eight miles apart. The City was chartered in 1921 and has operated under the council-manager form of government, which combines representative leadership through elected Council members with the professional managerial experience of a City Manager. The City Council consists of seven members elected on an at-large basis for four-year terms, with either three or four seats up for election every two years. Currently, the City Council elects one of its members as Council President/Mayor, who presides at all meetings, and another as Vice President/Vice Mayor. The City Council appoints a professional City Manager to serve as the chief executive, who implements Council policy and oversees the day-to-day operations of the City.

On November 5, 2019, voters approved an amendment to the City's charter to revise the structure of its government into a mayor-council form of government. Under the amended charter, voters will directly elect a Mayor as the City's chief executive in November 2021. The Mayor will take office on January 1, 2022, and appoint a City Administrator, with council approval, to run day-to-day operations. Until then, the City will continue under the council-manager form. After the Mayor is elected, that office will have executive responsibilities for managing government, and the City Council will maintain its current legislative, policy-making, and fiscal responsibilities.

According to the U.S. Census Bureau's 2018 Population Estimates Program, Cleveland Heights is home to approximately 44,373 residents. This represents a 3.8% decrease from the 2010 Decennial Census population count.

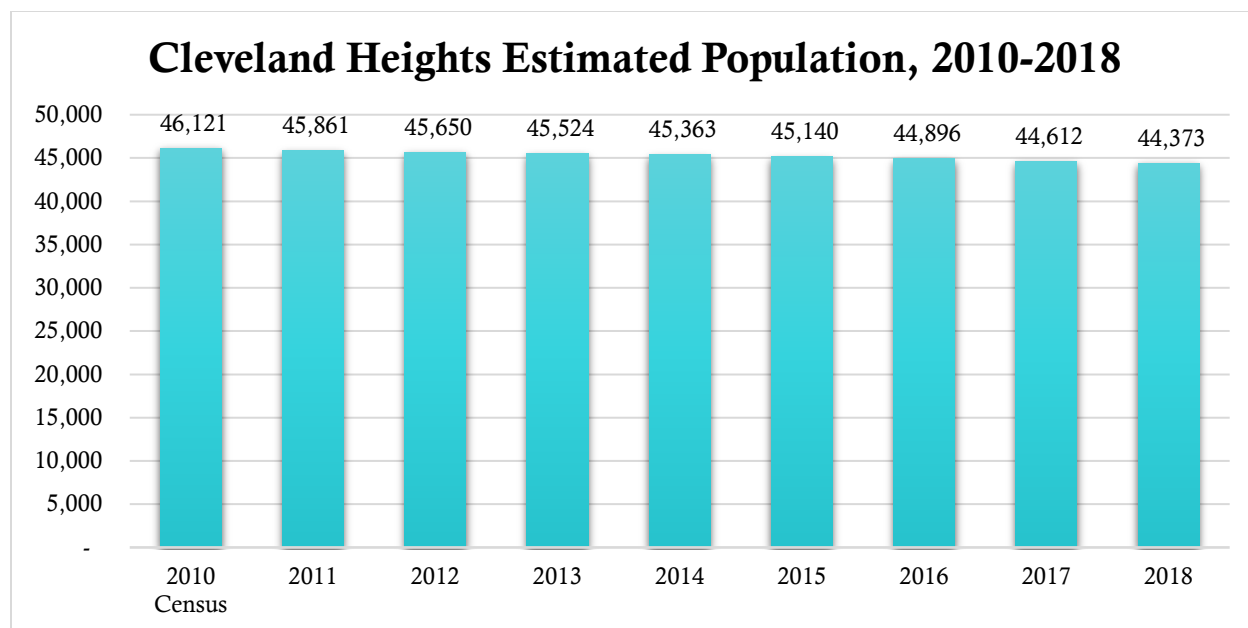


Figure 1: Cleveland Heights Population, 2010-2018

Cleveland Heights is a diverse community, according to the Census Bureau's 2018 American Community Survey.¹ The following figure displays the relative share of the total City population by racial or ethnic group.

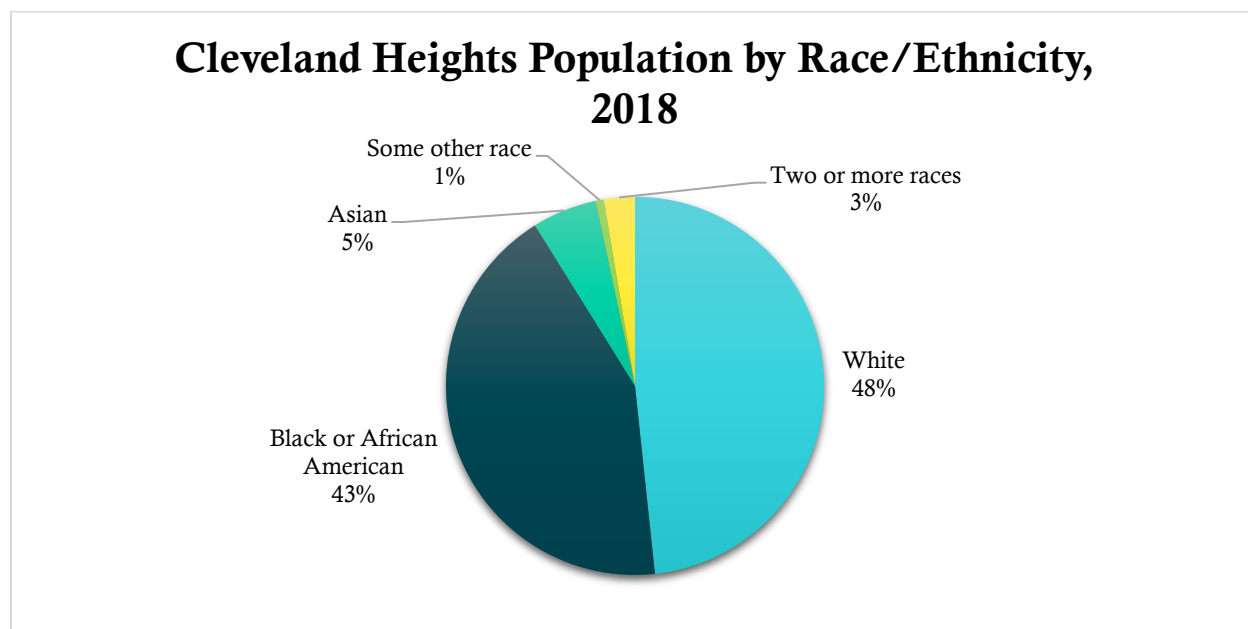


Figure 2: Cleveland Heights Population by Race, 2018

¹ Source: US Census, American Community Survey 2014-2018 5-Year Estimates.
<https://www.census.gov/quickfacts/fact/table/clevelandheightscityohio,US/PST045219>

American Indian and Alaska Native residents and Native Hawaiian and Other Pacific Islander residents are not illustrated above because they represent less than 1% of the City's estimated population.

According to the Census Bureau, median household income in the City is approximately \$56,993 per year, which is less than the nationwide median of \$60,293. Approximately 17.6% of the City's residents are in poverty, compared to 11.8% nationwide.

About the Housing Department

The Housing Department is responsible for identifying and enforcing standards to ensure that all dwelling structures are safe, sanitary, free of fire and health hazards, and beneficial to the public welfare. To support this charge, the Mission of the Housing Department is "...[t]o perform fair, standardized, comprehensive inspections of Cleveland Heights properties in order to preserve the housing stock, promote higher property values, eliminate health and safety hazards, and make the City a more desirable community."² To achieve its mission, the Housing Department frequently collaborates with other City departments and external organizations.

The City's Housing Department is currently staffed with 16 authorized full-time equivalent (FTE) employees, as presented in the following figure.

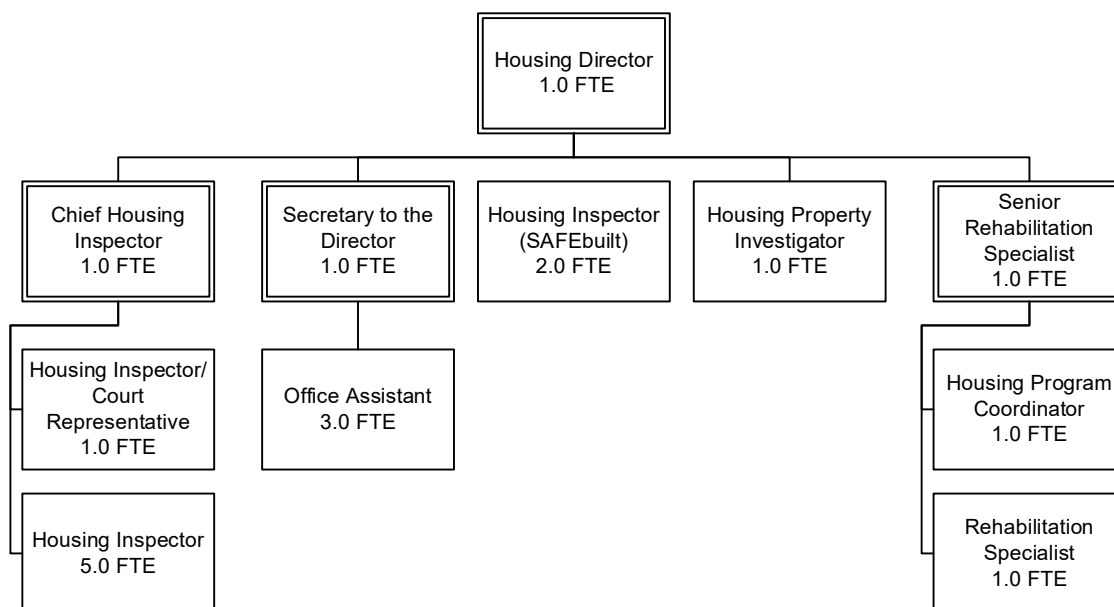


Figure 3: Housing Department Organizational Chart, FY2020

Structure

The Housing Department is led by the Housing Director. This position is responsible for executive leadership of the Department and serves as a liaison with the City Council, City executive staff members, and community stakeholders. In this role, the Director manages the Department and its staff, is responsible for budget development and administration, and develops and recommends policies to the City Council. The Director is also responsible for managing a contract with SAFEbuilt to provide Point-of-Sale (POS) inspections and associated reports.

² City of Cleveland Heights. Housing Department Reference and Training Manual. Page 1.

The Director also currently plays a lead role in implementing Citizenserve Community Development Software for the Department. Citizenserve was made available to the City via a cooperative agreement led by the regional First Suburbs Housing Committee composed of six inner-ring Cleveland suburbs, including Cleveland Heights. The First Suburbs Housing Committee requested proposals from multiple companies for regional code enforcement software designed to support greater regional automation, standardization, and efficiency. The Citizenserve application is a comprehensive community development e-government application that provides processing and payment solutions for building permits, code enforcement, planning and zoning, business licensing applications and renewals, and customer request tracking. Once implemented, the application will eventually replace manual, paper-based processes and recordkeeping involving the Department's legacy AS/400 system and database.

The Secretary to the Director provides executive support as well as title research, supports the foreclosure bond process, handles property registrations and business registrations, and processes internal billing for services. This position uses Franklin Information Systems (FIS) to record and process annual business registrations and QuickBooks® for internal billing.

Three additional Office Assistant positions support the Department. The Office Assistants play a critical role by manually processing and coordinating virtually all of the Housing Department's core functions. Examples of these assignments include scheduling inspections for Housing and SAFEbuilt staff, scheduling required reinspections, Department process data entry, ticket data entry, coordinating and processing escrow accounts, and responding to general public inquiries made at the counter, via phone, and via email, as well as via the ACCESS Cleveland Heights app.

The technical services provided by the Department are processed through two primary functions: Housing Inspection and Housing Preservation.

Housing Inspection

The Housing Inspection function supports the Department and City through three major inspection services: Complaint inspections, Point-of-Sale (POS) inspections, and Systematic inspections.

Complaint inspections involve investigations into all complaints of possible violations concerning the condition of a property in the City. These inspections can be initiated by City Inspectors or result directly from a request for service, as well as from violations, such as unpermitted occupancies. Complaints can be submitted by calling or emailing the Housing Department, or through the Access Cleveland Heights Service Request page on the City's website. Categories for complaints handled by the Housing Department include the following:

- **City Property Condition:** City property that requires maintenance or clean-up.
- **Property Condition – Commercial:** Exterior and interior code violation of an occupied commercial building.
- **Property Condition – Residential:** Exterior and interior code violation of an occupied residential building.
- **Tall Grass/Weeds – Residential:** Building with tall grass/weeds.
- **Vacant Commercial – Vacant:** Commercial building that needs exterior maintenance.
- **Vacant House:** Vacant residential building that needs exterior maintenance.
- **Vacant Lot Cleanup:** Vacant lot that needs cleaned up of trash/weeds/tall grass.

The Department's informal goal is to complete complaint inspections within two business days. If violations are found, the Department issues a notice and provides property owners with time to resolve the violation as described in applicable City codes. Reinspections to verify that the violation has been corrected are required and are conducted by appointment.

POS (point-of-sale) inspections are required by City ordinance and must be conducted before the sale of any residential or commercial property. The POS process prevents the title of a property from transferring from a seller to a buyer unless the City has inspected the property for existing code violations. Any existing violations are documented in an official “Certificate of Inspection” report that the City furnishes to both the seller and the buyer. If certain significant violations are found, the City requires the current owner to establish an escrow account to cover the costs of repairs. POS inspections are initiated by property owners or their agents, and the inspection results are valid for one year. These inspections are currently performed by contracted SAFEbuilt staff on behalf of the City.

Systematic inspections include interior and exterior inspections of rental properties and exterior inspections of single-family residential (SFR) property. Housing Inspectors currently inspect rental properties for compliance with the Housing Code every three years; these inspections are scheduled by appointment. For systematic exterior inspections of SFR properties, the Director selects priority streets for inspection and mails notification letters to addresses in the area that Housing Inspectors will be passing through their neighborhood to look for violations. The Department targets a cycle time of five years to visit each neighborhood in the community.

In addition to these three major inspection services, the Housing Department applies additional processes to identify and develop information necessary for effective program management. These processes include the following:

- **Vacant Building Registration:** Owners of vacant buildings and dwellings must register with the Housing Department annually for as long as the building is vacant.
- **Out-of-County Owner Registration:** Properties owned by a person not residing in the County must annually designate an in-County agent. The Housing Department is responsible for maintaining this database.

The Housing Inspection function is led by the Chief Housing Inspector, who reports to the Director. This position functions as an assistant to the Director and acts to resolve questions, complaints, and appeals from property owners. The Chief Housing Inspector also trains Department Housing Inspectors and provides quality review of work product and results. The Chief Housing Inspector is supported by six direct reports. A Housing Inspector/Court Representative serves as a liaison to the Law Department to support case adjudication and case follow-up. The Chief Housing Inspector also oversees five Housing Inspectors, who conduct inspections, generate required reports, and respond to general inquiries. The Chief Housing Inspector also provides any necessary oversight to the SAFEbuilt contracted staff providing POS inspections.

At the time of this assessment, the Chief Housing Inspector position was vacant, and two of the five Housing Inspector positions were also vacant. As a result, the Director has assumed the responsibilities of the Chief Housing Inspector, and the Department’s inspections workload has been allocated to the remaining Housing Inspectors and contracted SAFEbuilt staff.

The Housing Property Investigator reports to the Director. This position conducts research on properties and owners to support enforcement activities and compliance using a variety of methods, including the Neighborhood Strategy Technology Web Application (NST). NST is an application coordinated by Case Western Reserve University that aggregates land data from a variety of sources. The application supports quick access to information on property ownership, occupancy and vacancy, foreclosure, sheriff’s sale, and detailed tax information, code enforcement information, demolition information, property surveys conducted by area agencies, and more. In addition to linking and making data available, NST also serves as a communication platform and place for agencies to house their own data. Users can access, filter, and map data, as well as save custom queries and download spreadsheets of data. The Housing Property Investigator is also responsible for researching affidavits of foreclosure and supporting the foreclosure bond process.

Housing Preservation

The Housing Preservation Office (HPO) is responsible for administering public funding from the U.S. Department of Housing and Urban Development (HUD). These funds are distributed by the HPO to income-eligible Cleveland Heights residents or property owners to support property maintenance, upkeep, and investment. Specific programs offered by the HPO include the following:

- **No Interest Loan:** Owner-occupants who meet the Gross Income Limits may be eligible for a loan of up to \$35,000 secured by equity in the property. Funds must be used to correct interior and exterior violations and may also be used to make general upgrades and home improvements. All cited violations to the entire property and lead hazards must be corrected.
- **Emergency/Short Term Deferred Loan:** Owner-occupants residing at the property at least three (3) years who meet the Gross Income Limits may be eligible for a loan of up to \$7,500 secured by equity in the property. Eligible repairs include health and safety issues and correction of violations.
- **Deferred Loan Program:** Owner-occupants at least 62 years of age or totally disabled residing at the property at least five (5) years who meet the Gross Income Limits (see below) may be eligible for a loan of up to \$35,000 secured by equity in the property. Funds must be used to correct interior and exterior violations and may also be used to make general upgrades and home improvements. All cited violations to the entire property and lead hazards must be corrected.
- **Exterior Paint Grant:** Owner-occupants at least 62 years of age or totally disabled residing at the property at least five (5) years may be eligible for a grant of up to \$3,500 to be applied toward labor and paint materials. A licensed Lead Paint contractor must be used.
- **Exterior Violation Repair Program:** Owner-occupants at least 62 years of age or totally disabled residing at the property at least five (5) years may be eligible for assistance for corrections of exterior violation repairs.
- **Down Payment Assistance Loan Program:** This program provides eligible owner-occupants up to \$10,000 in down payment assistance for a single-family home (maximum sales price less than \$129,000) or two-family home (maximum sale price less than \$165,000). All applicants must be income qualified per the current HUD Gross Income Limits. This is a deferred payment, zero percent (0%) interest second mortgage. The loan is to be repaid immediately at the time of resale, transfer, or if the property becomes absentee-owned.
- **Lead Safe Program:** Many homes and apartments built before 1978 contain lead-based paint that should be identified and mitigated. Items that may be addressed through the City's program include new windows and doors as well as painting and other repairs. Grants of up to \$9,000 per dwelling unit may be available for all dwelling structures that meet program requirements. The minimum homeowner contribution is 10% of the project cost. The applicant or occupants must have children age five years or younger in the home to qualify, and household income limits apply for participation in this program.

The Housing Preservation function is led by the Senior Rehabilitation Specialist, who reports to the Director and is responsible for grant management, rehabilitation project management, housing inspections associated with loan programs, and coordinating contract work associated with rehabilitations, as well as arranges all contracts and oversees the work performed on nuisance abatement demolition and home repairs. The Senior Rehabilitation Specialist supervises a Rehabilitation Specialist who shares many of the same responsibilities as the Senior Rehabilitation Specialist. At the time of this writing, the Rehabilitation Specialist position is currently vacant.

The Housing Program Coordinator currently reports to the Director and provides administrative support for rehabilitation and lending programs, handles intake and case management, and develops required Federal reports for federally funded programs.

Core Services Matrix

The following table provides an overview of the Department's core services by functional area. Rather than being an exhaustive list of responsibilities, this table illustrates activities that have a significant impact on staff time and financial resources.

Table 2: Department Core Services

Department Function/Division	Program Area	Activities and Service Levels
Administration	Executive Liaison	<ul style="list-style-type: none"> Liaison to City Council/City Manager Liaison to stakeholder groups Develop and recommend policies for approval by City Council Develop and present reports regarding Department activities and results
	Leadership/Direction	<ul style="list-style-type: none"> Management, oversight, and allocation of Department resources for operating impact Implement City Council approved policies Effective communication of policies, procedures, and issue resolution for operating impact
	Budget Management	<ul style="list-style-type: none"> Budget development/management Operating issue prioritization/resolution Management of contracted services
	Department Support	<ul style="list-style-type: none"> Conduct and support research efforts, including property title research Support the recently implemented Foreclosure Bond process Support key administrative processes including Property Registrations and Business Registrations Process internal billing and coordinate accounting with City Finance Department Manually coordinate, develop, and communicate Housing Department Inspector schedules for inspections and reinspections supporting POS inspections, systematic inspections, and complaint inspections Manually coordinate, develop, and communicate Contract Inspector (SAFEbuilt) POS inspections Receive manual information from applicants and Department staff and enter data to the legacy database program Receive manual information from Department staff and enter ticketing information to support case management and adjudication Coordinate information receipt, data entry, and required escrow account information processing
Housing Inspections	Customer Support	<ul style="list-style-type: none"> Provide Front Counter administrative support to walk-in clients Provide Front Counter/Phone/Email inquiry support and processing Route inbound information to responsible Department staff member Process inbound client payments as necessary
	Inspection Management	<ul style="list-style-type: none"> Act as an Assistant to the Director and provide management support Resolve questions, complaints, appeals from property owners

Department Function/Division	Program Area	Activities and Service Levels
		<ul style="list-style-type: none"> • Train Housing Department Inspectors • Provide process and product quality control review
	Inspection	<ul style="list-style-type: none"> • Conduct POS, systematic, and complaint inspections and required reinspections following scheduling by administrative staff members • Generate associated inspection report information for entry by administrative staff members • Answer general industry and public inquiries following referral by administrative staff members • Manage casework, communicate with Department staff and clients for issue resolution, write tickets as necessary, and support adjudication by City Attorney
	Property Investigation and Adjudication Support	<ul style="list-style-type: none"> • Maintain Department access and use of the database for property owners (NST Web App) • Investigate properties to determine use, financial status, physical condition, ownership • Locate property owners and develop background information • Research and acquire relevant Affidavits of Foreclosure • Support requirements and completion of Foreclosure Bond • Serve as a liaison to the City Law Department (Prosecutor) supporting property adjudication and recording court rulings • Conduct court case follow-up
Housing Preservation	Housing Rehabilitation Program Administration	<ul style="list-style-type: none"> • Coordinate a variety of housing rehabilitation programs • Coordinate a variety of lending programs supporting housing rehabilitation and preservation • Provide client intake services and associated case management • Develop and disseminate required Federal funding reports
	Housing Rehabilitation Technical Support	<ul style="list-style-type: none"> • Provide grant program management • Provide individual rehabilitation/preservation project management • Provide housing inspection services to support loan programs • Coordinate selection and management of program services provided by contractors

Staffing

According to the Department's Director, the Housing Department includes 16 authorized full-time positions. Since FY2017, the number of authorized staff within the Department has increased by 7% due to the creation of the Housing Property Investigator position in FY2018. The following table illustrates the number of authorized FTEs in the Department over the last several years.

Table 3: Authorized Staffing Level by Department, FY2017 – FY2020

Department	FY2017	FY2018	FY2019	FY2020	Percentage Change FY2017-FY2020
Housing Department	15	16	16	16	7%

Budget

The following table illustrates budget trends in the Housing Department, including actual expenses from FY2017 through FY2019.

Table 4: Housing Department Expenditures by Category, FY2017 – FY2019

Housing Department	FY2017 Actual	FY2018 Actual	FY2019 Actual	Percentage Change FY2017 to FY2019
Personnel	\$897,749	\$935,208	\$893,540	0%
Operating	\$490,754	\$354,228	\$710,512	45%
Total	\$1,388,503	\$1,289,436	\$1,604,052	16%

The Department's actual personnel and operating expenditures increased by 16% overall from FY2017 to FY2019. With personnel related expenditures remaining relatively flat, the increase was largely due to other operating expenditures related to the lead paint abatement programs. These lead paint program increases were partially offset by decreases in demolition expenditures that totaled approximately \$146,860 in FY2017 and decreased to approximately \$87,830 in FY2019.

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Analysis and Recommendations

The Housing Department plays a central role in the administration and application of City codes related to property maintenance and safe housing. These codes impact every member of the community, and the effective application of these codes supports the community's housing infrastructure and quality of life.

To enhance the Department's effectiveness, this report recommends changes necessary to support improved communication with the community and application of the codes, adjustments to the Department's organizational structure and staffing practices, changes in management practices to improve internal operations, and steps to leverage technology investments to enhance workflow practices and maximize staff capacity.

Policy Considerations

Recommendation 1: Develop a formal housing strategy with clear program goals and objectives.

There are as many different opinions on how to support housing maintenance in the community as there are styles of housing in Cleveland Heights. The stakes are high – individual housing purchases may comprise the single greatest investment for many in any community. Growing that investment, or at least protecting it, is of fundamental importance. Interested and engaged individuals concerned with the state of the community's housing include, but are not limited to, residents, realtors, community activists, housing development advocates, elected officials, and City departments, including the Housing Department.

These interested and engaged individuals bring their unique perspectives to community housing issues. Taken together, they all contribute as stakeholders in the community's housing program. Through individual and group meetings as part of this review, it became apparent that the different housing program stakeholders maintain widely varying opinions on housing program objectives, approach, strategy, and direct and indirect outcomes. For example, some stakeholders may be interested in parcel development, leading them to focus on financing, incentives, and streamlined processes to make development in Cleveland Heights more attractive than development in another community. Conversely, other stakeholders may focus more on mitigating nuisances, preventing blight, or neighborhood beautification.

A community's governing body may establish plans, policies, and ordinances related to housing and property maintenance. For example, the City's 2017 Master Plan contains a variety of housing-related development goals which describe the kinds of housing structures and developments the City envisions as part of its future. The City codes and ordinances described in Recommendation 2 provide staff with tools to help enforce maintenance standards, and the Reference and Training Manual guides staff regarding the interpretation of code and the administration of housing inspections and programs as discussed in Recommendation 4. While these materials provide a baseline overview of the City's goals and programs, they do not address broader considerations about how to weigh, align, prioritize, and coordinate policy implementation with other stakeholders. Over time, the "narrow focus" applied by different housing program stakeholders can lead to perceptions of competition or even conflict regarding how the community should implement current policy and prioritize housing goals and objectives. These perceptions, and the implementation of housing policy by City staff, are complicated by a variety of socio-economic factors, including local history, race/ethnicity and class divisions, and concepts of individual responsibility and the appropriate role of government.

In complex endeavors such as the development and implementation of housing programs, it is critical to seek out and find clarity of purpose. This is best accomplished by engaging housing stakeholders to identify,

acknowledge, catalog, and build upon points of agreement to develop specific goals and objectives. Communities across the country commonly adopt housing-specific policies, strategies, goals, and objectives to build a shared understanding of housing and improve collaboration among housing stakeholders. For example, the Cities of Reading, Pennsylvania;³ Bay City, Michigan;⁴ Missoula, Montana;⁵ Issaquah, Washington;⁶ and Kirkland, Washington,⁷ have all recently adopted housing strategy documents and related goals and objectives designed to bring attention to housing issues. Although each of the communities above differs from Cleveland Heights, the overall approach they employ to identify housing priorities and build community support is consistent and represents a useful case study. Each of the housing plans referenced above shares important elements that should be replicated by the City, including the following:

- **A steering committee or advisory group.** Including stakeholders outside of the City organization in this group helps to ensure perspectives and feedback from multiple sources are considered as part of the City's overall housing strategy.
- **A thorough environmental scan of housing issues.** By evaluating the socio-economic factors behind housing in the community, the City and its stakeholders can better understand how to target and implement housing goals and initiatives. Housing and real estate markets can change rapidly, and the ongoing COVID-19 pandemic may have lasting, unknown effects on the community's housing market in future years. As the process of developing a clear housing strategy unfolds, it is critical for the City to obtain a current, clear snapshot of contemporary housing conditions.
- **Identification of specific housing-related goals and objectives.** These should be informed by the City's current policies, codes, and planning efforts, including housing-related goals specified in the City's 2017 Master Plan.⁸ The perspectives and priorities of stakeholders should further inform and clarify how the City and its staff will achieve its policy goals.
- **Describe how the City will work with stakeholders to achieve goals and objectives.** To maximize effectiveness, the engagement process should explicitly describe how the City will coordinate efforts with stakeholders to enhance and improve the local housing environment.

The City has a central role to play in coordinating efforts to support its housing program and improve collaboration among stakeholder groups. It is critical for the City, with the active support and involvement of the Housing Department, to facilitate the process of engaging stakeholders and defining clear strategies, goals, and objectives to address housing issues as described above. While this effort can be assigned to in-house staff, it is also appropriate for the City to engage a third-party provider to provide additional capacity and an external perspective on the community's housing approach.

³ City of Reading, Pennsylvania. "Housing and Blight Strategy." May 14, 2019.

<https://www.realestateinberks.com/readinghousingstrategy>

⁴ City of Bay City, Michigan. "Housing Improvement Strategy." January 30, 2017.

<https://www.baycitymi.org/588/Housing-Strategies>

⁵ City of Missoula, Montana. "A Place to Call Home: Meeting Missoula's Housing Needs." 2019.

<https://www.ci.missoula.mt.us/DocumentCenter/View/50833/A-Place-to-Call-Home-Meeting-Missoulas-Housing-Needs-Adopted-PDF>

⁶ City of Issaquah, Washington. "Housing Strategy Work Plan." September 19, 2017.

<https://www.issaquahwa.gov/DocumentCenter/View/4590/07-Housing-Strategy-Work-Plan-Res-2017-14?bidId=>

⁷ City of Kirkland, Washington. "Housing Strategy Plan." April 2018.

<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/HSAG/Housing+Strategy+Plan+Report.pdf>

⁸ City of Cleveland Heights. "Master Plan Goals and Actions." 2017.

<https://www.clevelandheights.com/DocumentCenter/View/157/Master-Plan-Final---Goals-and-Actions-PDF>

Once the goals and objectives for the housing program are developed, the City should formally adopt the plan, distribute copies to community stakeholders, and make the plan publicly available. The final product will provide a framework for all stakeholders to identify how their efforts support the program and its initiatives, increase transparency and understanding regarding stakeholder roles, and support the development and implementation of future housing-related policies and objectives.

Recommendation 2: Conduct a comprehensive review of the City’s Housing Code.

In addition to developing more formalized goals and objectives for the City’s housing program, it is essential to examine the codes and ordinances the Housing Department is responsible for enforcing. Chapters 1341 through 1353 of the Municipal Code constitute the City’s Housing Code. This code was first adopted in 1962, underwent a major revision in 1983, and has been updated periodically since then. The code consists of the following sections:

- **1341 – Definitions:** Provides definitions of terms and phrases used throughout the code
- **1343 – Purpose and Scope:** Describes why the Housing Code was established
- **1345 – Enforcement and Penalty:** Authorizes staff to conduct inspections and describes certain rights of the City
- **1347 – Certificate of Occupancy:** Requires certificates of occupancy for rental structures
- **1351 – Basic Standards for Residential Occupancy:** Describes minimum maintenance standards for residential properties
- **1353 – Additional Standards for Multiple Dwellings:** Describes additional minimum maintenance standards that apply to multiple dwelling structures
- **Appendix – Housing Schedules:** Identifies specific interior and exterior building and trades components that should be inspected during maintenance inspections

These codes form the basis of housing inspection requirements in the City and constitute the specific requirements Housing Inspectors must evaluate during POS, systematic, and follow-up inspections. However, most of the provisions of the Housing Code have not been updated in decades. Of the 124 sections in the Housing Code, 84% were last updated in 1983 or prior, 10% have been updated within the last 10 years, and less than 5% have been updated within the last five years. The following table illustrates the number of sections and when they were last updated.

Table 5: Housing Code Sections – Year of Most Recent Code Update

Year of Most Recent Update	Number of Sections	Percentage of Total
1962	33	26.61%
1970	1	0.81%
1971	1	0.81%
1972	7	5.65%
1979	1	0.81%
1983	61	49.19%
1986	1	0.81%
1995	1	0.81%
1996	2	1.60%
2004	3	2.41%
2006	1	0.81%
2009	1	0.81%
2010	1	0.81%
2011	1	0.81%

Year of Most Recent Update	Number of Sections	Percentage of Total
2012	1	0.81%
2013	4	3.23%
2017	1	0.81%
2018	2	1.60%
2019	1	0.81%
Total	124	100.00%

A significant amount of time has elapsed since the City last completed a comprehensive update of its Housing Code, and it is likely that existing code provisions vary from contemporary code standards used in the building, construction, and housing industry. Additionally, the age and complexity of the current code create a risk that sections of the code may overlap, provide redundant guidance, or no longer reflect contemporary operations in the City. For these reasons, the Housing Department should conduct a comprehensive review and update of the existing Housing Code.

It is important to note that the City's current housing code contains many local provisions that were developed and adapted by the City over the last several decades. The advantage of a local code is that it allows an organization to address code requirements in a highly customizable manner. However, this customization frequently requires a higher level of oversight and adaptation to ensure the code accurately reflects contemporary building and safety standards. In organizations like Cleveland Heights, where staff capacity is limited, it is often difficult to devote additional time to regular code review and updates.

While the City has historically relied on developing its own local codes, it should strongly consider adopting an industry-recognized model code as part of the code review process. The International Property Maintenance Code (IPMC), developed by the International Code Council (ICC), is a comprehensive code that contains general interior and exterior maintenance provisions, as well as provisions related to lighting and ventilation; plumbing, electrical, and mechanical systems; and fire safety.⁹ The IPMC is used by communities across the United States as the basis for property maintenance and enforcement. Examples of Ohio cities similar in population size to Cleveland Heights that have adopted the IPMC include Delaware, Fairfield, Grove City, Lancaster, Strongsville, and Westerville.

There are two key advantages of adopting a model code like the IPMC. The ICC reviews and updates all its codes on a three-year rotating basis, ensuring that the codes accurately reflect contemporary design, construction, and safety standards. This practice significantly reduces the need for local officials to comprehensively review their codes to identify important industry updates; instead, communities that adopt the IPMC simply adopt the latest version that meets their operating needs and community expectations. Adopting a model code thus reduces the burden of comprehensive code revisions and avoids reliance on codes that are several decades old.

Second, property maintenance codes often contain highly detailed and technical provisions, and staff who enforce these codes benefit from regular training in interpreting and applying the code. Organizations like the ICC offer comprehensive training and certification programs designed to educate enforcement officials and ensure they know how to read and apply the code consistently. Ohio communities that rely primarily on state codes for maintenance enforcement can utilize training offered by the Ohio Department of Commerce; however, if there is significant local customization or if the code is largely local, then the City itself must bear the primary burden of educating and training Inspectors on the proper interpretation and application of the code. As a result, utilizing a model code can frequently save organizations time with respect to designing and implementing consistent training practices.

⁹ International Code Council (ICC). 2015 International Property Maintenance Code.
<https://codes.iccsafe.org/content/IPMC2015>

It is important to note that if the City proceeds with a model code, some sections of the existing Housing Code will need to be preserved. For example, Section 1351.33 concerns the registration of vacant dwelling structures. Similarly, the City may choose to amend the model code to better reflect community expectations and the City's unique circumstances. These adjustments should be considered by the Department and submitted to the City's governing body as part of the adoption process.

If the City decides to simply update its existing code rather than adopt a model code, it should ensure that each section and provision meets community expectations and contemporary building and safety practices. Due to the complexity and time-intensiveness of this work, it is appropriate to utilize a contract service provider to preserve staff capacity for enforcement activities. Once the code has been updated, it should be reevaluated every three to five years to avoid becoming outdated.

Updating the current code and/or adopting a model code will also require the Housing Department to engage the City's Law Department regarding code language and adoption. This engagement is critical because the Law Department currently plays an essential role in code enforcement by filing cases and prosecuting property maintenance violations in municipal court. According to staff, varying interpretations about the requirements and applicability of City codes (particularly foreclosure bonds, as described in Section 1351.33(d)) cause confusion for staff and property owners, resulting in inconsistent enforcement. Because notification requirements for some violations, including foreclosure bonds, are not clear as written in the code, it is essential for the Law Department to engage the Housing Department as part of the code review process to standardize code requirements and ensure staff mutually understand how to interpret what the revised code says.

Recommendation 3: Adopt a proactive code enforcement strategy.

The Department currently classifies inspection activities into three different types, as detailed previously. POS inspections apply to all real estate transactions in the City and prevent the title of a property from transferring from a seller to a buyer unless the City has inspected the property for existing code violations. Systematic inspections include interior and exterior inspections of rental properties and exterior inspections of SFR property. Finally, complaint-based inspections involve an inspection that can result directly from a request for service, as well as from violations, such as unpermitted occupancies. Complaints generally relate to exterior maintenance violations but can cover a wide array of issues, including interior conditions in rental units. Complaints are addressed by Housing Inspectors.

The following figure illustrates the average number of inspections conducted by Housing Inspectors for each type of inspection over the last five calendar years, based on summary data provided by the Department. This figure represents the average annual number of inspections conducted in a typical year, including reinspections. Reinspections are included in Figure 4 to provide a more comprehensive view of the Department's workload.

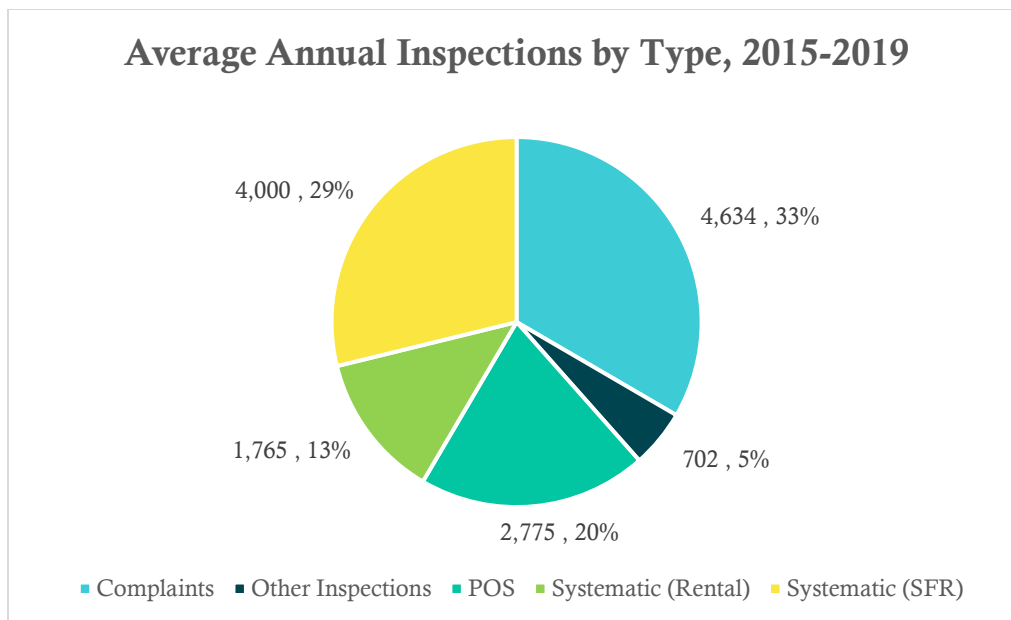


Figure 4: Average Annual Inspections Activity by Type

Of these inspection types, POS and complaint-based inspections are clearly reactive, meaning they are generated as a result of a customer request. The “Other Inspections” category constitutes a relatively small proportion of overall inspections and includes reactive inspections triggered by new business occupancies, requests for reinspections related to active court cases, and advisory inspections requested by residents and property owners to clarify previous inspection results and violation language. The Department’s systematic inspections are more proactive, meaning they seek to identify potential code violations before they are reported to the City. Based on the data above, proactive inspections constitute approximately 42% of the Department’s overall workload.

Responding to reactive complaints is an inescapable aspect of code enforcement service delivery, but a primarily reactive service approach creates challenges for staff and residents alike. The Department currently strives to complete complaint-based inspections within two business days. This represents a relatively quick response time for residents but can potentially interrupt other scheduled inspections. As more complaints come in, the need to defer other inspections – particularly proactive systematic inspections – can dilute the Department’s ability to get ahead of potential violations. Because the Department is less proactive, the likelihood that additional reactive complaints will be generated increases. This creates an enforcement situation where Inspectors are largely responding to complaints and “putting out fires” rather than preventing future violations or catching violations before they become larger issues.

An additional downside to a primarily reactive approach is that it places a significant burden on residents to report violations. This is problematic if residents do not know the current code requirements or what constitutes a violation. Additionally, some residents may be hesitant to contact the City out of fear of retribution, such as increased rent from their landlord. These factors create a clear opportunity for the Department to shift its focus toward more proactive inspections to reduce reactive service requests and provide a higher level of service. This can be accomplished by adjusting the Department’s inspections practices and approach to systematic inspections.

According to staff, in recent years, the Department has assigned Housing Inspectors to specific geographic areas in the City, and Inspectors are responsible for conducting POS, rental, and complaint-based inspections in those areas. This practice is commendable because it allows Inspectors to cultivate familiarity with their district and its residents, as well as learn how property maintenance behaviors change over time.

However, given the recent turnover in the Department – the vacancies in the Chief Housing Inspector position and two Housing Inspector positions – it has been challenging to divide workload geographically, and some staff reported uncertainty about how workload is assigned. As the Department enhances the process of conducting inspections, implements new technologies, and reorganizes its structure as discussed in this report, it should reevaluate the code enforcement patterns across the City and update geographic assignments for each Housing Inspector.

Once geographic assignments are updated, the Department should revise its approach to systematic SFR inspections. Because exterior complaints are reportedly a significant driver of reactive service requests, adopting a more proactive approach to these inspections will ideally create fewer complaints. Specifically, Inspectors should be expected to conduct regular proactive inspections of all SFR properties in their geographic area throughout the year, rather than only selecting specific neighborhoods every five years. This approach ensures that the Department is continuously monitoring property maintenance and compliance trends throughout the City, which will allow it to respond to changing circumstances and adjust staffing and practices more readily to achieve more effective compliance. It also presents a more equitable approach to code enforcement by creating equal opportunities for staff to review all properties in the City rather than looking only at properties that generate complaints.

There are two techniques the Department can use to help ensure that Inspectors proactively monitor properties in their area for potential maintenance issues. The first is to provide Inspectors with dedicated time to travel around their district looking for potential violations. It is important to note that Inspectors currently report any violations they may notice while traveling to other inspections; while this is appropriate and expected behavior, it does not ensure that the Inspector is comprehensively evaluating all properties within the district. The second approach, maintaining a list of properties to be proactively inspected on a monthly and annual basis, helps to ensure that Inspectors visit each property to check for potential violations.

An additional tactic employed by communities with proactive inspection programs is to tailor the inspections process to focus more on high-visibility violations which are likely to require significant staff attention if left unresolved. For example, violations such as tall grass, junk/debris in yards, peeling exterior paint, structural damage (e.g. broken windows or gutters), and other similar nuisances may worsen with time and generate complaints and reactive service requests. By identifying and resolving these violations early, the City will be able to reduce reactive complaints and provide a more uniform level of service across properties.

Communities in Ohio and beyond currently engage in proactive code enforcement in varying ways. The City of Xenia conducts a city-wide “Community Check-Up” in January/February and August/September each year to evaluate exterior property maintenance for all properties. If violations are found, City inspectors make contact with property owners to notify them and coordinate appropriate resolutions prior to opening a formal code case.¹⁰ Similarly, the City of Shoreline, Washington, performs inspections from the public right-of-way to evaluate potential trash, inoperable vehicle, graffiti, and weeds/tall grass violations.¹¹ These approaches help to ensure inspectors build time in the field and become acquainted with all properties in their district, while minimizing the time associated with individually inspecting each property.

¹⁰ City of Xenia. “Community Check-Up.”

<https://www.ci.xenia.oh.us/DocumentCenter/View/251/Community-Checkup-Utility-Bill-Handout-PDF?bidId=>

¹¹ City of Shoreline, Washington. “Proactive Code Enforcement.”

<http://www.shorelinewa.gov/services/customer-response-team/code-enforcement/proactive-code-enforcement>

While implementing a proactive approach to inspections will create changes for staff and residents, it is likely that these changes will enable the Department to foster closer ties with the community, increase awareness of code enforcement activities and resident obligations, reduce reactive complaints, and prevent future violations from occurring. The Department's ability to implement this recommendation is heavily reliant on its ability to modernize existing processes using Citizenserve and adjust staffing, as discussed in Recommendations 7 – 10. Without these improvements, the Department's ability to expand proactive code enforcement practices will be severely constrained by reliance on paper-based processes and a lack of technology resources to effectively analyze and distribute workload.

Recommendation 4: Enhance the Department's guidebook and develop a comprehensive code enforcement policy manual.

The Department currently utilizes a Reference and Training Manual containing a broad array of useful information about code enforcement and housing operations. The Manual is divided into several sections:

- **Housing Summary:** The Housing Department's mission statement and the history/purpose of the Department
- **Inspection Staff:** Descriptions of Housing positions that are responsible for inspections activities
- **Inspection Types:** Descriptions of the types of inspections conducted by Housing staff
- **Inspection Procedures:** Discussion of procedures used to document inspections and results
- **Court Reins & Ticketing:** An overview of ticketing and court procedures
- **Ordinances/Commentary:** An overview of the Housing Code and specific corrective actions that may need to be taken for each section of the code if a violation is found
- **Cross References:** References to other applicable and related codified ordinances
- **Glossary:** An index of terms and definitions

The Manual is comprehensive in the sense that it covers important operational aspects of the Housing Department and provides substantive guidance on how to accomplish inspections. However, staff report that the Manual was last updated approximately 10 years ago, and several sections describe outdated practices and procedures. For example, all the enforcement procedures in the Manual are currently written to assume manual processing and data entry. The Inspection Procedures section references color-coded forms, designations, and symbols that should be used when conducting inspections, and also discusses generating completely handwritten inspection reports. Given the pending implementation of Citizenserve software, designed to dramatically reduce the Department's reliance on manual processes, this section of the Manual will need to be updated to reflect electronic data collection and inspections reporting.

Additionally, the Court Reins & Ticketing section describes how to write tickets and prepare information for court proceedings; however, during interviews, staff indicated that they do not write tickets. Only the Housing Inspector/Court Representative position is responsible for coordinating ticket issuance with the City's legal team and for representing the City during court proceedings. This section of the Manual should be updated to reflect contemporary court case development and ticketing practices.

Should the City update its code, as detailed in Recommendation 2, the Ordinances/Commentary section will need to be revised to reflect the updated codes, provide Inspectors with direction on how to use discretion when inspecting for compliance, and incorporate references to appropriate training and certifications. Discretion is a key element of code enforcement, and staff currently use a variety of approaches to encourage compliance. Some Housing Inspectors apply a "traditional" approach involving direct and rigid adherence to codes as written. This approach operates on the assumption that consistent notice of the violation provides the most equitable enforcement. Other Housing Inspectors apply a "cooperative compliance" or "facilitative" approach focused on notification and informal communication to support compliance. Both of these approaches can be valid, and the Department's Manual should provide Inspectors with the appropriate context and guidelines for enforcing codes and effectively utilizing their discretion. Without this context, the services provided by Inspectors are more likely to be perceived

as inconsistent by the community, and owners with similar violations may experience radically different treatment from Department staff.

There are also opportunities to revise the Manual for consistency and to incorporate other elements of Housing policy and administration, as detailed in Recommendations 1-3. While many examples of code enforcement manuals are available, the Code Enforcement Policy Manual used by Fremont County, Colorado, represents a concise, thorough approach to high-level code enforcement concepts.¹² The City of Huber Heights, Ohio, also uses a procedures manual designed to provide important policy and procedural context to code enforcement officers.¹³ The strength of this manual is that it walks through each violation and discusses contributing factors and considerations that should be weighed by Inspectors. San Bruno, California,¹⁴ and Albany, New York,¹⁵ also publish code enforcement manuals that contain similar elements and provisions.

The Housing Director should be responsible for revising the Department's Reference and Training Manual in collaboration with staff, e.g., by using a staff committee. Utilizing a committee to evaluate and update the Manual creates several advantages. First, it allows staff who engage in day-to-day inspections to participate and share perspectives, strategies, and techniques for effective enforcement. Second, it allows the Director to delegate some time-intensive research and drafting elements of revising the manual to staff while ensuring the product conforms to the Department's strategic goals and objectives. Finally, the process of collaborating on the Manual creates an opportunity for the Department to form closer ties and working relationships.

The updated Manual should be published electronically and should be made available to the Department's staff. It is also appropriate to post the Manual on the City's website as a resource for residents and customers who undergo inspections. The Manual should continue to be updated regularly, such as every three to five years, to ensure it appropriately reflects the Department's practices and operating procedures.

Recommendation 5: Expand tenant education regarding the use of rent escrow accounts if landlords fail to remedy violations.

A common issue experienced by the Department and municipalities across the country involves landlord compliance with property maintenance regulations. While many landlords invest time and money into their properties to keep them well-maintained, other landlords are less forthcoming. It can be particularly time-consuming and difficult to resolve code violations in rental units when the unit is occupied by a tenant, but the landlord lives out of the area or is difficult to reach. For example, if a landlord refuses to schedule required systematic inspections, or if the landlord allows systematic inspections but fails to remedy violations, the Department's primary enforcement mechanism relies on filing criminal charges in Municipal Court. This can create lengthy delays if out-of-area landlords decline to report for court, and these delays can be further exacerbated if the landlord proceeds to lease units while still in violation of the City's codes.

The Department should continue to avail itself of all legal remedies to address noncompliant landlord violations, particularly if expanded civil actions are implemented, as discussed in Recommendation 6. In addition to these activities, it is also appropriate for the Department to more proactively engage tenants to

¹² Fremont County, Colorado. "Code Enforcement Policy Manual." August 2018.

<https://www.fremontco.com/files/planning-and-zoning/cepolicy.pdf>

¹³ City of Huber Heights, Ohio. "Enforcement Standard Operating Procedures." July 2018.

<https://www.hhoh.org/DocumentCenter/View/562/Enforcement-Standard-Operating-Procedures-PDF?bidId=>

¹⁴ City of San Bruno, California. "The Code Enforcement Strategy Guide." August 2011.

<https://www.sanbruno.ca.gov/civicax/filebank/blobdload.aspx?blobid=24234>

¹⁵ City of Albany, New York. "Residential Property Guide." August 2017.

[https://www.albanyny.gov/Libraries/Forms -
Buildings Codes Zoning/Residential Property Guide v 2 8 28 17.sflb.ashx](https://www.albanyny.gov/Libraries/Forms_-_Buildings_Codes_Zoning/Residential_Property_Guide_v_2_8_28_17.sflb.ashx)

help encourage landlords to comply with code requirements. This can be accomplished using rent escrow accounts, as described in the Ohio Revised Code (ORC).

ORC Chapter 5321 describes relationships between landlords and tenants. Section 5321.04 notes that landlords who are party to rental agreements must “comply with the requirements of all applicable building, housing, health, and safety codes that materially affect health and safety” and “make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition,” among other provisions.¹⁶ It is reasonable to conclude that in Cleveland Heights, these provisions mean that landlords must comply with the City’s rental registration and inspection requirements to maintain compliance with applicable codes and condition standards.

If a landlord fails to comply with these obligations, the ORC authorizes tenants to notify landlords in writing specifying the violations that constitute noncompliance. If the landlord still fails to remedy the issue, and the tenant is current on rent, ORC provides the tenant with three options:¹⁷

- Deposit all current and future rent due with the clerk of the municipal court
- Apply to the court for an order directing the landlord to remedy conditions
- Terminate the rental agreement

The deferral of rent revenue can be a powerful incentive for landlords to remedy material violations. During interviews, staff reported that they have previously informed tenants of their rights to withhold rent under the ORC, as described above. This practice should be expanded, and the Department should collaborate with the City’s legal counsel and Municipal Court to develop materials and procedures designed to educate tenants in similar situations.

The goal of this outreach should be to build collaborative relationships between tenants and the Department to secure compliance with the City’s codes. The Department should avoid pressuring tenants to exercise their rights under ORC 5321. Rather, the Department’s focus should center on clearly and concisely explaining the tenant’s options if the tenant occupies a rental unit with deficiencies that the landlord refuses to remedy. This approach will help develop the Department’s relationships with residents while educating the community about rental standards, and it provides an additional mechanism to raise landlord awareness and encourage compliance.

Recommendation 6: Utilize civil procedures to enforce violations where appropriate.

While the Department seeks to achieve voluntary compliance with City codes, additional enforcement actions are sometimes warranted to remedy code violations. In the event of repeated non-compliance with notices of violation, the Department currently pursues a mixture of criminal and civil penalties. Violations of Housing Code sections 1351.14, 1351.33, 1347.01, and 1347.04 are criminal offenses that constitute minor misdemeanors,¹⁸ although Section 1351.991 also permits civil penalties for nuisance items and rubbish left on residential properties outside of regular trash collection times. Nuisance code violations described in Chapter 553 generally permit the Department to abate nuisances involving vegetation, structures, and building maintenance issues, and criminal activities. If the property owner does not reimburse the City for the costs of the abatement, the City may certify the abatement to the County Fiscal Officer for collection as a tax lien or pursue civil court actions against the property owner.

In general, civil actions and penalties can provide advantages compared to criminal proceedings, particularly in the context of code violations. A publication presented at the 2014 Winter Conference of the Ohio Township Association entitled “Legal Aspects of Code Enforcement: From Adoption Through Litigation” provides key insights into the differences between criminal and civil actions. Civil actions offer

¹⁶ Ohio Revised Code. Chapter 5321. Section 5321.04. <http://codes.ohio.gov/orc/5321>

¹⁷ Ohio Revised Code. Chapter 5321. Section 5321.07. <http://codes.ohio.gov/orc/5321>

¹⁸ City of Cleveland Heights. Municipal Code. Section 1345.99 Penalty.

plaintiffs the opportunity to ask the Court for a permanent injunction regarding the violating behavior, which remains in effect even after the violation is remedied. Civil actions also require the plaintiff to prove “clear and convincing” evidence as opposed to guilt “beyond a reasonable doubt,” which can make cases easier to prove. Additionally, there is no right to a jury trial for civil proceedings, which can shorten the proceedings compared to criminal actions.¹⁹

Other Ohio communities, including the City of Columbus, utilize both civil and criminal actions to enforce housing, nuisance, and other related codes.²⁰ This approach helps to ensure that the City can target legal actions to help spur voluntary compliance and prevent future violations from occurring.

Expanding the Department’s ability to pursue civil actions is not likely to directly improve compliance or reduce the need to generate court cases in the near-term. However, adding this legal tool to the Department’s toolkit increases the likelihood that court proceedings, for some cases, will be resolved more quickly than under the current criminal procedure.

It is important for the City to carefully explore the legal ramifications and requirements of expanding the use of civil actions in consultation with its legal counsel. To the greatest extent possible, the procedural and documentation requirements needed to support civil proceedings should be incorporated into the Department’s Citizenserve system and should be readily available to assist with the development of case histories. Additionally, if and when the City engages in a comprehensive code review, as discussed elsewhere in this report, specific consideration should be given to expanding access to civil actions as part of the code update.

Technology Enhancements and Process Improvement

Recommendation 7: Create a Citizenserve implementation committee to assist with process improvement and troubleshooting.

In addition to effective policy guidance, as described above, it is critical for the Housing Department to build additional technology capacity and modernize its existing systems. The Department’s current organizational structure and key business processes are entirely organized around the use of manual activities, paper forms and files, and data entry into a legacy AS/400 system. For example, the Department’s Office Assistants manually schedule inspections for Housing Inspectors on sheets of paper and distribute these to Inspectors each day. The Office Assistants also create and manage paper inspection files with property records and previous inspection information for Inspectors to use in the field. During inspections, Inspectors complete handwritten checklists and return these lists and notes with the accompanying case file to the Office Assistants for processing. If additional follow-up is required, such as preparing a case for a court citation, the Office Assistants are responsible for preparing relevant information and physically passing case files to the Housing Inspector/Court Representative for further processing. Inspectors do not currently have regular access to City-issued computers or telephones, and communication within the Department largely occurs in-person or by writing on paper.

It is difficult, if not impossible, to create a high-functioning housing program given these technology limitations. The current over-reliance on paper processes creates operational delays, opportunities for error and inconsistency, and significantly limits staff’s ability to effectively monitor and evaluate workload and service trends. Even if the City revises its policies and fully staffs existing Housing positions as described

¹⁹ Griggs, Peter N. “Legal Aspects of Code Enforcement: From Adoption Through Litigation.” 2014. Page 27. <https://ohiotownships.org/sites/default/files/Legal%20Aspects%20of%20Code%20Enforcement.pdf>.

Although this publication was written for Ohio townships rather than cities, the distinction between criminal and civil proceedings involves well-established legal precedents that apply to cities as well as townships in Ohio.

²⁰ City of Columbus. Violation Notice. <https://www.columbus.gov/development/code-enforcement/Violation-Notice-Information-Page/>

in this report, the lack of appropriate technology resources places a significant constraint on the Department's ability to provide effective service.

However, as mentioned previously, the Department is in the process of implementing the Citizenserve software program to improve its technology. Citizenserve is a comprehensive community development software platform that was procured by communities in the regional First Suburbs Housing Committee, including Cleveland Heights. Citizenserve is a highly customizable software platform that includes modules related to rental permitting, landlord local agent registries, vacant property registrations, and property maintenance inspections. The software is capable of supplanting the Department's reliance on paper-based processes and empowering Inspectors to exercise more direct responsibility for scheduling, caseload entry, and records management. To implement the program effectively, the Department cannot simply replicate its current procedures in the Citizenserve software platform. Rather, it must thoroughly and critically examine how it currently accomplishes key processes (such as property maintenance inspections, issuing violation notices, referring casers to municipal court, and scheduling inspection requests) and develop more streamlined approaches that can be quickly and accurately carried out using Citizenserve and that can be easily adapted to future code updates.

Conducting a thorough process review in conjunction with the implementation of new software is a complex undertaking. At the time of this assessment, the Housing Department Director had taken a lead role in the implementation process and serves as the project manager and liaison with Citizenserve representatives. There has been minimal involvement of other Department staff members outside of initial system overview and training efforts. While Citizenserve implementation is the responsibility of the Director, it is difficult for a single individual, regardless of their subject matter expertise, to adequately capture the myriad process and program issues that should be addressed during implementation. Because the Director has other significant responsibilities, this approach also risks creating a chokepoint in the implementation process that could ultimately slow implementation. At best, implementation may lag and miss important process element considerations and changes. At worst, the implementation may fail due to a lack of sufficient staff capacity or an inability to effectively revise the Department's processes.

Developing clean and efficient workflow processes with the new system is critical to ensure that inefficient practices are not captured and retained, and it is inappropriate to assign this responsibility entirely to the Director. To better support the software implementation process and develop more effective workflow practices, the Department should create a Citizenserve implementation committee consisting of key staff from multiple disciplines and viewpoints, including the following:

- The Housing Director
- The Housing Inspector/Court Representative
- A Housing Investigator
- The Housing Program Coordinator
- An Office Assistant
- A representative from SAFEbuilt
- A representative from the City Manager's Office/Finance Department

Under this structure, the Housing Director will still serve as the overall project manager for Citizenserve implementation and will be responsible for overseeing and managing timelines, resolving conflicting priorities, removing roadblocks, approving decisions, and escalating issues to the City's executive leadership regarding significant changes (timeline, quality, scope, budget, resourcing). The implementation committee members will be responsible for assisting the Director throughout implementation. The implementation committee should be tasked with two key responsibilities: establishing an implementation calendar with milestones for project completion and developing streamlined processes and workflows to maximize the effectiveness of Citizenserve.

While staff anecdotally reported varying timeframes regarding Citizenserve implementation, the Department does not currently utilize a formal development or implementation schedule. A project calendar or implementation schedule is an important accountability and time management document that describes a logical sequence of initiatives to move the project from its original concept to final implementation. To help ensure that expectations regarding Citizenserve implementation are clear and to increase awareness about how the implementation will proceed, the committee should develop a formal schedule describing when modules will be scheduled for deployment and when processes associated with those modules will be reviewed for effectiveness. At a minimum, the project schedule should contain the following elements:

- **Number and brief descriptions of project phases.** A project phase is a manageable portion of work that is accurately defined and measured by a deliverable and timeframe. For example, the development and deployment of each Citizenserve module could constitute an independent project phase.
- **Major activities and deliverables for each phase.** The implementation schedule should specify the workflow processes to be reviewed and the resulting elements that should be included in each Citizenserve module, and provide a timeline for generating and delivering these results to the software vendor.
- **Responsibilities and assignments.** Completion of each project phase requires allocation of responsibilities. The project manager should set employee responsibilities and assignments for each phase and define which committee members are responsible for working on the phase.

Once the project schedule is formalized, the committee can turn to the important, time-intensive task of developing streamlined processes and workflows for incorporation into Citizenserve. To develop revised workflows, the implementation committee should inventory and map key processes and tasks performed by Department staff, including but not limited to scheduling inspections, performing inspections, logging inspection activities, notifying property owners of violations, and referring cases for abatement and/or adjudication. For each key process, the committee should develop a proposed workflow that defines the most efficient way to accomplish the process, given current code requirements and applicable regulations. Once the most efficient process steps are identified and approved by the committee, the Director should refer the process to Citizenserve for incorporation into the software system.

Utilizing a cross-functional implementation team will allow the Department to ensure that streamlined processes meet staff and customer needs while complying with applicable codes and regulations. Additionally, incorporating a third-party perspective (such as a representative from SAFEbuilt) provides a mechanism for additional quality control and vetting proposed workflows against industry best practices and the experiences of other organizations. It is essential for the implementation committee to develop, recommend, and implement business processes that fully leverage the Citizenserve platform and maximize efficiency, even if these processes significantly impact how staff accomplish their assigned tasks in the future.

Recommendation 8: Provide Inspectors with computers and telephones.

Implementing Citizenserve will create significant opportunities for the Department to adopt more efficient and effective business practices, which will maximize the capacity of existing positions and enhance customer service. However, it is essential for the Department to ensure that all of its staff, particularly Housing Inspectors, are properly equipped to utilize Citizenserve and provide more direct support to residents and property owners.

As mentioned previously, although Inspectors spend considerable time in the field performing inspections, they are not provided with City-issued telephones or computers to perform their duties, and all inspection activities are logged manually in paper case files. Access to daily assignments, requests, and inspections are provided to Inspectors via Office Assistants in writing or verbally, and once inspections are completed,

Inspectors provide written results to Office Assistants for data entry and processing. According to staff, Inspectors only recently received access to the City's email system.

Without appropriate technology tools, Inspectors cannot effectively communicate with members of the public or their own colleagues regarding nuisances, cases, complaints, and other core features of their daily tasks. It is essential for the Department to procure appropriate technology tools to enable all Department staff, particularly Inspectors, to fully utilize Citizenserve, reduce or eliminate reliance on paper processes, and allow staff to digitally track and record information in the field.

According to staff, the Department plans to provide tablets to the Inspectors as Citizenserve is deployed. This is appropriate but is only one necessary step. Inspectors should also be provided with mobile phones to enable residents and property owners to directly reach staff. Access to phones is also a safety concern: in some cases, Inspectors may be asked to visit and document potentially hazardous situations in the course of their routine job duties, and it is important that they have ready access to reach emergency services should the need arise.

As the Citizenserve implementation process unfolds, the implementation committee should document other technology needs as a result of implementing the new software. The Director should engage the City's technology staff to prioritize, procure, and deploy any additional hardware that may be required for Inspectors or other Housing Department Staff.

Department Structure

The following recommendations describe changes to the Housing Department's organization, roles, and responsibilities for staff members. Implementing the recommendations included in this section will result in the following organizational structure. New and reclassified positions are highlighted in blue boxes.

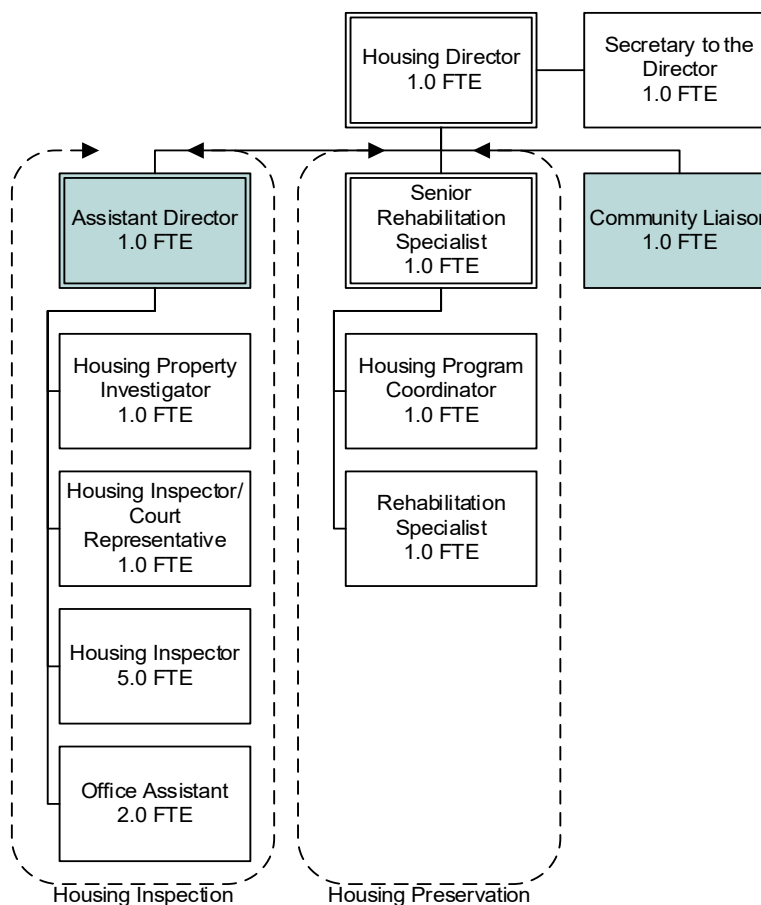


Figure 5: Recommended Changes to Housing Department Organization

Recommendation 9: Reclassify the Chief Housing Inspector as an Assistant Director.

The Chief Housing Inspector position functions as an assistant to the Housing Department Director and is primarily responsible for resolving questions, complaints, and appeals from property owners; training new Housing Inspectors; and conducting quality control reviews. The position is currently vacant, and the Director has assumed responsibility for carrying out the day-to-day and supervisory duties assigned to this position.

This arrangement creates a key challenge for the Department. The Director must supervise all staff who would ordinarily report to the Chief Housing Inspector in addition to several other personnel. At the time of this assessment, the Director's span of control consisted of approximately 11 direct reports, including the Housing Inspector/Court Representative, three Housing Inspectors, the Housing Property Investigator, the Senior Rehabilitation Specialist, the Housing Program Coordinator, Secretary to the Director, and three Office Assistants. This requires the Director to spend a significant amount of time each day delegating assignments, following up on complaints and requests, and managing operations, leaving little time to coordinate strategic projects and the Citizenserve implementation, as discussed previously.

The policy, strategy, and technology recommendations discussed previously are (properly) the responsibility of the Director to manage and oversee, but it is unreasonable to expect the Director to address these responsibilities given the lack of middle management staff to support operations. Given the Department's current vacancies and the fundamental operational changes that are likely to be triggered by Citizenserve implementation, the Department should realign its structure to better support future operations and service delivery.

The first step in this process involves reclassifying the Chief Housing Inspector as an Assistant Director for several important reasons. The Chief Housing Inspector's job description was last revised in 1999 and has not experienced a major revision since that time. The job description currently lists the Chief Housing Inspector as reporting to the Housing Commissioner, a position that no longer exists within the City. Additionally, the responsibilities currently assigned to the Chief Housing Inspector extend beyond the mere supervision of Inspectors and include broader management responsibilities, such as assisting the Director with establishing code enforcement policy and preparing and presenting cases in court as needed. Finally, while the role of the Chief Housing Inspector has been consistent over the years, the specific operational practices this position oversees are likely to change significantly as the Citizenserve implementation process unfolds. The Department would benefit from an additional senior management position to help champion Citizenserve and ensure staff properly utilize the new system.

The Assistant Director should be responsible for all functions currently assigned to the Chief Housing Inspector, as well as direct supervision of the Department's Housing Property Investigator and Office Assistant staff. Transferring these personnel to the Assistant Director reduces the Director's span of control and provides the Director with additional capacity to focus on complex strategic and technology-related initiatives, as described earlier in this report. Additionally, this adjustment provides the Assistant Director with direct oversight of the entire code enforcement function, including caseload management, problem property investigations, follow-up and abatement/enforcement actions, and the administrative support processes needed to accomplish work efficiently and effectively. This will enable the Assistant Director to cultivate a more team-oriented, collaborative approach to service delivery among staff and support the Department's efforts to enhance service delivery. The Assistant Director should also play a key role in connecting Inspectors with Housing Preservation staff to better support eligible residents who may qualify for assistance programs to remedy code violations.

Creating an Assistant Director position also provides the Department with clearer leadership and accountability in the Director's absence and retitles the Chief Housing Inspector position to better reflect the full scope of its assigned responsibilities. As a senior manager, it is also appropriate for the Assistant Director to oversee and manage contracts for services, including but not limited to the Department's contract with SAFEbuilt for POS inspection services and other contracts for abatement, demolition, and nuisance property remediation.

It is likely that reclassifying the Chief Housing Inspector as an Assistant Director will result in additional costs for the City; however, the full scope of these costs is difficult to quantify. Due to the age of the current job description and the scope of new responsibilities described above, the City should conduct a position study to revise the job description and determine an appropriate level of compensation that balances market considerations with the City's existing classification system. The total cost of a new hire may also be impacted by the particular skills and qualifications of selected applicants. For example, if the City adopts the IPMC as described in Recommendation 2, it should seek to recruit an Assistant Director who carries IPMC certifications and can support training Inspectors. This may require additional compensation to secure a qualified, certified candidate.

Recommendation 10: Continue utilizing SAFEbuilt to conduct POS inspections and fill a vacant Housing Inspector position.

Based on summary data provided by the Department, inspections-related workload is significant. Across all inspection types, the Department has performed approximately 13,900 inspections on average each year, as illustrated in the following table.

Table 6: Housing Inspections Workload, 2015-2019

All	2015	2016	2017	2018	2019	Average
Complaints	5,529	5,879	4,684	4,829	2,250	4,634
Other Inspections						
Initial	101	124	544	279	252	260
Reinspection	445	476	548	517	223	442
Other Inspections Subtotal	546	600	1,092	796	475	702
POS						
Initial	1,079	1,250	1,089	1,143	1,497	1,212
Reinspection	1,466	1,365	1,558	1,699	1,731	1,564
POS Subtotal	2,545	2,615	2,647	2,842	3,228	2,776
Systematic (Rental)						
Initial	908	890	625	811	1,021	851
Reinspection	787	810	1,027	869	1,075	914
Systematic (Rental) Subtotal	1,695	1,700	1,652	1,680	2,096	1,765
Systematic (SFR)						
Initial	1,845	2,379	1,634	2,410	1,984	2,050
Reinspection	2,624	1,475	2,123	1,572	1,954	1,950
Systematic (SFR) Subtotal	4,469	3,854	3,757	3,982	3,938	4,000
Total	14,784	14,648	13,832	14,129	11,987	13,877

Notably, a breakout between initial and reinspections for complaints was not readily available, and the table above illustrates total overall complaint-based inspections.

The Department currently allocates inspections workload among a variety of personnel due to the number of inspections required and ongoing staff vacancies. At the time of this assessment, two contracted SAFEbuilt staff are responsible for POS workload (approximately 2,775 inspections annually), while five Housing Inspectors are responsible for the balance of inspection activities. However, two Housing Inspector positions are currently vacant, meaning three Inspectors are responsible for approximately 11,101 inspections per year.

The most effective way to determine whether current staffing levels are appropriate for this workload is to compare the average labor hours needed to accomplish inspections of various types to the total overall number of inspections performed. However, the Department does not currently track labor hours on a per-inspection basis. Collecting this information and other important performance-related data, as described in Recommendation 14, will support the Department's efforts to analyze staffing more accurately in the future.

Alternatively, it is appropriate to compare the average number of inspections conducted per workday to the number of available staff. First, the average number of annual inspections currently assigned to Housing Inspectors (11,101) is divided by the average number of workdays in a given year (252) to calculate the average number of inspections that must be completed each day (44). Dividing 44 daily inspections workload by three available Inspectors results in an average daily workload of 15 inspections per Inspector. This is a significant inspections burden. While the amount of time needed to conduct inspections varies based on the property type, inspection type, and conditions on the ground, Inspectors must also travel from location to location throughout the day. Completing 15 inspections on average each day gives each Inspector about 30 minutes to travel to each location and perform inspections, which is likely infeasible given the complexity of many inspections.

Conducting a similar analysis for POS inspections indicates that an average of 11 inspections would need to be conducted each day on average to meet historical workload trends. This leaves approximately 45 minutes for a single Inspector to accomplish each inspection, including travel. Because POS inspections are more time-intensive and involve exterior and interior components, shifting this workload back to in-house staff would likely require at least two dedicated personnel to reasonably manage.

Based on this analysis, the Department should continue to utilize SAFEbuilt to conduct POS inspections for several reasons. First, this approach allows the Department to focus existing staff on systematic inspections and cultivate a more proactive service delivery approach, as described in Recommendation 3. Additionally, retaining SAFEbuilt services for POS inspections allows the City to connect POS inspection fees with service delivery costs more effectively. While the per-inspection fee charged to the City by SAFEbuilt was not readily available, the City charges customers \$200 for each POS inspection and \$50 for additional units inspected in multifamily structures. The City should ensure these fees are sufficient to cover SAFEbuilt contract costs as well as the costs of administering the SAFEbuilt contract. Finally, utilizing contract staff for this program prevents the Department from over-relying on in-house personnel as it continues to develop housing policies and codes and implement new technologies.

It is also appropriate for the Department to fill one of the vacant Housing Inspector positions to help carry the workload assigned to in-house staff. Filling a vacant position will reduce staff's average daily workload to approximately 11 inspections per Inspector, providing about 45 minutes per inspection on average. While this is still a relatively tight timeframe for inspections, it is appropriate to hold the remaining Housing Inspector position open for several reasons.

First, the extent to which inspections workload is a direct result of the current process inefficiencies is unclear. For example, if a significant number of reinspections occur because too much time has passed between the initial inspection and the time the case was manually processed, the Department's inspection workload may be inflated.

Second, as the Department continues to develop a proactive code enforcement strategy and implement technology solutions as discussed in Recommendations 7 and 8, the amount of time needed to accomplish and process inspections is likely to decrease. This will enable Inspectors to handle larger caseloads more rapidly and with less risk of human error, resulting in a higher level of service for customers.

Finally, other staffing needs may emerge as the Department continues to modernize and adopt new approaches. Other external factors, such as the ongoing COVID-19 pandemic, may have long-lasting and unknown impacts on the community's housing market, property maintenance cases, and enforcement efforts. Leaving a position vacant provides the Department with some flexibility to use this position to address important needs as the Department and the community's environment evolve.

However, it is important to emphasize that the vacant Housing Inspector position should not be held open in perpetuity. At a minimum, the Department should conduct a workload analysis of Department activities in the next two to four years that captures the effect of other recommendations in this report, the impacts of Citizenserve deployment, and local housing market/workload trends in the aftermath of the COVID-19 pandemic. It should also evaluate the cost-effectiveness of using SAFEbuilt for POS inspections compared to internal staff over the same period. Based on the findings of this analysis, the Department and the City should determine whether to continue existing service approaches or adjust staffing levels as needed. If workload demands in other functional areas require additional staffing, such as additional investigations support, then the vacant Housing Inspector position should be reclassified to best meet the Department's contemporary staffing needs.

Recommendation 11: Fill the vacant Rehabilitation Specialist position.

The Department's Housing Preservation Office is staffed by a Senior Housing Rehabilitation Specialist, a Housing Rehabilitation Specialist, and a Housing Program Coordinator. These personnel connect

Cleveland Heights property owners and residents with program opportunities and funding designed to address maintenance issues and violations. The programs are funded using grants from HUD, which requires that all program participants meet eligibility requirements based on age, disability, and/or income.

Programs for seniors and the permanently disabled include the following:

- **Exterior Paint Grant:** Grant of up to \$3,500 to be applied toward labor and paint materials
- **Violation Repair Program for Seniors:** Assistance with corrections of exterior violation repairs
- **Deferred Loan Program:** Loan of up to \$35,000 secured by equity in the property to correct interior/exterior violations as well as general upgrades and home improvement

Programs for income-eligible households include the following:

- **Short Term Deferred/Emergency Loan:** Loan of up to \$7,500 secured by equity in the property for health and safety issues and correction of violations
- **No Interest Loan:** Loan of up to \$35,000 secured by equity in the property to correct interior/exterior violations as well as general upgrades and home improvement

Additionally, as part of the City's Lead Safe program, the Senior Housing Rehabilitation Specialist and Housing Rehabilitation Specialist assist eligible applicants with pre-qualifications for lead abatement grants, coordinate lead abatement contracts by securing bids from three qualified contractors, and provide project management and contract closeout services. However, the Housing Rehabilitation Specialist position is currently vacant, and the Senior Housing Rehabilitation Specialist is the only position in the Department with significant familiarity and expertise regarding general contracting, trades work, and lead paint remediation required to successfully administer HUD programs. The breadth and depth of technical skill required to be effective in this role can be difficult to locate and replace, and it is essential for the Department to ensure it has sufficient staff support to learn the intricacies of HUD program administration, develop relationships with contractors and clients, and manage grant programs.

To support succession planning and seamless service delivery to the community, the Housing Department should fill the vacant Housing Rehabilitation Specialist position. Because this position is already authorized, filling the vacancy is not expected to result in additional overhead costs. However, ensuring the position is filled will provide the Department with additional capacity to manage important grant funds, preserve institutional knowledge, and maximize service delivery to the community.

Recommendation 12: Reallocate duties assigned to Office Assistant positions as Citizenserve implementation proceeds.

The Housing Department is heavily dependent on the activities of the three existing Office Assistant positions to coordinate and process routine daily activities, as described previously in this report. Virtually all current processes in the Housing Department are manual, including but not limited to the following:

- Phone/Counter inquiries and transaction processing
- Inspection scheduling/communication to Housing Inspectors
- Reinspection scheduling/communication to Housing Inspectors
- Inspection data entry from forms to legacy AS-400 system
- Update data entry to legacy AS-400 system
- Rental inspection coordination
- Systematic inspection coordination
- Escrow amount data entry
- Mass mailing preparation
- Complaint processing/assignment

The existing manual processes are slow, repetitive, and disjointed, impacting the efficiency of the Department. The excessive manual data handling also negatively impacts effective communication among

staff members and clients. In practice, requiring Office Assistants to manually shepherd individual cases and requests through process steps creates “chokepoints,” which impede turnaround times and increase the likelihood that human error will interrupt workflow. During interviews, staff described an informal category of inspections – “as time permits” inspections – which are the direct result of backlogs associated with manually processing case reports. For example, if a Housing Inspector notices a violation on a property, they will note the violation in the case file and give it to the Office Assistants to process and issue a notice of violation. If the Office Assistants become too busy or forget to process the case file, a significant amount of time may pass between when the violation was first observed and when the Office Assistants have time to process the case and mail a notice. In that time, the property owner may have remedied the violation, so the Office Assistants request Inspectors to revisit and reinspect the property “as time permits” to see if the violation is still present. Although the number of “as time permits” inspections conducted by staff is not readily quantifiable, this practice represents a significant inefficiency in the Department’s current workflow processes.

Fortunately, the ongoing Citizenserve implementation will support efforts to streamline the inspections and notification process. By implementing Citizenserve, the Department will be able to automate and simplify many of the processing tasks currently performed by Office Assistants, including scheduling inspections and reinspections, recording case notes, preparing and recording violation notices, and calculating escrow amounts for POS inspections. These changes will empower Inspectors to provide more proactive and responsive service to the community but will significantly reduce the need for Office Assistants to participate in most routine processes.

It is difficult to estimate and quantify the precise workload impacts associated with Office Assistants given the ongoing implementation of Citizenserve and its potential impacts on administrative workflow. However, given the system’s capabilities and the likelihood that it can successfully automate key processes or enable Inspectors to accomplish processes on their own, the Department should consider dividing administrative support duties among two Office Assistant positions as Citizenserve reduces the need for manual administrative support. The two Office Assistants should share responsibility for customer service, mass-mailing, auditing/managing Citizenserve modules related to rental licensing and occupancies and vacant owner registrations, and other administrative tasks assigned by the Assistant Director.

The Department should conduct a workload analysis to determine the need for a third Office Assistant position following the implementation of Citizenserve. This analysis should contemplate the duties and responsibilities that require administrative support after implementation, coverage requirements for phones and the customer service desk, and any additional administrative support needs that may exist in the future. If this analysis demonstrates a need to retain the Office Assistant position, then the duties and responsibilities of the position should be clearly defined in the context of other administrative support staff. If the analysis determines that the Office Assistant position is not warranted, then the Department should determine whether to reclassify or repurpose the position.

Recommendation 13: Create a Community Liaison position.

As the Department implements a more strategic approach to housing issues and code enforcement, there are significant opportunities to expand collaboration with outside entities and neighborhood groups. The City currently includes 11 commercial districts, three neighborhood groups, and several community development corporations (CDCs), all of which are connected to housing and property maintenance issues. In addition to these external stakeholders, the City routinely collaborates with other local organizations and service agencies. The Department’s ongoing effort to implement Citizenserve is a recent example of this collaboration, as this effort was initiated by Cuyahoga County and is being implemented simultaneously by several area communities.

A common approach used by municipalities across the country to assist with neighborhood development and coordination activities is to create a community liaison position. For the purposes of this assessment,

four similar positions were identified in the City of Hampton, Virginia;²¹ the City of Lodi, California;²² the City of Norfolk, Virginia;²³ and the City of Peoria, Illinois.²⁴ The specific titles and compensation structures of these positions vary, but they generally share similar responsibilities:

- Serving as a liaison between the City/Department and stakeholders
- Providing support to community groups
- Helping residents/customers navigate processes and programs
- Listening and responding to complaints and service requests
- Planning and implementing community development activities, such as neighborhood planning efforts, strategy/visioning sessions, and assistance programs

After the Department implements Citizenserve and has a better understanding of how the software and process automation impacts core staffing requirements, it should evaluate the need for a Community Liaison position with similar responsibilities to the positions described above. Specifically, the Community Liaison should report to the Housing Director and be responsible for coordinating external communications to residents, business owners, CDCs, and other groups, including attending regular stakeholder meetings to discuss housing and code enforcement-related issues. This position should also help maintain awareness about difficult/protracted violation cases, educate community members about how enforcement works, and provide practical insight and education regarding preventing violations and dealing with complex cases.

The Community Liaison will serve as a central connection point for the Department to the community, and creating this position will enable the Housing Director to more effectively focus on long-term strategic goals and monitor the overall effectiveness of the Department. By creating a position solely dedicated to neighborhood outreach and engagement, the Department will become a more active participant in community discussions about housing issues and build effective relationships that help to strategically address the community's housing challenges.

The Department could fill this position in a variety of ways, including hiring a new position or reclassifying an existing position if the Citizenserve implementation creates significant efficiencies as described in Recommendation 7. However, it is advisable for the Department to evaluate the full impact of Citizenserve on operations and staffing requirements before committing to creating and filling the Community Liaison position.

Management Practices

Recommendation 14: Establish performance measures and track workload and performance using Citizenserve.

The Department's ability to track workload and performance data is significantly constrained by manual, paper-based processing and its legacy AS/400 system, as described throughout this report. As the Department implements the policy recommendations and technology components described in this report, it is essential to more effectively measure and track how well it meets its service delivery goals. This is commonly accomplished using formal performance measures.

²¹ <https://www.governmentjobs.com/jobs/2742280-0/neighborhood-development-associate>

²² <https://www.governmentjobs.com/jobs/2678171-0/neighborhood-services-manager>

²³ <https://www.governmentjobs.com/jobs/2649002-0/neighborhood-development-specialist>

²⁴

<http://agency.governmentjobs.com/peoria/default.cfm?action=specbulletin&ClassSpecID=1074905&headerfooter=0>

There are three common types of performance measures. **Workload** measures quantify the number of activities performed by the Department and its staff. The Department already tracks workload measures, such as the number of inspections and reinspections conducted each year by type, as described in Table 6. **Efficiency** measures are typically ratios or averages that describe how well an organization uses its resources, such as the number of labor hours per inspection or the average cost of nuisance abatements. **Outcome** measures describe how well a program or service meets community expectations, such as the percentage of code cases that are voluntarily resolved or the proportion of cases resolved on time.

The Department should adopt a family of workload, efficiency, and outcome measures to better inform its understanding of its workload responsibilities and ability to provide effective customer service. The following table lists example measures that should be adopted by the Department and that staff can utilize to spark conversations about additional measures that may be warranted.

Table 7: Proposed Performance Measures

Function	Workload	Efficiency	Outcome
Housing Inspection	<ul style="list-style-type: none"> Number of inspections by category (e.g., POS, systematic) Number of inspections by type (e.g., initial inspection, reinspection) Number of inspections assigned per Inspector Number of foreclosure bonds violations issued Number of tenant escrow account referrals 	<ul style="list-style-type: none"> Average labor hours per inspection Average days from inspection request to inspection Average days from violation notice to compliance Percentage of escrow account monies utilized for POS inspections Percentage of foreclosure bond monies utilized for maintenance violations 	<ul style="list-style-type: none"> Percentage of cases voluntarily resolved Percentage of cases resolved within initial deadline Percentage of court cases won Compliance rate for landlords with violations
Housing Preservation	<ul style="list-style-type: none"> Number of applicants per program Number of approved program participants 	<ul style="list-style-type: none"> Average days from application to approval Average labor hours processing applications by type Average labor hours managing contracts/contractors by program type 	<ul style="list-style-type: none"> Percentage of grant funds expended Percentage of applicants who resolve violations using programs Percentage of projects completed on time and within budget

To the greatest extent possible, these measures should be tracked automatically using the Citizenserve application or other software systems that reduce the need for manual entry and user error. It is appropriate for the Citizenserve implementation committee (discussed in Recommendation 7) to consider these proposed measures as well as other measures that should be incorporated into the Department's technology usage and revised workflows. Diligently tracking this information will help inform future staffing and customer service analyses and enable the Department to better demonstrate the value it brings to the community.

Recommendation 15: Engage in regular performance reviews/check-ins with staff.

In any organization, communication regarding objectives, associated tasks, and individual/group performance in pursuit of organizational objectives is important. This communication supports both the continuing development of individual staff members as well as the effectiveness of the overall organization. While important to all organizations, communication regarding performance against objectives is particularly important where staff members often work independently or off-site. Regular performance

communication becomes a unifying mechanism that reinforces organizational norms and culture in support of operations and performance toward understood and shared objectives.

According to staff interviewed for this assessment, the Department does not make use of regular performance reviews/check-ins with staff members, and performance communication does not occur at either the individual or group levels. This presents a critical missed opportunity for the Department. Performance management toward organizational objectives communicates the desires and shared culture of the agency in a manner directly related to the fulfillment of immediate tasks. The effort can provide staff members with answers to the following questions:

- What is expected of me?
- Will I be held accountable?
- Why is this important?

With little or no feedback, there is the potential for staff members to self-regulate, both in terms of their individual behavior/performance, as well as in their interactions with others. This can lead to independent approaches to tasks that may prove inconsistent or contrary to organizational objectives. Staff members may also fill the void in performance communication and reinforcement by self-regulating through individual complaints directed at other staff members through the personnel system.

It is essential for the Housing Director to play a lead role in actively engaging staff to discuss performance and create a culture of accountability. The Director and all supervisory staff should meet with their direct reports at least once per year to discuss performance expectations, set goals, and develop individual performance plans, which include specific check-in and feedback periods throughout the year. Developing these plans and engaging in regular performance meetings will provide staff with essential feedback regarding how they approach their work, level of effort, as well as personal and professional behavior.

Recommendation 16: Conduct regular department meetings.

In tandem with Recommendation 15 to commit resources supporting communication regarding performance expectations at the group and individual level, the Housing Department should also reinvest in regular Department meetings.

The Housing Department rarely brings together either small groups or the entire Department for meetings. The Department has done this for special ad hoc purposes, such as supporting the Citizenserve software implementation. Supporting those efforts are important, but there are other objectives that are best served through regular group meetings.

Regular group meetings can provide a valuable mechanism for communicating entity-wide information or updates. Everyone will hear the same message at the same time. This can minimize or mitigate miscommunication when information is not broadly shared in the same setting. Regular group meetings also provide for accountability by senior Department leadership. They are committing in a public setting to a particular approach or course of action. Alternative viewpoints can be raised at that time and discussed or dispensed with. With clear, decisive, and declarative language, all present can be expected to move forward with the communicated approach.

The Housing Department should schedule regular and consistent meetings to communicate organizational updates and discuss special issues. Meeting agendas and handouts/supporting material should be provided ahead of time to allow review and understanding by participants. There should be ground rules for effective meeting conduct that are briefly reviewed at the beginning of each meeting. Any task assignments derived from the meeting should be summarized at the end of the meeting. The revised meeting agenda, as well as brief notes/minutes of the meeting, should be provided to all participants and retained as an official Department record. This will reinforce the importance of the meetings as well as the importance of maintaining a professional demeanor and conduct during the meeting.

Regular Department meetings do not necessarily have to occur frequently. However, they should be handled well to support the communication of agency objectives and desired norms and behaviors. These meetings constitute an important investment for the organization, and their conduct should be one element of the agency's executive management performance appraisal.

Recommendation 17: Require appropriate training and certifications for all Housing Inspectors.

A distinguishing feature of the City's Housing Code is that it references and incorporates inspection practices that may require detailed technical knowledge and expertise, or at least a significant working familiarity with building and trades (plumbing, electrical, mechanical) practices. For example, the Housing Code requires Inspectors to evaluate the slope and length of flue vents, the state of the main electrical panel, ductwork and valves for heating fixtures, plumbing fixtures, and the condition of natural gas connections. The Department's Reference and Training Manual contains some useful information describing these inspections, such as illustrations of typical liquid waste disposal systems, water heater installations, and outdated natural gas connections.

However, the Department does not regularly train Inspectors regarding inspections practices and procedures, and staff report that little or no formal training is provided as part of the onboarding process when a new Inspector is hired. Inspectors are also not required to carry or maintain certifications or licenses that might inform their work and improve the quality of their inspections.

The Department strives to hire Inspectors who have some familiarity and experience with building, construction, and trades; however, because Inspectors have varying skill sets and industry experiences, it is difficult to ensure that Inspectors can bring a consistent approach to enforcement. Some Inspectors may possess a stronger knowledge of code requirements in specific areas than others, and the lack of a consistent training program prevents the Department from ensuring all Inspectors work from a similar knowledge base. During interviews and focus groups, participants reported that Inspectors often perceive potential violations differently, which creates frustration for community members and staff alike. Several participants described circumstances where one Inspector would mark violations that a second Inspector would overrule during the reinspection process. This is confusing for residents and customers who work with the Department and creates operational inconsistencies.

Effective training is the foundation of consistent enforcement, and the Department should require training and certification for all Inspectors to ensure that all staff share a common understanding and interpretation of the codes they are enforcing. The specific approach for developing and implementing training and certification requirements will vary based on how the City approaches revising its Housing Code. If the City adopts a model code, such as the IPCM or state codes referenced above, then it should require all Inspectors to be certified through the ICC or the Ohio Department of Commerce, respectively. If the City chooses to revise its code locally, then it should require Inspectors to carry relevant building and trades certifications, including plumbing, electrical, and mechanical certifications. Additionally, all new staff hired by the Department who will be responsible for performing inspections should be required to achieve proper certifications within a specific timeframe, such as 12-18 months, if they do not already possess the certification when they are hired.

Conducting training and requiring certifications frequently results in additional costs for the organization, particularly to ensure minimum annual certification requirements are met and to compensate staff for a higher level of detailed knowledge. However, by investing in training and certification, the Department will ensure that its Inspectors possess an accurate, comprehensive, and consistent knowledge of the codes they are enforcing. This will help inform each Inspector's ability to identify violations, exercise appropriate discretion, and improve customer service experiences during the inspection process.

Recommendation 18: Eliminate the bonus program for systematic inspections.

According to staff, the Department currently utilizes a bonus program to incentivize the performance of SFR inspections. Each year, the Director publishes a list of properties to be inspected, and Inspectors are

awarded points based on the number and types of systematic inspections they perform. Initial systematic inspections are worth three points, while reinspections are worth one point. Once all systematic SFR inspections are completed, the Director tallies points earned by Inspector and issues monetary bonuses proportional to the number of points earned.

The program's current structure creates two incentives for Housing staff that could negatively impact the housing program. First, because quantity is prioritized over quality, Inspectors have an incentive to hurry through other assigned work to perform a greater share of systematic SFR inspections, which could reduce the quality of the Department's operations overall. Second, the program also incentivizes Inspectors to identify violations so that a reinspection will be required, thus earning the Inspector more points and a greater proportional share of bonus pay.

It is important to clearly emphasize that The Novak Consulting Group did not uncover information that any Housing Inspector or member of the Department engaged in illegal or unethical activities pertaining to the bonus program. However, the program's structure and potential deficiencies, as described above, warrant eliminating the program. It should also be noted that implementing a proactive code enforcement strategy, as discussed in Recommendation 3, will eliminate the need for this program because Inspectors will be required to proactively patrol their assigned districts throughout the year for potential code violations.

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Conclusion

The analysis and recommendations included in this report are intended to help the City enhance the services provided by the Housing Department. By implementing the recommendations in this report, the Housing Department will be able to accomplish the following: solicit and incorporate community consensus into the City Codes for clarity, understanding and shared purpose; take advantage of existing vacancies to realign Department staff roles and responsibilities; better support communication and employee development; and, support implementation of new software to improve operations and services to the community.

It is important to emphasize that many of the recommendations discussed in this report will require diligent and consistent management oversight for implementation to be successful. However, investing the time and effort to oversee these recommended changes will result in a stronger Department and support more effective service delivery in future years.

Proposed: 03/01/2021

ORDINANCE NO. 20-2021 (AS), *Second Reading*

By Council Member 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, 2021; provided, however, that if the revenues received by the City are not sufficient to meet the foregoing salaries, all salaries shall be reduced by the City Manager to a point which will not exceed the appropriated revenues of the City.

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

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

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

ORDINANCE NO. 20-2021 (AS)

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

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

ORDINANCE NO. 20-2021 (AS)

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

ORDINANCE NO. 20-2021 (AS)

Position	FLSA	SG	Min	Mid	Max
	NE	20	\$27.75	\$34.69	\$41.63
Executive Assistant to City Manager	NE	19	\$24.78	\$30.98	\$37.17
Housing Program Coordinator Housing Property Investigator Paralegal	NE	18	\$22.13	\$27.66	\$33.19
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	\$23.62
Administrative Assistant City Manager 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. 20-2021 (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	\$8.94	\$11.17	\$13.40

LEGISLATIVE:

Council Member 9,270.00

Council President
11,840.00

SEASONAL POSITIONS:

RECREATION PROGRAMS: SWIMMING POOLS:

Assistant Supervisor	9.36/hour	15.50/hour
Aquatic Program Supervisor	9.36/hour	13.48/hour
Cashier	8.80/hour	12.36/hour
Guard (A.L.S.)	8.80/hour	11.59/hour
Head Guard	10.00/hour	12.36/hour
Head Cashier	8.80/hour	12.36/hour
Head Coach (Summer)	364.14/ Per biweekly pay period	573.68/
Head Coach Assistant	260.10/ Per biweekly pay period	573.68/
Learn to Swim Coordinator	260.10/per season	573.68/season
Preschool Learn to Swim Coordinator	260.10/per season	573.68/season
Pool Attendant	8.80/hour	10.33/hour
Pool Maintenance	8.80/hour	10.33/hour

ORDINANCE NO. 20-2021 (AS)

Pool Manager	10.40/hour	16.07/hour
Private Instructor Fee	2/3 of private instruction; Fees charged and collected	
Security Guard	8.80/hour	9.53/hour
Sports Assistant	8.80/hour	11.33/hour
Sports Coordinator	10.40/hour	23.65/hour
Sports Supervisor	8.80/hour	23.65/hour
Tennis Court Attendant	8.80/hour	9.18/hour
Tennis Lesson Instructor	10.40/hour	17.22/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
Assistant to General Manager	400.00/week	600.00/week
Box Office Manager	350.00/week	550.00/week
Box Office Staff	8.80/hour	12.36/hour

ORDINANCE NO. 20-2021 (AS)

Carpenter	300.00/week	500.00/week
Costume Shop Manager	350.00/week	550.00/week
Electrician	350.00/week	550.00/week
Events Production Manager	400.00/week	600.00/week
General Technician	300.00/week	500.00/week
Hospitality Coordinator	300.00/week	500.00/week
House Manager	8.80/hour	12.36/hour
Maintenance	8.80/hour	12.36/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
<u>ICE SKATING RINK:</u>		
Cashier	8.80/hour	12.36/hour
Hockey Director	2,184.84	2,300.00/season
Ice Safety Guard	8.80/hour	11.20/hour
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

ORDINANCE NO. 20-2021 (AS)

Office Assistant	8.80/hour	11.26/hour
Supervisor – Assistant	9.36/hour	14.76/hour
Supervisor – Head	10.40/hour	17.22/hour

YOUTH SPORTS PROGRAMS:

Youth Hockey Coach	10.40/hour 2,601.00/	22.96/hour or 4,592.00/season
Youth Hockey Program Coordinator	10.40/hour 2,601.00/	22.96/hour or 4,265.00/season
Youth Hockey Skating Instructor	10.40/hour	45.92/hour
Basketball Supervisor	8.80/hour 520.20/	13.91/hour or 2,296.00/season
Basketball Coordinator	10.40/hour 2,080.80/ 2,601.00/	22.96/hour or 3,171.00/winter 4,318.00/summer
Girls Softball League Supervisor	8.80/hour 1,040.40/	13.78/hour or 2,296.00/season
Youth Baseball League Supervisor	8.80/hour 1,040.40/	13.78/hour or 2,870.00/season
League / Program / Camp Assistant	8.80/hour	9.18/hour
Sports Camp Supervisor / Instructor	8.80/hour 2,601.00/	13.91/hour or 1,148.00/camp
Sports Coordinator	10.40/hour	23.65/hour
Sports Program Assistant	8.80/hour	11.33/hour

ADULT SPORTS PROGRAMS:

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

FIELDHOUSE / FITNESS CENTER:

ORDINANCE NO. 20-2021 (AS)

Fitness Center Assistant	8.70/hour	
11.07/hour		
Fitness Center Coordinator	9.50/hour	12.36/hour
Fieldhouse Instructor / Aerobics Instructor	10.40/hour	12.64/hour
Front Desk Assistant	8.80/hour	13.39/hour
Personal Trainer	10.40/hour	12.64/hour or 70% of rate charged by trainer
Head of Personal Training Services	Additional 5% of total personal training program revenue (3% city portion/ 2% trainer portion) for administration of the program.	

MISCELLANEOUS:

1. The City Manager 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 City Manager.
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 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 City Manager 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.

ORDINANCE NO. 20-2021 (AS)

7. The City Manager 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 City Manager 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 City Manager 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 City Manager 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,
Three members, each | \$90.00/meeting attended |
| 2. Architectural Board of Review,
Two Alternate Members, each | \$90.00/meeting attended
(at request of ABR Secretary) |
| 3. Board of Zoning Appeals,
Five Members, each
One Alternate Member | \$90.00/meeting attended

(at request of Planning and Development Director) |
| 4. Civil Service Commission,
Three Members, each | \$90.00/meeting attended |
| 5. Planning Commission,
Seven Members, each | \$90.00/month
(provided the member attends at least one meeting, either
regular or special during the month) |

SECTION 2. POLICE

Sworn members of the Police Department who are members of the police bargaining units shall have the terms, conditions, and benefits of employment as described in the labor agreement and other related documents between the City of Cleveland Heights and the Northern Ohio Patrolmen's Benevolent Association. The agreement covers the period commencing December 28,

2018 through March 31, 2021 and may be extended by agreement of the parties. The fire arms proficiency, gun upon retirement, educational incentive bonus, and the clothing maintenance allowance shall apply to all sworn members of the Department. A copy of the labor agreement and related documents are on file in the Office of the City Manager.

SECTION 3. FIRE

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

SECTION 4. PUBLIC WORKS and PARKS & RECREATION Employees in the bargaining unit as described in the memorandum of understanding and other related documents between the City of Cleveland Heights and 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 City Manager. Employees may be eligible for supervisor premium pay when such duties are assumed due to absence.

SECTION 5. MUNICIPAL COURT

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

Administrative Judge compensation: \$1,500.00

Total salary: \$63,250.00

	<u>Minimum</u>	<u>Maximum</u>
Acting Clerk of Court	51,000.00	65,402.00
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

ORDINANCE NO. 20-2021 (AS)

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

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

SECTION 6. VACATION

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

ALL FULL-TIME PERMANENT CITY EMPLOYEES

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

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

ORDINANCE NO. 20-2021 (AS)

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.

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

(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

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

No employee shall be entitled to sick leave compensation in the event of injury, occupational disease or sickness resulting directly and proximately from the performance of any gainful employment or self-employment other than with the City of Cleveland Heights. A

determination not to provide sick leave compensation under this Section shall be made by the City Manager, who shall adopt rules relating to the making of such determination.

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

SECTION 8. LEGAL HOLIDAYS

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

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

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

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

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

SECTION 9. DEFERRED COMPENSATION PLANS

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

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

(c) The Deferred Compensation Plans hereby authorized shall exist and serve in addition to retirement, pension or benefit systems established for the benefit of employees of the

City and no deferral of income under the Deferred Compensation Plans shall effect a reduction of any retirement, pension or other benefit provided by law. However, any sum deferred under a Deferred Compensation Plan shall not be included for the purposes of any taxes withheld on behalf of any such employee, except municipal income tax.

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

SECTION 10. WORK DAYS AND WORK HOURS

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

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

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

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

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

SECTION 11. HEALTH CARE INSURANCE AND ANCILLARY BENEFITS

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

ORDINANCE NO. 20-2021 (AS)

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

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

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

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

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

SECTION 12. LIFE INSURANCE

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

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

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

SECTION 13. LONGEVITY

In addition to their regular salary 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 st through 5 th year of service	No entitlement
6 th through 10 th year of service, inclusive	16.92
11 th through 15 th year of service, inclusive	33.85

ORDINANCE NO. 20-2021 (AS)

16 th through 20 th year of service, inclusive	51.24
21 st through 25 th year of service, inclusive	69.23
26 th year and thereafter	76.93

Part Time Employees

1 st through 5 th year	No entitlement
6 th through 10 th year	8.46
11 th through 15 th year	16.92
16 th through 20 th year	25.62
21 st through 25 th year	34.61
26 th 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 City Manager after consultation with the Director of Law, shall be compensated for overtime at a rate of one and one-half (1.5) times their regular hourly rate of pay. Overtime as used herein shall mean time actually worked over and above forty (40) hours per week when ordered to do so by the City Manager or her designee.

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

SECTION 15. EMPLOYEE INDEMNIFICATION

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

SECTION 16. PENSION

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

SECTION 17.

ORDINANCE NO. 20-2021 (AS)

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

SECTION 18.

The provisions of this Ordinance shall be deemed to be in effect as of midnight, April 1, 2021. Effective midnight, April 1, 2021, Ordinance No. 17-2020 (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.

JASON S. STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:



March 2, 2021

To: Susanna Niermann O'Neil
City Manager

From: Timothy M. Boland
Director of Economic Development

Subject: First Extension of Development Services Agreement (FEDSA) - FutureHeights CDC

Resolution 97-2018, adopted 7/30/2018, effective date 8/3/18, authorized a Development Services Agreement (DSA) to form a contractual relationship between the City and FutureHeights (FH) providing a structure within which FH would perform various services as a Community Development Corporation (CDC). Two primary services provided were to be rehabilitation of existing residential structures and new infill housing construction on vacant lots in the City.

The term of this agreement is two (2) years, commencing on the date of delivery by the City to FH of the first payment and expiring 2 years afterwards. Based on staff's research, the date of first disbursement was 4/8/19. Therefore, the Development Services Agreement is set to expire on 4/8/2021. The City allocated \$140,000 for the performance of work within the DSA.

Various elements of this agreement are as follows:

- Scope of Services – development, community engagement, community outreach, community building, and other related services which may be approved by the City from time to time;
- A process for project approval, disbursement and reimbursement;
- Project proposal structure;
- Reporting;

FH proposed and the City Manager approved a project consisting of the engagement of an employee of Contractor (FH) with following work responsibilities:

- Prepare design standards and build relationships with contractors to facilitate the start of development of infill houses;
- Facilitate the rehab of 5 houses during first year,
- Facilitate the start of development of 2 infill houses and rehab of 7 houses during year 2;

Therefore, it was anticipated that a total of 12 houses were to have been rehabbed and the “start of development” of 2 infill houses accomplished during the term of the DSA.

What has been accomplished under this agreement?

As of 12/3/2020:

- FH has purchase 15 residential properties;
- Yr. 1 (April 2019-April 2020): 2 houses rehabbed (Completed)



- Yr. 2 (April 2020 – April 2021): 3 housed rehabbed (Completed)
- 3 houses are currently in rehab construction
- 3 houses are in the contractor selection phase
- 4 houses are in the Pre-Development phase

Actual performance to date: 5 houses rehabbed (2 in Yr. 1, and 3 in Yr. 2) with 10 other properties owned by FH – 3 of which are under construction); FH points to their initiating contact with KNEZ Development and facilitating the discussions with KNEZ, City and FH in Year 2 (known as the City’s Neighborhood Redevelopment Program (NRP) Phase II) as meeting their responsibility to “start the development of 2 infill houses”. An agreement with KNEZ has not been realized to date.

Next Steps:

The Administration and FH have negotiated an extension of the DSA agreement, with a two (2) term set to commence on April 1, 2021, and will be in effect until April 1, 2023. Funding in the amount of \$140,000 is to be provided from the City to FH to accomplish the scope of work which again, primarily is focused on rehabilitation of existing residential structures and new infill housing construction on vacant lots in the City. Specifically, FH will:

- a. Prepare design standards and build relationships with contractors in order to facilitate the start of development of infill houses;
- b. Complete the rehabilitation of the seven (7) remaining houses to be rehabbed as established in the original Development Services Agreement, effective August 3, 2018;
- c. Facilitate the rehabilitation of five (5) additional houses during the first year of the two (2) year Term of the FEDSA;
- d. Coordinate with the City to facilitate the start of development of six (6) infill houses as part of the City’s Neighborhood Redevelopment Program (NRP) Phase II during the two (2) year term of the FEDSA, and rehabilitation of five (5) houses during the second year of the two (2) year Term of the FEDSA.

I would request that Council authorize the Administration to enter into the extension agreement at this time. I would be happy to discuss or answer any questions.

Timothy M. Boland
Director of Economic Development

Proposed:

RESOLUTION NO. -2021 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into a First Extension of Development Services Agreement with FutureHeights for the performance of certain work; and declaring an emergency.

WHEREAS, pursuant to Resolution No. 97-2017, the City Manager was authorized to appoint a working group for the purpose of forming a contractual relationship with FutureHeights, an Ohio not for profit corporation, to perform services as a community development corporation for the City and to set the initial agenda for said working group; and

WHEREAS, pursuant to Resolution No. 25-2018, Council authorized the City Manager to engage in negotiations with FutureHeights to finalize the terms of the contractual relationship between the City and FutureHeights; and

WHEREAS, pursuant to Resolution No. 97-2018, Council authorized the City Manager to enter into a Development Services Agreement (DSA) with FutureHeights for a period of two (2) years, which expires on April 8, 2021; and

WHEREAS, Council has determined it would be in the best interests of the City and its residents to enter into a First Extension of Development Services Agreement with FutureHeights to continue work under the DSA including housing rehabilitation.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into a First Extension of Development Services Agreement ("Agreement") with FutureHeights, a copy of which is on file with the Clerk of Council. The term of the Agreement shall be for a period of two (2) years, commencing and expiring as provided by the Agreement, and the total funds allocated to FutureHeights under said Agreement shall not exceed One Hundred Forty Thousand Dollars (\$140,000). The Agreement shall be approved as to form by the Director of Law.

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. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for FutureHeights to continue rendering said services to the City including but not limited to facilitating housing rehabilitation and new infill

RESOLUTION NO. -2021 (PD)

housing within the City, 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.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

FIRST EXTENSION OF DEVELOPMENT SERVICES AGREEMENT

This Development Services Agreement (the “Agreement”) is entered into by and between the City of Cleveland Heights, Ohio (the “City”), an Ohio municipal corporation located at 40 Severance Circle, Cleveland Heights, Ohio 44118 and FutureHeights, Inc. (the “Contractor”), a community development corporation having offices at 2843 Washington Boulevard, Ste. 105, Cleveland Heights, Ohio 44118.

WITNESSETH:

WHEREAS, pursuant to Resolution No. 97-2017, the City Manager was authorized to appoint a working group for the purpose of forming a contractual relationship with FutureHeights, Inc., an Ohio not for profit corporation, to perform services as a community development corporation for the City and to set the initial agenda for said working group; and

WHEREAS, pursuant to Resolution No. 25-2018, Council authorized the City Manager to engage in negotiations with FutureHeights, Inc. to finalize the terms of the contractual relationship between the City and FutureHeights, Inc.; and

WHEREAS, pursuant to Resolution No. 97-2018, adopted by City Council on July 30, 2018, City Council authorized the City Manager to enter into an Agreement with FutureHeights, which expires on April 8, 2021; and

WHEREAS, pursuant to Resolution No. ____-2021, adopted by City Council on __, 2021, the City wishes to extend the Agreement with FutureHeights for an additional term and for services to be provided by FutureHeights as noted below; and

WHEREAS, the City and FutureHeights intend that by executing this First Extension of Development Services Agreement they underscore the importance of, and affirm their support of, the Noble Corridor Redevelopment Plan and the broad initiative of redevelopment along Noble Road within the City.

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

1. Funding. During the Term of this first Extension of Development Services Agreement, the City shall allocate One Hundred Forty Thousand Dollars (\$140,000.00) (“Maximum Budgeted Amount”) for the performance of work (“Work”) within the Scope of Services by the Contractor, provided that any Work hereunder must receive the prior approval of the City Manager acting with full authority on behalf of the City in order to be eligible for any payment, disbursement or reimbursement, and the terms and conditions of any such payment, disbursement or reimbursement shall be on a case by case basis. Nothing herein shall obligate the City to expend the full Maximum Budgeted Amount during the Term.

2. Term. This First Extension of Development Services Agreement shall be in effect until April 1, 2023 (the “Term”).

3. Scope of Services. The Contractor does hereby promise and agree to improve the local economy and the community’s quality of life through services including, but not necessarily limited to, development, community engagement, community outreach, community building, and other related services, which may be approved by the City from time to time (the “Scope of Services”).

4. Project Approval; Disbursement and Reimbursement. Prior to the commencement of any Work under this Agreement, Contractor shall (i) submit a written proposal to the City Manager and (ii) receive written approval (“Project Approval”) from the City Manager to commence Work. City Manager has full authority to act on behalf of the City. Project Approval by the City Manager shall not be unduly delayed or unreasonably withheld. Any such proposal shall contain a description of the proposed project, the time-frame for performance and completion of the proposed project, costs and expenses for the project, metrics or specifications to allow the City to evaluate Contractor’s performance of the project and whether the Work has been completed in a manner consistent with the proposal, and a proposed schedule for any payments, disbursements or reimbursements of Contractor for the Work, including amounts and time-frames for making such payments, disbursements or reimbursements. Any proposal hereunder may be subject to negotiation between the City Manager and the Contractor. Project Approval of any proposal hereunder shall be made by both the City Manager and the Contractor in writing, and disbursements and/or reimbursements for costs and expenses of the Work shall be made by the City Manager to the Contractor in accordance with the terms and conditions of the Project Approval. Following Project Approval and the commencement of any Work in connection therewith, any change to terms and conditions of the Project Approval, including, but not limited to, any change to the proposal, scope of services, or costs and expenses of the project, must be approved in writing by the City Manager and Contractor. The Contractor hereby agrees that any activities pursued under this agreement shall follow and comply with all applicable City development laws, regulations, policies and procedures, including, but not limited to, building code, planning, zoning, and other development-related requirements, reviews, approval requirements and inspections.

5. Reporting. Contractor agrees that it will provide a written report to the City Manager promptly upon the completion of any project hereunder, but in no event later than 30 days following the completion of any such project. Contractor also agrees that it will prepare an Annual Report at the end of each calendar year providing details regarding any Work performed hereunder and providing an accounting of any amounts received and/or expended by Contractor in connection with any such Work. Contractor further agrees to make a representative available upon request to address City Council at any regularly scheduled City Council Meeting, provided that the City must provide Contractor with reasonable prior notice of its desire to have Contractor appear at its Council Meeting.

6. Books and Records of Account. Contractor agrees that its books and records of account shall be made available to the City for inspection and review during normal business hours

at the offices of Contractor. City shall provide Contractor with at least three (3) days' prior notice of its desire to inspect Contractor's books and records.

7. Public Records. Contractor acknowledges and agrees that certain records and/or documents, whether in paper, electronic, or other format that relate to this Agreement and/or to any Work, project performed hereunder, or services performed hereunder, may constitute a public record under Ohio Revised Code Section 149.43. Contractor agrees to comply with R.C. 149.43 and to any applicable state or federal laws relating to the retention and/or production of public records, and further agrees to retain any public records for periods of time as specified in the City's record retention policy.

8. Termination. In the event the City or Contractor desires to terminate this Agreement, either party may terminate this Agreement upon a thirty (30) day written notice to the other party. Contractor shall be paid for Work completed and services performed up to the date of the notice, and in the event that Contractor is permitted by the City to complete any commenced projects, Contractor shall be compensated in accordance with the terms and conditions of the approved proposal. In the event that the Contractor is not permitted to complete any commenced project, City shall pay Contractor a prorated amount based upon the amount of Work completed as of the date of the notice.

9. Insurance. Contractor and any subcontractors of Contractor shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Agreement, are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Contractor, his agents, representatives, employees or subcontractors. The insurance requirements set forth herein are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement. The City in no way warrants that the minimum limits contained herein are sufficient to protect the Contractor from liabilities that might arise out of the performance of the Work under this contract by the Contractor, its agents, representatives, employees or subcontractors, and Contractor is free to purchase additional insurance.

Contractor shall provide coverage with limits of liability no less than those stated below.

General Liability	\$1,000,000	Combined Single Limit Per Occurrence
Umbrella Liability	\$2,000,000	
Automobile Liability	\$1,000,000	Combined Single Limit Per Occurrence
Workers' Compensation	Statutory	
Professional Liability	\$1,000,000	

The policies, where permitted, shall be endorsed to include additional insured coverage and shall include the following language: ***"The City of Cleveland Heights, its departments, agencies, boards, commissions, officials, agents, and employees shall be named as***

additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor.” In addition, the City of Cleveland Heights shall be given at least thirty (30) days’ notice of cancellation of such policies.

Policies, where permitted, shall contain a waiver of subrogation against the City of Cleveland Heights, its departments, agencies, boards, commissions, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

10. Independent Contractor. Contractor shall be and at all times remain an independent contractor with respect to all services performed hereunder, and agrees to and does hereby accept full and exclusive liability for the payment of any and all contributions for social security, unemployment insurance, or old age retirement benefits, pensions or annuities, now or hereafter imposed under any State or Federal law which are measured by the wages, salaries, or other remuneration paid to persons employed by Contractor on Work performed under the terms of this Agreement, and further agrees to obey all lawful rules and regulations to meet all lawful requirements which are now or hereafter may be issued or promulgated under said respective laws by any duly authorized State or Federal officials. Contractor agrees to indemnify and save harmless the City from any such taxes or liability contemplated by this section.

11. Equal Employment Opportunity and Compliance with Laws. Contractor agrees to adopt and maintain a policy of non-discrimination in employment. It further agrees that it will comply with all applicable Federal and State laws with regard to Equal Employment Opportunity and Fair Employment Practices, with the City’s Equal Employment Opportunity Policy, Guidelines and Procedures and with all other applicable Federal, State and local laws.

12. Indemnification. Contractor shall indemnify, defend, save and hold harmless the City of Cleveland Heights, its departments, agencies, boards, commissions, officials, agents, and employees (hereinafter referred to as "indemnatee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Contractor or any of its owners, officers, directors, agents, employees or subcontractors . This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of Contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by Contractor from and against any and all claims. It is agreed that Contractor will be responsible for primary loss, investigation, defense and judgment costs where this indemnification is applicable. In consideration of the terms and conditions of this Agreement, Contractor agrees to waive all rights of subrogation against the City of Cleveland Heights, its officers, officials, agents and employees for losses arising from the Work performed by the Contractor for the City of Cleveland Heights.

13. Subcontractors/Subconsultants. Contractor shall not sublet nor shall any subcontractors/subconsultants commence performance of any part of the services except as specifically included in this Agreement without prior written consent of the City. In making the application for subletting any portion of the services, Contractor shall state in writing the portion of the services which each subcontractor/subconsultant is to perform or the material which it is to furnish, his/her/its place of business and such other information as may be required by the City. Subletting, if permitted, shall not relieve Contractor of any of its obligations under this Agreement. All subcontractors for services covered by this Agreement must conform to the requirements of this Agreement.

14. Assignment of Contract. The City and Contractor bind themselves and their successors, administrators and assigns to the other party of this Agreement and to the successors, administrators and assigns of the other party of this Agreement, in respect to all covenants of this Agreement. Except as stated above, neither the City nor Contractor shall assign, sublet or transfer its interest in this contract without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a party hereto.

15. Third-Party Beneficiaries. This Agreement is intended solely for the benefit of the parties hereto. Nothing herein expressed or implied is intended to or shall be construed to confer upon, give or create in any person or entity other than the parties hereto any right, duty, benefit, interest, and remedy, standard of care or cause of action.

16. Governing Law and Forum. This Agreement is governed by and shall be interpreted according to Ohio law. The parties consent to the jurisdiction of the Cuyahoga County Court of Common Pleas for resolution of any disputes arising from this Agreement.

17. Severability. The parties agree that if any court or tribunal of competent jurisdiction determines that any provision of this Agreement is illegal, invalid or unenforceable, the remainder of this Agreement shall not be affected thereby.

18. Notices. All notices, communications, requests, approvals, consents, and demands herein required to be given or made ("Notice") shall be in writing and shall be deemed to be served when deposited in the United States mail, registered or certified mail, postage prepaid, return receipt requested addressed as follows or personally delivered:

To the Contractor:

FutureHeights, Inc.
Attn: Executive Director Deanna Bremer Fisher
2843 Washington Blvd., Suite 105
Cleveland Heights, OH 44118

To the City:

The City of Cleveland Heights

40 Severance Circle
Cleveland Heights, OH 44118
Attn: City Manager Susanna Niermann O'Neil

With copies to:

The City of Cleveland Heights
40 Severance Circle
Cleveland Heights, OH 44118
Attn: Director of Law
Attn: Director of Economic Development

19. Counterparts. This Agreement may be signed in counterparts and on separate signature pages. These separate signature pages shall become part of the same integrated Agreement.

IN WITNESS WHEREOF, the parties hereunto have caused this Contract to be executed and to become effective on the ____ day of _____, 2018.

CONTRACTOR/FUTURE HEIGHTS, INC.

BY: _____

Deanna Bremer Fisher, Executive Director

CITY OF CLEVELAND HEIGHTS, OHIO

BY: _____

Susanna Niermann O'Neil City Manager

Approved as to form:

BY: _____

William R. Hanna, Director of Law

CERTIFICATION OF AVAILABLE FUNDS

It is hereby certified that the amount required to meet this agreement or contract has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriation fund free from any previous encumbrances.

By: _____
Amy Himmelein

_____ Date

PROJECT APPROVAL

(PURSUANT TO FIRST EXTENSION OF DEVELOPMENT SERVICES AGREEMENT)

THIS PROJECT APPROVAL (“Project Approval”) is entered into by and between the City of Cleveland Heights Ohio, an Ohio municipal corporation, 40 Severance Circle, Cleveland Heights, Ohio, 44118 (the “City”), and FutureHeights, Inc., an Ohio not for profit community development corporation having offices at 2843 Washington Boulevard, Suite 105, Cleveland Heights, Ohio, 44118 (the “Contractor”).

WHEREAS, pursuant to the First Extension of Development Services Agreement (“FEDSA”) between the parties, effective [date], authorized by City Council Res. _____, Contractor hereby submits its written proposal to the City Manager for the Work defined below, and the City Manager hereby approves the Work as a Project Approval as defined in Section 4 of the FEDSA.

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

1. In accordance with Section 4 of the FEDSA, Contractor proposes, and the City Manager hereby approves, the project consisting of the engagement of an employee of Contractor whose responsibility shall be related to the following work (“Work”):
 - a. Prepare design standards and build relationships with contractors in order to facilitate the start of development of infill houses;
 - b. Complete the rehabilitation of the seven (7) remaining houses to be rehabbed as established in the original Development Services Agreement, effective August 3, 2018;
 - c. Facilitate the rehabilitation of five (5) additional houses during the first year of the two (2) year Term of the FEDSA;
 - d. Coordinate with the City to facilitate the start of development of six (6) infill houses as part of the City’s Neighborhood Redevelopment Program (NRP) Phase II during the two (2) year term of the FEDSA, and rehabilitation of five (5) houses during the second year of the two (2) year Term of the FEDSA.
2. City shall provide funds to Contractor to support the employee engaged in the Work upon receipt of a monthly invoice from Contractor, in an amount of approximately \$5,833.33 per month for 24 months, with a total over the Term of the FEDSA not to exceed \$140,000.00. The date of the disbursement of the first payment shall be the Commencement Date of the FEDSA as provided in section 2, Term, of the FEDSA.
3. All terms and conditions of the FEDSA shall remain in full force and effect.

WHEREFORE, the parties have agreed upon this Project Approval, effective _____ day of _____, 2021.

[SIGNATURES TO FOLLOW IMMEDIATELY]

CONTRACTOR/FUTURE HEIGHTS, INC.

BY: _____
Deanna Bremer Fisher, Executive Director

CITY OF CLEVELAND HEIGHTS, OHIO

BY: _____
Susanna Niermann O'Neil, City Manager

Approved as to form:

BY: _____
William R. Hanna, Director of Law

CERTIFICATION OF AVAILABLE FUNDS

It is hereby certified that the amount required to meet this agreement or contract has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriation fund free from any previous encumbrances.

By: Amy Himmelein Date

Proposed:

RESOLUTION NO. -2021 (PSH)

By Council Member

A Resolution expressing approval and support for the Hands-Free Ohio provisions in Governor DeWine's state budget proposal; and declaring an emergency.

WHEREAS, Governor DeWine's state budget proposal includes provisions, referred to as Hands-Free Ohio, that would make driving while handling any electronic wireless device a primary offense for adult drivers and would increase fines for drivers who habitually use devices while driving; and

WHEREAS, in cases where a driver using a device causes serious injury or death, the penalties would mirror those of drunken driving; and

WHEREAS, Governor DeWine's Hands-Free Ohio provisions would prohibit several actions while driving, including: writing, sending, or reading text-based communications; watching or recording videos; taking photos or looking at images; live streaming; using apps; entering information into GPS navigation programs; dialing phone numbers; and holding a device for a phone call; and

WHEREAS, according to the National Highway Traffic Safety Administration, 10% of fatal crashes and 15% of serious injury crashes in the US in 2015 were distraction-related, amounting to a total of 3,477 people killed and an estimated additional 391,000 injured in crashes involving distracted drivers; and

WHEREAS, effective distracted driving laws and stringent penalties for the same are pivotal in discouraging drivers from using electronic devices while driving.

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

SECTION 1. The City of Cleveland Heights hereby expresses its approval and support for the Hands-Free Ohio provisions in Governor DeWine's state budget proposal.

SECTION 2. The Clerk of Council is hereby directed to send a copy of this Resolution to Governor Mike DeWine, Ohio House Speaker Robert Cupp, Ohio Senate President Larry Obhof, Ohio House Representative Janine Boyd, and Ohio Senator Sandra Williams.

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.

RESOLUTION NO. -2021 (PSH)

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

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED: