



COUNCIL UPDATE

June 2, 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.

Monday, June 7	-	6:00 p.m.	-	Public Safety & Health Committee
	-	6:30 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council

Monday, June 14	-	6:00 p.m.	-	2022 Tax Budget Public Hearing
	-	6:30 p.m.	-	Committee of the Whole

LEGISLATION

- **Power a Clean Future Ohio, Second Reading.** A Resolution authorizing the City of Cleveland Heights to become a Power a Clean Future Ohio Community and to adopt a goal to reduce greenhouse gas emissions in the city
- **George Floyd Justice in Policing Act of 2021.** A Resolution in support of H.R. 1280 - George Floyd Justice in Policing Act of 2021; urging its passage by the U.S. Senate
- **Bond Legislation.** An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,018,000 for the purpose of paying costs of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, (iii) acquiring motorized equipment and appurtenances thereto, (iv) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division, (v) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division and (vi) acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment

- **2022 Tax Budget, First Reading.** A Resolution approving the adoption of the 2022 Tax Budget
- **Budget Amendment.** An ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021
- **Zoning.** An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City's regulations regarding private parking garages and other ancillary changes, and transmitting the same to the Planning Commission.
- **Tucker Ellis.** A Resolution authorizing the City Manager to enter into an agreement with Tucker Ellis LLP to serve as special counsel to the City of Cleveland Heights in connection with the Cedar-Lee-Meadowbrook project
- **Civil Immigration Enforcement, Second Reading.** An Ordinance amending Chapter 525, "Law Enforcement and Public Office," of the Codified Ordinances of Cleveland Heights by enacting a new Section 525.18, "Civil Immigration Enforcement."
- **Curfew Sections Repealed.** An Ordinance repealing certain provisions of Chapter 531, "Minors' Curfew," of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights.
- **National Gun Violence Awareness Day.** A Resolution proclaiming June 4, 2021 to be National Gun Violence Awareness Day in the City of Cleveland Heights
- **LGBTQ Pride Month.** A Resolution declaring June 2021 to be LGBTQ Pride Month
- **Lake Erie Ink.** A Resolution authorizing the City Manager to enter into an agreement with Lake Erie Ink, a non-profit corporation, for the use of Community Development Block Grant CV funds to provide additional assistance to their Ink Spot Program needed as a result of the COVID-19 Pandemic; providing compensation therefor

UPDATES

City Manager

- Staff toured the old dairy and are brainstorming ways to clean up the space and/or move equipment.
- Block parties will be scheduled for July and August. Staff is getting back into the process and procedures.
- Staff is planning a combined event of the annual Safety Night and the centennial celebration. It will be at the Community Center on Tuesday, August 3rd from 6:00pm -9:00pm.
- The Cain Park limited season will start up in mid-July and go to early September. Cain Park will also have a centennial tribute on Saturday August 21st on the Evans stage with performers and directors who have been at our Park over the years.
- Neighbors in the Park Synagogue area have made contact and would like to have a neighborhood meeting at the end of June. More information when things are finalized for the meeting.

Community Relations

- Final push for mural submissions for Noble Road resulted in multiple submissions. Eleven met the criteria and will be presented to the review committee to identify the top three (Past Cain, Councilwoman Russell, Brenda May and Katrina Walker of Noble Neighbors, Jackie Remmer (Noble resident and business owner), Mazie Adams of Landmark Commission, Laura Marks, Heights Tree People, Roger Frank of Little Jacket and Mary Trupo and Susanna (City).
- Planning for Centennial Celebration (with time capsule) in conjunction with Safety Forces Night Out on August 3.
- Created set of coasters featuring CH landmarks that will be for sale to commemorate our Centennial.
- All CH merchandise to go back on sale next week (including added kids size t-shirts and kids and adult ball caps based on residents' requests)
- All content for Summer Focus gathered and working on first draft.

- Launched "Patio campaign" in near west-side locations and surrounding cities to attract visitors to the 20+ outdoor dining options available in CH.
- Finalizing Cleveland Magazine special supplement for July issue.
- Weekly meeting with NEORSD on Horseshoe Lake.
- Weekly meeting with City Architects regarding communications on CLM.

Memo

To: Susanna Niermann-O'Neil, City Manager

From: Amy Himmelein, Finance Director

Date: June 2, 2021

Re: Annual Financial Forecast

Attached is the financial forecast for 2022 that is required to be presented to Council at the first meeting in June.

The biggest item of note is regarding the General Fund five-year financial forecast. As you can see revenue remains fairly flat. Expenditures are expected to increase every year by approximately 2% based on anticipated negotiated raises for salaries and benefits. Non-salary expenditures are forecasted to remain flat. This means the amount budgeted to transfer to capital projects and for other repairs and maintenance remains the same over the next five years.

Based on this projection, the General Fund is anticipated to have a negative fund balance beginning in 2023. Best practices require the General Fund fund balance be maintained at 17% of expenditures which would be approximately \$9 million.

You will also see a new fund shown in this forecast. A refuse fund is in the process of being created to better monitor the financial health of the refuse program.

**GENERAL FUND
FIVE YEAR FINANCIAL FORECAST**

	2017 ACTUAL	2018 ACTUAL	2019 ACTUAL	2020 ACTUAL	2021 ESTIMATE	2022 ESTIMATE	2023 ESTIMATE	2024 ESTIMATE	2025 ESTIMATE	2026 ESTIMATE
TOTAL REVENUES	\$46,738,897	\$46,687,302	\$47,789,679	\$51,377,056	\$42,772,930	\$43,760,476	\$43,760,476	\$43,760,476	\$43,760,476	\$43,760,476
TOTAL EXPENDITURES	\$44,173,131	\$46,005,740	\$45,054,985	\$43,007,627	\$51,005,337	\$52,078,816	\$53,689,035	\$55,835,993	\$57,982,951	\$60,129,909
NET INCOME (LOSS)	\$2,565,766	\$681,562	\$2,734,693	\$8,369,429	(\$8,232,407)	(\$8,318,340)	(\$9,928,558)	(\$12,075,516)	(\$14,222,475)	(\$16,369,433)
ENDING CASH BALANCE	\$6,759,400	\$7,440,961	\$10,175,655	\$18,545,084	\$10,312,677	\$1,994,337	(\$7,934,221)	(\$20,009,737)	(\$34,232,212)	(\$50,601,645)

Nonrecurring revenues included above:

RITA Subpeona Program	\$458,676	\$475,491		
RITA Retainer Refund	\$353,213	\$391,169		
Income Tax High School Construction				
Resident Payout - Income Taxes				
Building Permits				
Mayfield Road Reimbursement				
First Energy Reimbursement				
Workers Compensation Rebate	\$492,303	\$250,186		\$3,550,514
BWC Dividend			\$607,893	
NEORS Settlement				
Local Programming Transfer In				
Budget Stabilization Transfer In	\$1,000,000			\$1,200,000
Waste Management Pmt Error			\$238,187	
Total Nonrecurring Revenue	\$2,304,192	\$1,116,846	\$846,079	\$4,750,514
Total Recurring Revenue	\$44,434,705	\$45,570,456	\$46,943,599	\$46,626,542

**ACTUAL GENERAL FUND REVENUES FOR 2017 THROUGH 2020
ESTIMATED GENERAL FUND REVENUES FOR 2021-2026**

	2017 ACTUAL	2018 ACTUAL	2019 ACTUAL	2020 ACTUAL	2021 ESTIMATE	2022 ESTIMATE	2023 ESTIMATE	2024 ESTIMATE	2025 ESTIMATE	2026 ESTIMATE
<i>PROPERTY TAXES</i>	\$6,597,397	\$6,735,634	\$6,844,489	\$7,110,049	\$6,800,000	\$6,800,000	\$6,800,000	\$6,800,000	\$6,800,000	\$6,800,000
<i>MUNICIPAL INCOME TAX</i>	\$27,770,905	\$27,660,650	\$29,200,994	\$28,322,600	\$28,000,000	\$28,000,000	\$28,000,000	\$28,000,000	\$28,000,000	\$28,000,000
<i>OTHER LOCAL TAXES</i>										
ADMISSION TAX	\$57,394	\$52,912	\$51,986	\$12,140	\$12,140	\$52,000	\$52,000	\$52,000	\$52,000	\$52,000
HOTEL/MOTEL TAX	\$242	\$108	\$201	\$37	\$37	\$200	\$200	\$200	\$200	\$200
<i>STATE LEVIED/SHARED TAXES</i>										
LCL GOVT FUND - COUNTY	\$1,326,314	\$1,396,725	\$1,467,880	\$1,520,746	\$1,520,746	\$1,520,746	\$1,520,746	\$1,520,746	\$1,520,746	\$1,520,746
LCL GOVT FUND - STATE	\$23,054	\$0	\$86,715	\$178,074	\$178,074	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
INHERITANCE TAX	\$23,993	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
LIQUOR & BEER PERMITS	\$51,451	\$58,150	\$65,376	\$13,934	\$25,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
KILOWATT/PUBLIC UTILITY TAX	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CIGARETTE TAX	\$1,099	\$934	\$1,159	\$876	\$876	\$876	\$876	\$876	\$876	\$876
<i>INTERGOVERNMENT GRANTS & CONTRACTS</i>										
STATE ROLLBACK REIMB	\$697,051	\$695,343	\$737,555	\$729,820	\$729,820	\$729,820	\$729,820	\$729,820	\$729,820	\$729,820
STATE HOMESTEAD EXEMPT REIMB	\$220,523	\$215,213	\$211,123	\$208,156	\$208,156	\$208,156	\$208,156	\$208,156	\$208,156	\$208,156
COMMERCIAL ACTIVITY TAX	\$22,341	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OTHER	\$0	\$0	\$0	\$3,772,518	\$0	\$0	\$0	\$0	\$0	\$0
OFFICE ON AGING	\$12,001	\$10,539	\$11,291	\$10,645	\$10,645	\$10,645	\$10,645	\$10,645	\$10,645	\$10,645
<i>CHARGES FOR SERVICES</i>										
REFUSE COLLECTION	\$1,537,346	\$2,006,836	\$2,146,592	\$2,554,054	\$0	\$0	\$0	\$0	\$0	\$0
RECREATION, COMMUNITY CENTER & OFFICE ON AGING	\$1,162,600	\$1,104,862	\$1,122,401	\$351,394	\$550,000	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000
POLICE	\$418	\$440	\$294	\$87	\$87	\$250	\$250	\$250	\$250	\$250
OTHER	\$551	\$679	\$238	\$2,865	\$250	\$250	\$250	\$250	\$250	\$250
<i>FEES, LICENSES, PERMITS</i>										
POLICE	\$330,203	\$289,519	\$306,741	\$291,086	\$291,086	\$291,086	\$291,086	\$291,086	\$291,086	\$291,086
BLDG SERVICES	\$506,186	\$649,324	\$595,594	\$1,802,234	\$550,000	\$550,000	\$550,000	\$550,000	\$550,000	\$550,000
HOUSING INSPECTIONS	\$1,342,095	\$1,279,551	\$1,230,285	\$691,328	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000
WASTE DISPOSAL FEE	\$55,170	\$45,434	\$42,444	\$24,231	\$0	\$0	\$0	\$0	\$0	\$0
OTHER	\$53,530	\$50,725	\$45,307	\$58,799	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
<i>INTEREST EARNINGS</i>	\$242,877	\$367,675	\$548,426	\$229,868	\$229,868	\$229,868	\$229,868	\$229,868	\$229,868	\$229,868
<i>FINES AND FORFEITURES</i>										
CRIMINAL FINES & COSTS	\$1,096,260	\$1,163,436	\$1,014,897	\$907,127	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
CIVIL COSTS	\$237,485	\$225,147	\$258,265	\$198,243	\$230,000	\$230,000	\$230,000	\$230,000	\$230,000	\$230,000
PARKING FINES & COSTS	\$457,437	\$408,669	\$436,387	\$149,566	\$149,566	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000
<i>ALL OTHER REVENUE</i>										
INDIRECT COST REIMBURSEMENT	\$535,000	\$535,000	\$535,000	\$285,000	\$285,000	\$535,000	\$535,000	\$535,000	\$535,000	\$535,000
SID PROPERTY TAX PAYMENT	\$398,629	\$545,596	\$374,108	\$367,265	\$367,265	\$367,265	\$367,265	\$367,265	\$367,265	\$367,265
RECYCLING	\$44,724	\$12,419	\$6,703	\$1,364	\$1,364	\$1,364	\$1,364	\$1,364	\$1,364	\$1,364
ALL OTHERS	\$808,431	\$1,124,506	\$385,677	\$366,060	\$366,060	\$366,060	\$366,060	\$366,060	\$366,060	\$366,060
<i>OPERATING TRANSFER-IN</i>	\$1,083,718	\$1,575	\$61,150	\$1,200,000	\$0	\$0	\$0	\$0	\$0	\$0
<i>SALE OF ASSETS</i>	\$42,473	\$49,700	\$400	\$16,889	\$16,889	\$16,889	\$16,889	\$16,889	\$16,889	\$16,889
TOTAL GENERAL FUND REVENUES	\$46,738,896	\$46,687,302	\$47,789,679	\$51,377,056	\$42,772,930	\$43,760,476	\$43,760,476	\$43,760,476	\$43,760,476	\$43,760,476

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2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
ACTUAL	ACTUAL	ACTUAL	ACTUAL	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE

2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
ACTUAL	ACTUAL	ACTUAL	ACTUAL	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE

PARKING FUND #603
ACTUAL REVENUES FOR 2017 THROUGH 2020
ESTIMATED REVENUES FOR 2021-2026

	<i>2017 ACTUAL</i>	<i>2018 ACTUAL</i>	<i>2019 ACTUAL</i>	<i>2020 ACTUAL</i>	<i>2021 ESTIMATE</i>	<i>2022 ESTIMATE</i>	<i>2023 ESTIMATE</i>	<i>2024 ESTIMATE</i>	<i>2025 ESTIMATE</i>	<i>2026 ESTIMATE</i>
METER REVENUE - OFF STREET	\$440,733	\$457,623	\$455,138	\$127,726	\$125,000	\$430,000	\$430,000	\$430,000	\$430,000	\$430,000
METER REVENUE - ON STREET	\$129,241	\$111,106	\$122,486	\$47,449	\$45,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000
PERMIT REVENUE	\$478,352	\$428,937	\$462,396	\$429,038	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000
ALL OTHER REVENUE	\$38,871	\$28,800	\$6,523	\$6	\$5,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
TOTAL REVENUES	\$1,087,197	\$1,026,467	\$1,046,542	\$604,219	\$625,000	\$1,025,000	\$1,025,000	\$1,025,000	\$1,025,000	\$1,025,000

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REFUSE FUND #
ACTUAL REVENUES FOR 2017 THROUGH 2020
ESTIMATED REVENUES FOR 2021-2026

	<i>2017 ACTUAL</i>	<i>2018 ACTUAL</i>	<i>2019 ACTUAL</i>	<i>2020 ACTUAL</i>	<i>2021 ESTIMATE</i>	<i>2022 ESTIMATE</i>	<i>2023 ESTIMATE</i>	<i>2024 ESTIMATE</i>	<i>2025 ESTIMATE</i>	<i>2026 ESTIMATE</i>
REFUSE COLLECTION	\$0	\$0	\$0	\$0	\$2,554,054	\$2,400,000	\$2,875,000	\$2,925,000	\$2,950,000	\$2,975,000
WASTE DISPOSAL FEE	\$0	\$0	\$0	\$0	\$24,231	\$45,000	\$45,000	\$450,000	\$45,000	\$45,000
ALL OTHER REVENUE	\$0	\$0	\$0	\$0	\$0	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
TOTAL REVENUES	\$0	\$0	\$0	\$0	\$2,578,285	\$2,448,000	\$2,923,000	\$3,378,000	\$2,998,000	\$3,023,000



MEMORANDUM

To: Susanna Niermann O'Neil, City Manager

From: Eric Zamft, Planning Director

Date: June 2, 2021

Subject: Bi-Weekly Planning Department Update

HIGHLIGHTS OF PLANNING INITIATIVES

HISTORIC PRESERVATION DESIGN GUIDELINES

Staff is working closely with Naylor Wellman on the preparation of Historic Preservation Design Guidelines, including gathering of data and upcoming stakeholder and public meetings. A second stakeholder meeting with the Landmark Commission and Architectural Board of Review (ABR) will be held on June 8th at 5 PM (the public will be able to view the meeting: <https://clvhts.webex.com/clvhts/j.php?MTID=mec33cd025f2f7443d6c4cb61f77c1588>). A public presentation and meeting is anticipated to be scheduled for the week of July 12th. Once the date and time is set, the meeting will be publicized to maximize public participation. Staff will continue to provide updates on the initiative in each Planning Report.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME ADMINISTRATION

Staff will be submitting legislation for contracting authority to enter into sub-recipient agreements with Year 47 non-profits. Staff is also preparing for the open application period for Year 48 CDBG funding. The open application period will begin on June 3rd and end on July 15th, with the Citizens Advisory Committee (CAC) review to follow (the application can be accessed here: <https://www.clevelandheights.com/185/Community-Development-Block-Grant-CDBG>). An informational meeting will be held at 11 AM on June 8th via Zoom (<https://zoom.us/j/95432475633>). Interested applicants should contact Brian Iorio to attend the meeting or to discuss their possible applications. The internal "Community Development Working Group" continues to strategize on how to best leverage HUD funding for the community and will engage the CAC. Staff will update Council on the outcomes of that strategic planning at future meetings.

PLACEMAKING & PARK PLANNING

Planning is helping to guide a number of placemaking activities, working collaboratively with the Manager's Office and other departments. The Planning Department and Parks and Recreation Department are working together to identify open space and recreation opportunities, develop recommended inquiry process and policies, and understand budgetary and staffing impacts to provide recommendations to the City Manager.

The Planning Director met with Boulevard Neighbors to make introductions and discuss the Compton Road Greenway.

With assistance from the Department of Public Works, a parklet trial run was temporarily installed on Cedar Road. Planning staff, the Police Department, Fire Department, DPW, and other City departments observed the trial run. Based upon the trial run, input from merchants in the area, and an application submitted by the merchants along the block, the City approved a pilot parklet. The merchants will be responsible for the creation of the walkway and outdoor dining areas, which should be installed in the coming weeks.

Other placemaking activities include:

- South of Cedar Parking and Traffic Study Implementation
- Mayfield Road Corridor Multimodal Plan Implementation / Streetscape Improvements
- Community gardens
- Additional opportunities for passive and active spaces

ZONING

On Council's June 7, 2021 agenda will be proposed legislation to amend the Zoning Code with regards to garages and other ancillary changes. Staff will present at the Committee of the Whole, with Council considering the referral of the proposed zoning text amendments to the Planning Commission during the Council meeting. Planning staff is also working with the Law Department on proposed legislation that would clarify the regulations related to rain gardens/rain barrels. Finally, staff is closely coordinating with First Suburbs on their Single-Family Housing Zoning project, which over the course of the next 18-24 months will be examining single-family housing in the First Suburbs' communities and offer recommendations for amendments that would remove barriers to development.

TRANSPORTATION

The County, working with the City of Cleveland, is looking to deploy a regional shared micro-mobility network – including e-scooters. City staff has been working with neighboring municipalities on coordinated legislation and rebalancing stations locations. Staff is discussing with the Law Department and Manager's Office and should be bringing it forward at a future Council meeting. Staff is also working with the Manager's Office and other City departments

on sidewalks and other matters referred to Council by the Transportation Advisory Committee (TAC).

SUSTAINABILITY

Staff sits on the Doan Brook Watershed Partnership (DBWP) Board and is Vice President of the Executive Committee; Councilwoman Dunbar is City Council liaison and sits on the Board.

ADMINISTRATIVE APPROVALS

Beyond support to City development boards and commissions, per the Zoning Code and other City ordinances, the Planning Department provides administrative approvals for a number of permitted activities. These include: fence permits, Temporary Expansion Area (TEA) permits, and chicken coops, among others.

COORDINATION WITH ECONOMIC DEVELOPMENT DEPARTMENT INITIATIVES

- *Neighborhood Redevelopment Program (NRP), Phase 1* – Planning staff continues to provide support to Economic Development with the selected developers and implementation, as necessary.
- *Cedar-Lee-Meadowbrook Redevelopment* – Planning staff is working with Economic Development on the Memorandum of Understanding process, including reviewing the zoning of the redevelopment site, the scope of the traffic and parking study, environmental conditions, and other planning-related matters. A clear communications strategy and engagement process is being developed.
- *Unitarian Church Redevelopment* – Planning staff has been participating in discussions regarding the potential redevelopment of the Unitarian Church site and adjacent properties, including the potential implications with regards to public parking and the zoning of the redevelopment site.
- *Other Economic Development Initiatives* – Planning staff provides input and support on other initiatives, including additional NRP phases, the Taylor-Tudor property, the Storefront program, solid waste needs for businesses, other redevelopment opportunities, etc.

BOARDS AND COMMISSIONS

The Department of Planning assists the activities of the Architectural Board of Review (ABR), Board of Control, Board of Zoning Appeals (BZA), Landmark Commission, and Planning Commission, and provides staff assistance to the Citizens Advisory Committee (CAC),

Transportation Advisory Committee (TAC), and City Council (when needed). Below are tables of both active and recently approved applications managed by the Department.

ARCHITECTURAL BOARD OF REVIEW (ABR) – 1st and 3rd Tuesday

At the May 18, 2021 ABR meeting, the following applications were discussed and approved:

Address	Case #	Project Description
2278-2280 Lee Road	ABR 2021-75	Request to replace the storefront
11426-11428 Superior Road	ABR 2021-113	Request to install a two-car, detached garage
2200 North Taylor Road	ABR 2021-114	Request to install a two-car detached garage, deck, and wrap-around porch
1325 Inglewood Drive	ABR 2021-115	Request to install a deck in the rear yard
2537 Edgehill Road	ABR 2020-116	Request to install a screened-in porch and deck
2323 Stillman Road	ABR 2021-117	Request to install a deck and pergola in the rear yard
1183 Alpine Road	ABR 2021-119	Request to install a two-car detached garage
955 Elbon Road	ABR 2021-120	Request to install new windows and doors
3417 Berkeley Road	ABR 2021-121	Request to install new windows
3045 Scarborough Road	ABR 2021-122	Request to install a two-car detached garage
2524 Arlington Road	ABR 2021-123	Request to install a pavilion over a patio
2835 Berkshire Road	ABR 2021-124	Request to install a 4-foot tall fence in the front yard
14706 Superior Road	ABR 2021-125	Request to add a one-story addition and convert a second-story sun porch to loft space
3315 Mayfield Road	ABR 2021-126	Request to install ground-mounted solar panels
3402 Ormond Road	ABR 2021-127	Request to replace front porch

For the following case will be reviewed at a future meeting:

Address	Case #	Project Description
3510 Severn Road	ABR-2021-118	Request to add a two-story addition to the rear of the home

The next ABR meeting was held on June 1, 2021. A link to the agenda is provided as follows: <https://www.clevelandheights.com/DocumentCenter/View/9340>. A summary of the meeting will be provided in the next bi-weekly Planning Department report.

BOARD OF CONTROL (As needed for the S-1 District)

There was no recent activity involving the Board of Control.

BOARD OF ZONING APPEALS (BZA) – 3rd Wednesday

At the May 19, 2021 BZA meeting, the following applications were discussed and approved:

Address	Case #	Project Description
2565 Norfolk Road	Cal. No. 3520	Variance to permit additional chain link fence in corner side yard
2671 Scarborough Road	Cal. No. 3521	Variance to permit a fence in the corner side yard taller than 4'
2613 Wellington Road	Cal. No. 3522	Variance to permit a swimming pool to be less than 15' from the side (south) property line

The following case was withdrawn:

Address	Case #	Project Description
12401 Cedar Road	Cal. No. 3519	Use variance to permit a freestanding, walk-up ATM

The next BZA meeting will be held on June 16, 2021. A link to the agenda will be provided in the next bi-weekly Planning Department report.

LANDMARK COMMISSION – 1st Tuesday of Odd Numbered Months

The Landmark Commission has been discussing a number of initiatives with City staff. These have included potentially landmarking the City-owned Cinder Path (which would ultimately require Council approval), and the possibility of landmarking properties for their cultural heritage instead of (or in addition to) their architecture. Each of the Preservation Month webinars were recorded and posted on the Cleveland Heights Historical YouTube page, <https://www.youtube.com/user/ClvHtsHistorical>.

The Landmark Commission also jointly met with the ABR on May 18, 2021. The following application was discussed and approved:

Address	Case #	Project Description
3402 Ormond Road	ABR 2021-127	Request to replace front porch

The next Landmark Commission meeting is scheduled for July 6, 2021. A link to the agenda will be posted closer to the meeting date.

PLANNING COMMISSION – 2nd Wednesday

At the May 12, 2021 Planning Commission meeting, the following application was discussed and approved:

Address	Case #	Project Description
2556 Noble Road	Project No. 21-05	Conditional use permit for party center business

There currently are no cases before the Planning Commission. As a result, the June 9, 2021 meeting has been cancelled. However, if Council does refer the proposed zoning text amendments to the Planning Commission at the June 7, 2021 Council meeting, a special meeting of the Planning Commission will be scheduled for June 29, 2021. An update will be provided in the next bi-weekly Planning Department report.

CITIZENS ADVISORY COMMITTEE (CAC) – 3rd Tuesday

At the May 19, 2021 CAC meeting community engagement, CAC diversity, and the Year 48 Application were discussed. The next CAC meeting will be held on June 15, 2021. A link to the agenda will be provided in the next bi-weekly Planning Department report.

TRANSPORTATION ADVISORY COMMITTEE (TAC) – 4th Wednesday

At the May 26, 2021 TAC meeting a number of items were discussed, including: the Coventry Road signal project, NOACA's Long Range Plan (eNEO2050), e-scooters, sidewalks, Complete and Green Streets. The next TAC meeting will be held on June 30, 2021. The agenda will be posted and a link will be included in the next bi-weekly Director's Report.



To: Susanna Niermann O'Neil, City Manager
From: Joseph P. McRae, Parks and Recreation Director
Subject: Parks and Recreation Department Reopening Plan Update
Date: June 1, 2021

As City Council has been apprised in previous staff updates, the Parks and Recreation Department has begun the phased reopening of parks and recreation facilities. Last week, Governor DeWine announced that all state health restrictions would be removed on June 2, 2021. The CDC also announced that vaccinated individuals no longer have to wear masks indoors or outdoors. Therefore, masks and social distancing will be recommended, but not required to utilize recreation facilities.

The following is a brief status update on the reopening plans for Cumberland Pool, the Community Center (Fitness Center, Ice Rink and Senior Center) and Cain Park.

Spring 2021 (April, May)

- **Basketball courts** were reopened with new backboards and rims at Denison Park, Cain Park and Cumberland Parks. Each court will be restriped. Denison will be resurfaced once the weather temperatures permit.
- **Park restrooms** are all open for public use. Staff is installing automatic sinks faucets and toilet flushers to reduce the need for contact.
- **Park picnic shelters** are being made available to residents for free on a first come first serve basis. Staff will re-evaluate this month.
- **Virtual classes** will continue on the Cleveland Heights Parks and Recreation Facebook Live page. All classes are free.
- The **new online class registration system** went live this month giving residents the ability to easily register for programs, pool passes, etc., online at www.chparks.com.

Summer 2021 (June, July, August)

- **Cumberland Pool and Wading Pool:** The pool and wading pool will reopen to the public on Saturday, June 5. The pool will close on Labor Day weekend. Staff is working on plans to offer swim lessons and the Cain Park splash pad. However, both activities will depend on the availability of staffing. Pool passes will be open to residents only. Non-residents can visit the pool as a guest of a resident via daily pool pass.



- **Community Center:** The Community Center will **officially reopen on Monday, June 7.**
 - **Fitness Center:** The hours will be Monday – Friday mornings 6am -10am and evenings 4pm – 8pm. Saturdays hours will be 9am – 1pm. The Fitness Center will be closed on Sunday. Hours are limited at this time due to limited staffing. The hours will increase as staff resources become available. Equipment will be spread out along the track to promote social distancing as exercising indoors is still a potential high-risk activity for unvaccinated individuals. Locker rooms will remain closed at this time. Members that purchased a pass in 2020 will have their remaining membership time honored for use in 2021.
 - **Gym:** The basketball courts will be used as indoor walking space and class space for indoor fitness and martial arts classes during the summer.
 - **North Ice Rink** will officially open on June 7. Residents can register online for learn to skate classes. Locker rooms will remain closed at this time.
 - **Summer Fieldhouse/South Rink:** The Jump Start Sport Summer Camp program will take place Monday through Friday from June 7 to August 6. For more information, visit www.chparks.com.
 - **Senior Activity Center (SAC)** will reopen on Monday, June 21. The senior center will be opened from 9am – 2pm on Mondays, Wednesdays and Fridays to start. Seniors can register for programs in advance online or via phone at 216-691-7377.
- **Cain Park** is set to reopen with a modified summer season that will start the second week of July and end in mid-September. Please note the following:
 - The Arts Festival will take place the second weekend of July and will feature 75 artists. The event will be free to the public this year.
 - Cain Park will provide a modified summer concert series that will feature mostly local or regional artists. Staff has partnered with Tri-C to host their annual Jazz Festival. More details to come.
 - For more information, visit www.cainpark.com



To: Susanna Niermann-O'Neil, City Manager

From: Annette M. Mecklenburg, Chief of Police

Date: June 2, 2021

Subject: Police Department Update

On Tuesday, May 25, 2021, at 11:44 am Officers responded to a report of a motor vehicle accident on Mayfield Road at North Taylor Road. The CHFD was on scene and transported an 82 year old woman to the hospital with serious injuries. The woman later succumbed to her injuries at the hospital. The Accident Investigation was contacted and responded to the scene to conduct the investigation. Preliminary investigation revealed that the woman was traveling south bound on North Taylor and had turned left in front of a van traveling northbound on South Taylor Road. The accident remains under investigation.

Attached is the report received from the Diversity Institute at Cleveland State University containing a review of the structure of a Community Review Board. The report specifically discusses the importance of Community Review Boards, their history, the various types of review boards, and the recommended steps in establishing a Community Review Board.

As a reminder, the Police Department will hold a bike auction on Thursday, June 17, 2021 beginning at 6:00 pm and will continue until all bikes are sold. The auction is cash only and all bikes purchased will receive a complimentary bike license.



Cleveland Heights Police Department Community Review Board Report

In the summer of 2020, in response to the police-involved killing of George Floyd and Breonna Taylor, historic mass demonstrations and protests across the US and around the world calling for racial justice and police reform, the City of Cleveland Heights engaged The Diversity Institute at Cleveland State University to collaborate in assessing and enhancing community-police relations. This report provides an overview of Civilian Oversight mechanisms and recommendations for the establishment of a Community Review Board for the Cleveland Heights Police Department (CHPD).

The Importance of Community Review Boards

Today there is increased public awareness and scrutiny of policing, given the advent and prevalence of cellphone video, surveillance and body-worn cameras, which provide greater visibility of street-level police actions to the communities they serve and the general public. However, there have been persistent challenges in the ability to hold police officers accountable for acts of misconduct including critical police-involved incidents. Ofer (2015) identified three gaps in the ability to hold police officers and law enforcement agencies accountable. First, there are inadequate mechanisms and inconsistencies in holding officers responsible for unjustified use of force. Second, police officers need to be held responsible for the less egregious, low-visibility "day-to-day transgressions", such as unprofessional conduct, illegal traffic stops and illegal search and seizure, which are not typically accounted for. These day-to-day interactions continue to divide police and communities of color, who are often the victims of these behaviors. Third, many police departments do not regularly review and analyze patterns in policing practices and data to reveal trends of problems within those areas (e.g., review of traffic ticketing and citizen complaint data).

One solution to these inconsistencies is to establish civilian or community oversight of the police department. Community oversight is defined as one or more individuals outside of the police department who hold the department accountable for its actions (Angelis, Rosenthal, & Buchner, 2016). According to the National Association of Civilian Oversight of Law Enforcement (NACOLE), there are about 200 cities that have active community/civilian oversight boards. However, although some community boards may share some similarities, each review board is unique to its community. These boards are composed of civilian representatives responsible for examining police misconduct and sometimes evaluating a police department's operations (Angelis, Rosenthal, and Buchner, 2016).

Civilian oversight can hold police departments and their officers more accountable to the communities they serve; however, there are problems with some community review boards not having the authority to oversee the disciplinary actions against police officer misconduct and a lack of transparency in the disciplinary process by some police

departments (Znamenak, 2020). It is essential then for police departments to follow a community review board's standards to garner trust by the community in the review process.

Angelis, Rosenthal, and Buchner (2016) suggest there are five common goals of a Community Review Board related to accountability, which are to: 1) improve public trust; 2) ensure an accessible complaint process; 3) promote fair investigations; 4) increase transparency; and 5) discourage police misconduct. The potential benefits of implementing citizen oversight of a police department include (Finn, 2001):

- Improving the department's relationship and image with the community by:
 - Helping establish and maintain a reputation for investigating allegations of officer misconduct in a fair and resolute manner
 - Helping to reduce community concerns about possible police coverups in the high-profile case
- Increase the public's understanding of police work, including the use of force
- Promote the goals of community policing
- Enhance the quality of the department's internal investigations of alleged misconduct
- Reassure the public that the department's internal investigations of citizen complaints and its processes for disciplining officers are thorough and fair
- Help subject officers feel vindicated
- Discourage misconduct among officers
- Enhance department policies, procedures, practices, and training.

History of Community Review Boards

Civilian oversight mechanisms are just one of a number of attempts to reform American policing, which date back to the early 20th Century efforts of reformers such as O.W. Wilson and August Vollemer (Skolnick & Fyfe, 1993). These efforts along with those of other Progressive-era reformers and blue ribbon commissions which were convened to investigate corruption in a number of big city police departments sought to transform policing from the corrupt, abusive tools of political bosses, which had come to characterize police departments in many major cities throughout America (Berger, Free, & Searles, 2001). Angelis, Rosenthal, and Buchner (2016) chronicle the history of community oversight in the United States as evolving in four distinct waves, which were:

The Early Police Commissions: the 1880s – 1920s

The key goals of the Progressive Era (19th and early 20th centuries) were rooted in political and social reform, including increasing awareness of labor rights, eliminating corruption in government, abolishing child labor, and extending the right to vote to women (The Progressive Era Key Facts, 2020). In line with the Progressive movement, cities established police commissions to remove political influence in local policing. However, most of the early police commissions failed to provide significant oversight of local police departments because many commission members were political appointees



and had little experience or knowledge of the field of policing (Angelis, Rosenthal, & Buchner, 2016).

Early Efforts at Establishing Modern Civilian Review: the 1920s – 1960s

During this period, the first modern forms of civilian oversight in the U.S. began in several large cities such as Washington D.C., New York City, and Philadelphia. The Washington D.C.'s Complaint Review Board was formed in 1948 as a response to lobbying by the Urban League and National Conference of Christians and Jews because of concerns of police brutality (Ofer, 2015). However, Washington D.C.'s Complaint Review Board disbanded in 1972 because it was ineffective in holding the police accountable. The Philadelphia Citizen's Review Board operated from 1958 to 1967. This Board was eventually disbanded due to the Philadelphia lodge of the Fraternal Order of Police, who filed several lawsuits against the Board (Reasons, 2017).

New York City established its Civilian Complaint Review Board (CCRB) in July 1966, which however was also short-lived. The NYC CCRB disbanded only a few months after its formation due to its inability to overcome the hostility of the police union. Despite its short tenure, the CCRB received over 422 citizen complaints about police misconduct, twice the number reported to the New York Police Department's internal police review board within a single year (Reasons, 2017). Similar early efforts to establish civilian review processes developed out of conflicts between police and local communities of color. Generally, they took the form of under-resourced review boards that played a role in receiving complaints and reviewing completed internal police investigations into allegations of misconduct filed against officers. As in the New York and Philadelphia case, all the early review boards were abolished in the face of limited resources and fierce resistance from police unions and local politicians (Angelis, Rosenthal, & Buchner, 2016).

The Emergence of Investigative Models of Civilian Oversight, the 1970s to the 1980s

In the late 1960s to the 1980s, a new wave of civilian oversight emerged. This wave was born out of the Civil Rights Movement and developed due to demonstrations, protests, and racial unrest over police abuse and brutality against Blacks. Many police review commissions in the 1970s did not take root (Reasons, 2017). One civilian oversight mechanism that did was the Police Review Commission in 1973 in Berkeley, California. The Commission had the independent authority to investigate police misconduct (Ofer, 2015).

Efforts in the 1980s and 1990s gained traction in which many cities began establishing review agencies and citizen review boards (Reasons, 2017). While the first modern oversight agencies were structured as civilian review boards, this period saw the development of several full investigative oversight agencies that had more resources, expanded organizational authority, and greater durability (Angelis, Rosenthal, & Buchner, 2016).

The Emergence of Auditor/Monitor and Hybrid Models of Civilian Oversight, the 1990s to Present.

In the 1990s, another wave developed, which remains today. During this period, there was an expansion of police oversight agencies because of the March 1991 videotaped beating of Rodney King by four officers of the Los Angeles Police Department (LAPD) in which they were acquitted of any wrongdoing by the state, but two officers were subsequently convicted of federal civil rights violations (Angelis, Rosenthal, & Buchner, 2016; Reasons, 2017). Review-focused agencies were the most common form of oversight. Still, some police departments adopted the auditor model, including the San Jose Police Auditor and the Special Counsel for the Los Angeles County Board of Supervisors in 1993 (Angelis, Rosenthal, & Buchner, 2016). A hybrid model, which combined elements of the review model and audit model, also increased during this period. The number of community oversight boards grew from a few within the early 1990s to over 100 in 2001 (Angelis, Rosenthal, & Buchner, 2016). In the 2000s, citizen review has become more widespread. Almost 80 percent of large cities like Cleveland, Ohio, have some form of civilian oversight (Finn, 2001).

Today in the aftermath of the police killings of George Floyd and Breonna Taylor and understanding their own incidents of use of force, cities that do not have community oversight are establish review boards. On November 3, 2020, ballots were approved by voters in Franklin, Delaware, and Fairfield counties in Ohio to create Civilian Review Boards with the authority to launch and carry out investigations of alleged police misconduct, including the ability to subpoena testimony and evidence during the investigation. The Board then makes recommendations to the Division of Police and the Inspector General for the Division of Police (BallotPedia, 2021).

Types of Community Review Boards

There are four types of community review boards. However, many departments use a combination of the community review board types (Finn, 2001).

Type 1: Civilians investigate allegations of police misconduct and make recommendations on the findings to the chief. These review mechanisms tend to be the most expensive because professional investigators (non-sworn personnel) are hired to conduct investigates. This type assumes that community members tend not to have the necessary expertise in this area.

Type 2: Police officers investigate allegations and develop findings, which citizens then review and make recommendations on the findings and disciplinary actions that the chief can either accept or reject and determine their penalties for the subject officer. This type of review boards tend to be the least expensive because volunteers conduct the reviews.

Type 3: Complainants may appeal the findings of the investigation by the police department to the citizens review board, who then recommend their findings to the



chief. These review boards can be inexpensive because the review process also involves volunteers.

Type 4: An auditor investigates the process by which the police department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the department and the public. These tend to be in the midlevel or price range since, typically, only one individual needs to be hired to investigate community complaints.

Buchner et al. (2016) suggest defining these four types of models as investigator-focused models, review-focused models, auditing models, and hybrid models. The key features, strengths, and weaknesses of these models were identified in a report compiled by Angelis, Rosenthal, and Buchner (2016) for the OJP Diagnostic Center and the National Association for Civilian Oversight of Law Enforcement. The following is a summary of the findings of their report.

Investigator-focused Models

The first model is the **investigator-focused model**, which enlists non-police community investigators outside the police department to investigate complaints against officers. These agencies tend to have individuals with specialized training. The city or the police department usually provides this specialized training. Some of these training programs also allow the community to understand a little more about the policies, procedures, and laws that govern police departments to assist in their investigations. The organizational structure of these types of agencies may vary (Raffish, 2021). Some agencies involve a volunteer board, which is supported by a professional staff of investigators. Within smaller agencies, they are usually only staffed by a single investigator or consultant.

Typically, there are two types of investigators: external civilian investigators and internal civilian investigators. External civilian investigators can review and accept complaints, interview witnesses, make findings on misconduct allegations, and recommend discipline (Raffish, 2021). However, there are problems with investigators' legal authority, including limited power on administering subpoenas, not having decision-making authority in disciplinary actions (typically it falls to the chief of police), and the oversight body might be limited by the complaint type (Raffish, 2021). The internal civilian investigators have sworn personnel who investigate misconduct. These processes may involve the civilian performing the investigation or leading an internal affairs department/office (Raffish, 2021).

Key Features of the Model:

1. Routinely conducts independent investigations of complaints against police officers
2. May replace or duplicate the police internal affairs process
3. Staffed by non-police, civilian investigators

Strengths:

1. May reduce bias in investigations into citizen complaints
2. Full-time civilian investigators may have highly specialized training
3. Civilian-led investigations may increase community trust in the investigations process

Weaknesses:

1. The most expensive and organizationally complex form of civilian oversight
2. Civilian investigators may face strong resistance from police personnel
3. Disillusionment among the public may develop overtime when community expectations for change are not met

Review-focused Models

The second model is the **review-focused model** involves internal affairs investigations and make recommendations about operations to police. These review boards tend to be staffed by volunteers and community members, which can make the Board seem more responsive to the community. These boards also involve representatives from the police department, city government, and potentially an auditor (if hired). The authority of these boards is typically limited to passing recommendations, reviewing civilian complaints, and reviewing public feedback (Raffish, 2021). Similar to the investigator-focused model, the organizational structure of these types of agencies varies.

Key Features of the Model:

1. Often focus on reviewing the quality of completed police internal affairs investigations
2. May make recommendations to police executives regarding findings or request that further investigation be conducted
3. Commonly headed by a review board composed of citizen volunteers
4. May hold public meetings to collect community input and facilitate police-community communication

Strengths:

1. Ensures that the community can provide input into the complaint investigation process
2. Community review of complaint investigations may increase public trust in the process
3. Generally, the least expensive form of oversight since it typically relies on the work of volunteers

Weaknesses:

1. May have limited authority and few organizational resources
2. Review board volunteers may have significantly less expertise in police issues and limited time to perform their work



3. Maybe less independent than other forms of oversight

Auditing Models

The third model is the **auditing model**, focusing attention on broad patterns of officer misconduct rather than individual incidents. This model involves the ongoing monitoring of auditing authority over the police department. The staff of this model may include community members, volunteers, city government officials, members of the police department, and a potential auditor. The auditor is typically a policing expert (or trained to be one). The role of an auditor can vary. Some auditors only review internal misconduct to ensure that the investigation is fair, thorough, and accurate. In other departments, auditors are given the authority to have decision-making roles (Raffish, 2021).

The auditor model is often referred to as "police monitor" or "inspector general." However, monitors rather than auditors tend to conduct a holistic review of a police department's policies and training. Although, monitors tend not to have decision-making authority and publicly publish their findings and recommendations (Raffish, 2021). There are distinct differences in the organizational structure of this model; however, this form of community oversight tends to focus on large-scale, systemic reform of the police agency (Angelis, Rosenthal, & Buchner, 2016).

Key Features of the Model:

1. Often focuses on examining broad patterns in complaint investigations, including patterns in the quality of investigations, findings, and discipline
2. Some auditors/monitors may actively participate in or monitor open internal investigations
3. Often seek to promote broad organizational change by conducting systematic reviews of police policies, practices, or training and making recommendations for improvement

Strengths:

1. Often have more robust public reporting practices than other types of oversight
2. Generally, less expensive than full investigative agencies but more expensive than review-focused agencies
3. It may be more effective at promoting long-term, systemic change in police departments

Weaknesses:

1. Auditor/monitor focus on examining broad patterns rather than individual cases may be treated with skepticism by some local rights activists.
2. Significant expertise is required to conduct systematic policy evaluations. The hiring of staff without relevant experience may cause tension between the oversight agency and police officers

3. Most auditors/monitors can only make recommendations and cannot compel law enforcement agencies to make systemic changes

Hybrid Systems

Many police departments understand that not one of the abovementioned models will fit the needs of their police departments. These models combined different aspects of the investigator-focused model, review-focused model, and audit model. Many oversight police departments are discovering that it is more beneficial to talk about authority and power options that fit the culture of their police department and not focus on a specific model (Angelis, Rosenthal, & Buchner, 2016). It is also essential to understand the size of a police department. For example, for smaller police departments like Cleveland Heights, implementing an audit model may be excessive given the size of the police force.

The powers and authorities granted to an oversight agency can be combined in any manner that works best for each community. While sometimes a volunteer review board may not have the resources, power, and authority to ensure each complaint and investigation is handled in a way that guarantees transparency and accountability, it does add an essential layer of involvement, communication, and trust-building. Review of closed cases might be frustrating for some. At the same time, other communities may choose to commit adequate power, authority, and resources to the review board to ensure each review is thorough and that the opportunity for feedback and change is genuine (Angelis, Rosenthal, & Buchner, 2016).

Angelis, Rosenthal, and Buchner (2016) developed a table that compares the common characteristics and the forms of authority by the different models based on data collected from 97 oversight agencies within the United States.



	Investigation- Focused Agencies	Review-Focused Agencies	Auditor/Monitor Agencies
Receive Community Complaints	Frequently	Frequently	Frequently
Decide How a Complaint will be Handled	Frequently	Rarely	Sometimes
Review Police Complaint Investigations (e.g., for thoroughness, completeness, accuracy)	Sometimes	Frequently	Frequently
Conduct Independent, Fact-Finding Investigations	Frequently	Rarely	Sometimes
Perform Data-Driven Policy Evaluations	Sometimes	Sometimes	Frequently
Recommend Findings on Investigations	Frequently	Sometimes	Frequently
Recommend Discipline to the Police Chief	Sometimes	Rarely	Sometimes
Attend Disciplinary Hearings	Sometimes	Rarely	Sometimes
Have a Board Composed of Community Members	Frequently	Frequently	Sometimes
Hear Appeals	Sometimes	Sometimes	Rarely
Have Paid Professional Staff	Frequently	Sometimes	Frequently
Staffing and Operational Costs	Most Expensive	Least Expensive	Intermediate Expense

Key Features of Community Review Boards

Regardless of the community review board model, there are critical features of a community review board. According to the National Association for Civil Oversight of Law Enforcement (2021a), the elements of an effective police-community review board include the following:

Independence. The community review board must be separate from the police department to garner trust by being unbiased.

Adequate funding. The community review board must have enough funding and spending authority to fulfill the Board's duties. This funding includes enough money for sufficient staffing and money to train that staff.

Access to all critical areas. This process includes transparency and access to all necessary information and evidence in an investigation. Still, it also means access to decision-makers in both the law enforcement agency and elected officials.

Rapport. The talent, fairness, dedication, and flexibility of the key participants, particularly the oversight official (if appointed), chief elected official, and police chief. The rapport between the key players can be far more critical to the success of the oversight system than the structure of the system.

Ample authority. Whatever the community review board model is chosen, it must have enough power to accomplish those goals.

Ability to review police policies, training, and other systematic issues. The community review board should have the authority and capacity to review the policies, procedures, training, and other systemic problems within the police department. This ability shifts the focus from reactive to past events to resolve the issues before they begin.

Community/Stakeholder Support and Outreach. Maintaining community interest is essential for sustaining an agency through difficult times when cities or government jurisdictions may need to cut services for budget reasons.

Transparency. Systematic reporting provides transparency and accountability to the community and typically includes complaint analysis and other observations about the law enforcement organization and its practices. Reporting also increases public confidence in the oversight agency, as much of the work related to complaint investigations may be confidential and protected from public disclosure.

Overall Concerns with Community Oversight

A salient theme expressed by Cleveland Heights community members during the community policy review and townhall meetings indicated in general that they would like some decision-making input and a structure to continually review the Cleveland Heights Police Department operations (e.g., community review board, access to reports, transparency regarding use of force incidents, and clearly defined department budget



allocations, etc.). As one resident stated, “I am concerned that the review process is only in the hands of the Chief of Police (or her designee). Ideally, I would want a non-police civilian review board or a mix of officers and non-police civilians to review the reports and logs to come to a consensus if the decisions of the pursuing officers were deemed unreasonable.” While this resident’s comments were made in reference to the review of department’s police pursuit policy, it speaks to the general consensus expressed by resident’s that they wanted increased input, engagement and oversight of police interactions with the public.

However, Moore (2020) identified typical problems with community oversight boards that should be considered before establishing a community review board. These common problems include:

- 1) The police department and unions defying, obstructing, or undermining community review boards
- 2) City government officials and politicians creating community review boards that are not independent of the police department
- 3) Police departments and police unions imposing restrictions on what information community review boards can release
- 4) Past or present police department employees staffing community review boards
- 5) City government officials compromising rather than sufficiently empowering community review boards
- 6) Municipalities inadequately funding community review boards, so they cannot perform the full range of oversight necessary
- 7) City government inadequately funding and supporting community review boards so that members are perceived as lacking professionalism or expertise
- 8) City government not bestowing community review boards with necessary investigatory powers, such as subpoena power

Understanding these common problems with the community review board should assist in developing and the eventual establishment of the Cleveland Heights Community Review Board.

Community Review Boards in Ohio

Akron: Auditor Model

The mission and objective of the independent police auditor are to conduct outreach about the complaint process and the services the office provides to the community. Serve as an alternative location for filing a complaint against an Akron police officer. Monitor and audit APD complaint investigations to ensure they are thorough, objective, and fair and make policy recommendations to enhance and improve policies and procedures of the APD. Respond to the scene of, and review officer-involved shooting investigations.

- For police officers and the community to partner proactively to solve community problems.
- To build respect, cooperation, and trust between the police and the community.
- To improve Akron Police Department, training, oversight, monitoring, accountability, and hiring practices.
- Ensure fair, equitable, courteous, and professional treatment for all.
- Establish a public understanding of police policies and procedures and recognize exceptional service to foster support for the Akron Police Department.

Cincinnati: Review Board Model

The city of Cincinnati established the Citizen Complaint Authority. The mission of their review board is to investigate severe interventions by police officers including, but not limited to discharging of firearms; deaths in custody; excessive use of force; improper pointing of firearms; improper stops; improper entries, searches, and seizures; and discrimination/racial profiling. They resolve all citizen complaints fairly and efficiently. The ultimate goal is to address citizens' concerns and improve citizens' perceptions of quality police service in Cincinnati. It is essential that CCA uniformly be perceived as fair and impartial and not a vehicle for individuals or groups to promote their agendas.

The purpose of the Citizen Complaint Authority Board is to review each investigative report to confirm the completeness of the CCA investigation and approve or disapprove the Executive Director's report (findings and recommendations). The Board may either approve or disapprove the Executive Director's finding and recommendations. Where the findings are approved, they shall be submitted to the Police Chief and City Manager. If they are disapproved, the Board shall state its reasons and request that further investigation be pursued. The Board may issue its findings and recommendations and submit them, along with the Executive Director's original report, to the Police Chief and City Manager.

Cleveland: Review Board Model

The City of Cleveland was established in 1984 during the second wave of the evolution of civilian oversight of law enforcement. There were only 20 citizen oversight bodies in the U.S. as of 1985 (Walker, 2001; Livingston, 2002; Angelis and Kupchik, 2007), making Cleveland's citizen review board one of the longest standing contemporary civilian oversight agencies in the country. The Cleveland Civil Police Review Board is comprised of nine members. The mayor appoints five members, and the City Council appoints the remaining four members. To represent all of Cleveland's diverse communities, each of the five police districts is represented by at least one member who resides in that district. Additionally, at least one member of the Board is between the ages of 18 and 30 at the time of appointment.

As required by the City Charter of Cleveland, no board member may be employed as a law enforcement officer, nor a current or former employee of the Cleveland Division of Police. The Office of Professional Standards (OPS) is charged with carrying out the



administrative functions of the CPRB and investigating the citizen complaints that it receives. The OPS is staffed by a civilian administrator appointed by the city safety director and within the past ten-years its investigative staff has transitioned from four sworn-officer investigators to nine civilian investigators. This reform has enhanced the structural independence of the entity from the police agency it is charged with administering oversight of.

Columbus: Review Board Model

In 2020 the city of Columbus established its Civilian Review Board, which provides independent oversight over the Columbus Division of Police. The Board is comprised of eleven volunteer members who serve three-year terms. The Board receives training and support in escalation, implicit bias, constitutional law, and other police/criminal justice-related topics. The Board has the authority to initiate and carry out investigations of police misconduct to subpoena testimony and evidence during the investigation. The Board makes recommendations to the Division of Police and the Inspector General for the Division of Police.

Steps in Establishing a Community Review Board for Cleveland Heights

Based on recommendations from the National Association for Civil Oversight of Law Enforcement (2021b) (NACOLE) Cleveland Heights Police Department could do the following to establish a community review board.

- 1) Recruit a core group of citizens concerned about community oversight and willing to work together over an extended amount of time. These individuals could be identified through their participation in the town hall forums, online policy reviews, community hall meetings, involvement in Citizen's Police Academy, and their leadership within the community. Ofer (2015) suggests that the Board is nominated by civic organizations that are interested in the safety of Cleveland Heights and the community's civil rights.

This core group should be trained and given adequate resources before establishing a formal planning or advisory committee. This training could include areas that the community commonly does not know, such as the use of force and search and seizure. If the group is not given adequate resources, the community's voice risks being marginalized once professional stakeholders become involved in the process.

- a. Recommend training for the community review board by NACOLE may be found here:

https://www.nacole.org/recommended_training_for_board_and_commission_members

- 2) Start a public discussion and inviting public input around community oversight. Emphasize that the purpose of the community review board process is to improve trust between police and the community by ensuring public confidence in the agency through accountability and transparency. The end goal is to deliver the most professional and effective police services possible to the community. Invite police officials to be a part of the conversation from the start. Get their input and clarify to them that their suggestions and concerns are valuable to the process.
 - a. Continue to acquire/develop (similar to the traffic stop report) and publicize data that demonstrates a local need for civilian oversight (costs of past lawsuits, history of injuries, high ratio of use of force to arrest, lack of public confidence in policing agency, etc.).
- 3) Establish a planning or advisory committee composed of elected officials, legal advisors, police officials, and community advocates (individuals identified above). This committee should regularly educate the core group on the pros and cons of various oversight models (as addressed above), legal requirements, etc.
 - a. Identify sources of resistance and issues of contention and begin to address the concerns or neutralize the resistance.
 - b. A skilled negotiator or professional mediator may be helpful if communication becomes difficult or begins to break down.
- 4) Identify sources of technical assistance such as NACOLE, the Department of Justice, local bar associations, and practitioners of civilian oversight in other jurisdictions. Visit oversight agencies in other jurisdictions to learn from their staff and observe their procedures. Cleveland, Akron, and Columbus Police Departments all have some community oversight process (outlined below).
- 5) Identify the proposed agency's objectives and scope.
 - a. What type of complaints will be accepted?
 - i. Ofer (2015) suggests that the Board should review a broad scope of complaints, including "adjudication of cases including excessive use of force, abuse of authority, unlawful arrest, unlawful stop, unlawful searches, discourtesy or disrespectful behavior, use of offensive language, theft, and discriminatory behavior" (p. 1045).
 - b. How many complaints do you expect annually?
 - c. Will the agency make both disciplinary and policy/training recommendations?
 - i. Ofer (2015) suggest that even though (depending on the type of review board) the police chief has the final say on the discipline of the officers, they should be "bound by the independent factual investigation of the civilian review board and the range of punishment included in the pre-negotiated disciplinary matrix" (p. 1048). Similarly, Znamenak (2020) found that from the perspective



of Northeast Ohio community leaders, that if the chief of police does not discipline officers based on the recommendations of the review board, it will create mistrust and delegitimize their authority.

- d. Who shall be the final decision maker for complaint disposition?
 - e. What should happen when there is a disagreement between the police department and the oversight agency?
 - f. What will be the public reporting requirements for the oversight agency? Will the agency offer mediation?
 - g. Will the agency have subpoena authority?
 - i. Ofer (2015) suggests that for a community review board to be seen as legitimate by the community that they are given the authority to conduct independent investigations, including the ability to subpoena witnesses and documents, which include "internal police disciplinary documents, medical records, surveillance footage [including body camera footage], and other materials relevant to the investigation" (p. 1046).
 - h. How will the agency's effectiveness be measured?
 - i. How will elected officials hold the oversight agency accountable?
- 6) Based upon the agreed objectives and scope, select an agency structure:
- a. Citizen Review Board model with or without independent investigative authority and mandate for policy recommendations.
 - i. Ofer (2015) suggests that the community review board is given the authority to continue to review the policies that may lead to right violations. In other words, they should have the power and authority to audit the policies and practices of the police department.
 - b. Monitor, Auditor, Ombudsman, or Inspector General model with or without independent investigative authority and mandate for policy recommendations.
- 7) Determine whether the oversight agency will be created by ordinance or within the municipal charter. Generally, as recommended by NACOLE, it is better to have it built within the city charter. A municipal ordinance is typically easier to overturn.
- 8) Identify staffing needs
- a. Decide on type and number of staff
 - i. Administrator/ombudsman/monitor/IG
 1. How will the director be selected, and what are the director's terms and qualifications of employment?
 2. How can the director be reappointed or removed?
 - b. Volunteer board members

- i. If the agency will be volunteer-based, how many volunteer hours per week/month will it take for a volunteer to perform competently?
 - ii. How will the volunteer board members be selected?
 - c. What are the qualifications (and disqualifications) for being a board member?
 - i. Administrative assistant(s)
 - ii. Investigators
 - iii. Legal counsel (Corporation Counsel or outside legal counsel)
 - d. Consider how training and development will be regularly provided to agency staff and volunteers.
- 9) Develop a specific and detailed budget estimate and work to secure political support of elected officials for full funding.
 - a. Ofer (2015) suggests that the funding should be free from political influence and should be secure and sufficient to support the Boards operations. The budget should be tied to a permanent percentage (by law) of the police department's non-capital budget. If the police department's operating budget increased because of hiring additional officers, the Board budget would increase. However, the opposite will be true if the police department lays off officers. The budget should also consider a percent that would cover the cost of hiring professional staff (if feasible) to run the Board.
- 10) Present the proposal to the public and allow time for public input and feedback. Work with community advocacy organizations to build public support for the proposal to ensure its passage.
 - a. Ofer (2015) suggests that for the Board to sufficiently operate for the community, community members should be able to file complaints about police officer misconduct easily. This should include filing complaints on the police department/city/Board's website and in person through email, phone, or dropping them off at the department at a central location accessible during evening hours.

The National Association for Civil Oversight of Law Enforcement recommends that the police department advocate for the most effective structure possible that can be created within the current local political context and recognize that compromises may have to be made to secure the Board's initial passage. Revisions to the law that would strengthen the agency can be proposed at a subsequent time when the political context may be more amenable.



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CLEVELAND HEIGHTS

Committee of the Whole

June 7, 2021

6:30 p.m.

Agenda

Online Only

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

1. Legislation
2. Zoning Changes Discussion
3. Executive Session – *1. to consider the sale or lease of City-owned real property; 2. to discuss the appointment of a public official*

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CLEVELAND HEIGHTS

AGENDA (tentative) – CLEVELAND HEIGHTS CITY COUNCIL MEETING

Monday, June 7, 2021

Online Only

Regular Meeting

7:30 p.m.

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

- 1) Meeting called to order by Council President**
- 2) Roll Call of Council Members**
- 3) Excuse absent members**
- 4) Approval of the minutes of the Council meeting held on May 19, 2021**
- 5) Personal communications received from citizens (via electronic mail)**
- 6) Report of the City Manager**

Sealed bids were received on May 28th, for project #21-05 – for the Purchase of Fully Automated Universal Roll-out Containers (Carts). There were four bids received and Cascade Engineering, Inc. of Grand Rapids, Michigan's bid of \$1,528,407.00 has been found to be the lowest and best responsive and responsible bid.

Matter of Record

- 7) Report of the Clerk of Council**

Notify Council that a notice has been received from the Ohio Department of Liquor Control advising that an application has been made by JZ Restaurant Group Inc., dba Coventry Paninis & Patio, 1819-1823 Coventry Rd., Cleveland Heights, OH 44118 for the transfer of D5 and D6 permits from DFR Coventry Restaurants Inc., dba Coventry Paninis & Patio, 1819-1823 Coventry Rd., Cleveland Heights, OH 44118

Matter of Record

- 8) Committee Reports**

a.) ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 62-2021 (AS), Second Reading. A Resolution authorizing the City of Cleveland Heights to become a Power a Clean Future Ohio Community and to adopt a goal to reduce greenhouse gas emissions in the city

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

b.) COMMUNITY RELATIONS AND RECREATION COMMITTEE

RESOLUTION NO. 66-2021 (CRR). A Resolution in support of H.R. 1280 - George Floyd Justice in Policing Act of 2021; urging its passage by the U.S. Senate

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

c.) FINANCE COMMITTEE

ORDINANCE NO. 67-2021 (F). An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,018,000 for the purpose of paying costs of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, (iii) acquiring motorized equipment and appurtenances thereto, (iv) acquiring motor vehicles and equipment used in performing the functions of the City’s Department of Public Works, Sewer Utilities Division, (v) acquiring motor vehicles and equipment used in performing the functions of the City’s Department of Public Works, Forestry Division and (vi) acquiring mobile radios for use by the City’s Police Department, together with the necessary related equipment

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

RESOLUTION NO. 68-2021 (F), First Reading. A Resolution approving the adoption of the 2022 Tax Budget

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 69-2021 (F). An ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021

Introduced by Council Member _____

Vote _____
For Against No. Reading

d.) MUNICIPAL SERVICES COMMITTEE

e.) PLANNING AND DEVELOPMENT COMMITTEE

ORDINANCE NO. 70-2021 (PD). An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City's regulations regarding private parking garages and other ancillary changes, and transmitting the same to the Planning Commission.

Introduced by Council Member _____

Vote _____
For Against No. Reading

RESOLUTION NO. 71-2021 (PD). A Resolution authorizing the City Manager to enter into an agreement with Tucker Ellis LLP to serve as special counsel to the City of Cleveland Heights in connection with the Cedar-Lee-Meadowbrook project

Introduced by Council Member _____

Vote _____
For Against No. Reading

f.) PUBLIC SAFETY AND HEALTH COMMITTEE

ORDINANCE NO. 106-2017 (PSH), Second Reading. An Ordinance amending Chapter 525, “Law Enforcement and Public Office,” of the Codified Ordinances of Cleveland Heights by enacting a new Section 525.18, “Civil Immigration Enforcement.”

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

ORDINANCE NO. 72-2021 (PSH). An Ordinance repealing certain provisions of Chapter 531, “Minors’ Curfew,” of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights.

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

9) Consent Agenda

Note: Individual Consent Agenda items are not discussed separately during the Council meeting, unless removed from the Consent Agenda on the request of a member of Council. Once an item is removed from the Consent Agenda it will be placed on the Regular Agenda.

RESOLUTION NO. 73-2021 (CRR). A Resolution proclaiming June 4, 2021 to be National Gun Violence Awareness Day in the City of Cleveland Heights

RESOLUTION NO. 74-2021 (CRR). A Resolution declaring June 2021 to be LGBTQ Pride Month

RESOLUTION NO. 75-2021 (PD). A Resolution authorizing the City Manager to enter into an agreement with Lake Erie Ink, a non-profit corporation, for the use of Community Development Block Grant CV funds to provide additional assistance to their Ink Spot Program needed as a result of the COVID-19 Pandemic; providing compensation therefor

Motion to suspend rules by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

Motion to adopt by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

10) Council President's Report

11) Adjournment

NEXT MEETING OF COUNCIL: MONDAY, JUNE 21, 2021



CLEVELAND HEIGHTS

Monday, March 19, 2021 Minutes

COMMITTEE OF THE WHOLE

6:39 – 8:52 p.m.

President of Council Stein presiding

Roll Call: Present: Cobb, Dunbar, Hart, Russell, Seren, Stein
Excused: Ungar

Staff present: Anderson, Boland, Clinkscale, Freeman, Hanna, Himmelein, Lambdin, McRae, McMahon, Mecklenburg, Niermann O'Neil, Smith, Zamft

Topics discussed: Legislation

Executive Session

6:55 – 8:52 p.m.

Council Member Dunbar made a motion to begin Executive Session 1. To discuss with an attorney for the public body, claims or disputes involving the public body that are the subject of pending court action; 2. To review negotiation and bargaining sessions with public employees or their representatives concerning such employees' compensation or other terms and conditions of their employment; and 3. To consider the sale or lease of City-owned real property.

Roll Call: Ayes: Cobb, Dunbar, Hart, Russell, Seren, Stein, Ungar
Nays: None

Motion Passed

Council Member Cobb made a motion to end Executive Session which was seconded by Council Member Ungar.

Roll Call: Ayes: Cobb, Dunbar, Hart, Russell, Seren, Stein, Ungar
Nays: None

Motion Passed

CITY COUNCIL

6:55 – 8:52 p.m.

President of Council Stein presiding

Roll Call: Present: Cobb, Dunbar, Hart, Russell, Seren, Stein, Ungar
Excused: None

Staff present: Boland, Butler, Clinkscale, Freeman, Hanna, Himmelein, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Smith, Trupo, Zamft

Minutes from the City Council meeting held Monday, May 3, 2021, and February 16, 2021 were approved with submitted edits.

Personal communications received from citizens (via electronic mail)

Amy Himmelein read the following public comments into the record.

Name	Natalie Norcross
Public Comment	<p>I just purchased a home on South Taylor Rd and I would like to reduce the speed limit to 25. It is 25 for a few blocks up near Cedar where there are businesses, but strangely switches to 35 in the residential portion. There is a walking path, kids riding bike, churches, folks walking their animals and babies. 35 is much too fast for this area and I would love to see it change.</p>
Name	Marilyn Sobotincic
Public Comment	<p>Dear Council Members,</p> <p>As an avid Pickleball player I am writing to request that the Denison courts be repainted so faded lines can be seen. A different color is would be appreciated as green on green is a problem.</p> <p>The surface of the courts have major cracks on them that are increasingly getting bigger. Can something be done about it.</p> <p>Because if the volume of players and the popularity of the game I was wondering why the under-used tennis courts at Forest Hills couldn't be lined as Pickleball courts as well. Would you please consider doing that?</p> <p>Thank you for your consideration.</p>

Name	Jarmila Reed
Public Comment	We have been sending notices to the City via cell phone application, concerning dreadful state of properties on Pomona Road: houses 1148 and 1152. Nothing has been done, at least nothing visible. Both properties are constantly (but especially after the refuse collection day) covered by disgusting litter. We are seriously concerned about possibility of rodent (as in rats) coming as a result.
Name	Gretchen Haremza
Public Comment	Can you please reconsider allowing block parties this summer now that the CDC says fully vaccinated people can gather outdoors without masks?
Name	Fran Mentch
Public Comment	<p>1. Tonight's agenda for council committee of the whole includes an executive session for "Sale or lease of real property". "Sale or lease of real property" is not a permitted use of an executive session, according to Ohio Revised Code section 121.22. There have been other recent city council meetings with the same unlawful purpose. Which of these improper meetings involved the Meadowbrook-Lee property?</p> <p>2. Citizens have not been included in the decision regarding Meadowbrook-Lee. You have abdicated your role in the political process to the developer. City council's boosterism and financial subsidy of the Flaherty and Collins proposal is so great that they are no longer engaged in private enterprise. You have handed all the decisions and political power over to them, and excluded citizens Please remedy this by holding a public hearing.</p> <p>Thank you.</p>

President of Council Stein asked Law Director Bill Hanna to respond to the question about Executive Session. Bill Hanna replied that the Cleveland Heights Codified Ordinances provide in 107.01C2 that Council can meet in Executive Session for all or a portion of any meeting for the consideration of any of the matters outlined below which include, "to consider the terms of

purchase or lease of real or personal property for public purposes or the terms of sale or lease of City owned real or personal property.” As a home rule charter municipality, Cleveland Heights has the authority to have this provision in the codified ordinances.

Name Rosa Kovacevich

Public Comment I'm happy that the Public Safety and Health Committee seemed in agreement that the minor curfew be repealed, after learning that of violations that occurred where civil penalties were applied, 93% were Black juveniles. I am hoping that Chairman Cobb can discuss the timeline for that change tonight.

I also want to comment on every City Council member thanking CHPD for commissioning the CSU report on 2019 traffic stop data. After George Floyd's murder sparked nationwide protests in May 2020, including multiple in Cleveland Heights, the video from Davyeon Drake's wrongful arrest in February 2020 went viral locally. CHPD released a statement responding to community concerns on June 1, and the Chief addressed it at the City Council meeting that night. The city held a special Meet Your Police Forum June 25 which addressed this and other concerns regarding policing in Cleveland Heights. It was only after that, on November 1, 2020, that the Chief announced in a City Council meeting that she had a contract set with CSU's Diversity Institute to study 2019 traffic stop data. To say that the city undertook this of their own accord is a mischaracterization - a federal consent decree did not force this, but sustained community involvement did. CHPD could have chosen to analyze their traffic stop data anytime in the past 5 years, but only did so after sustained attention on its practices. I think it's important we recognize that truth, and find it strange that all the Council members who held office all last year while this was ongoing did not acknowledge that in their remarks at this committee meeting.

Lastly, can any Council member involved in the Racial Justice Task Force please give the public an update of when it will be appointed and begin its work? Thank you.

Susanna Niermann O'Neil read a letter from Don King. Though two paragraphs are the same, the written submitted comment is as follows.

Name Donald King

Public Comment The purpose of this message is to address the Top of the Hill development project, and its impact on The Buckingham residential building that it surrounds, both financially and from a quality of life standpoint.

What I would like to address here was the promise, made by the developer in public meetings, that there would be green spaces created that would be a benefit to the public. Rather, what we see being created at the very entrance to The Buckingham is an artificial turf dog park, which in our view, is a slap in the face of Buckingham residents and a cynical effort to fulfill a promise made to the community. We hardly view this artificial turf installation as a “green space”, and regard it as an affront to the unit owners and ultimately as a nuisance.

We strongly urge that the City, either through its Building Department or its Planning Department, take a fresh look at what is planned, and consider at the very least, relocating the dog park to an alternative location on the project site, and allowing the small “pocket park”, naturally landscaped, remain for the public use that was promised originally. If there is absolutely no possibility of this request being considered, then the City should require that landscaped screening fully surrounding this area be added as a requirement to this installation. At the very least, this area could be screened off and softened, minimizing the visual impact of a stark patch of fake vegetation.

Considering everything that the City has provided in accommodations and benefits to the developer, we do not believe such a request would be too much to ask, and would in some small measure, minimize the assault on the already diminished value of The Buckingham residential community.

Report of the City Manager

Susanna Niermann O’Neil stated that Parks and Rec staff, Cain Park staff, and City staff are all working on the protocols and procedures of opening things up. We will have materials regarding policies and procedures by June 1 including reinstating block parties, opening up Cain Park, Cumberland Pool, and parts of the Community Center.

Report of the Chief of Police

Chief Mecklenburg stated she wanted to address a public comment. It was mentioned that we could have chosen to analyze our traffic stop data any time in the past five years but only did so after sustained attention on practices. She stated that isn't a fair characterization and not very accurate. Prior to 2019, we never kept such records on traffic stop data. We never kept track of race or gender of the drivers stopped. It was only a few years before she started as Chief that traffic stops were logged at all. The Police voluntarily embarked on it and trained officers on the logging so accurate information could be available.

On May 6, Police received a call for shots fired in the area 1630 Belmar. Several shell casings were located in the roadway and two vehicles were damaged, but nobody was injured in that incident. Preliminary investigation indicated that a vehicle was observed in the area and the occupants were the ones firing shots. There are currently no suspects, but they are following leads.

On May 7, there was a robbery in the area of 2193 Grandview. Two women had parked their car in Municipal Lot 7 and were walking home when they were accosted by two suspects, one whom had a gun, and they stole the women's car. Police were unable to locate them that night, but three days later, an officer observed the vehicle traveling within the city. Detectives responded and located the vehicle in Cleveland. They waited and a 16-year old approached the car who was taken into custody without incident. That juvenile was armed with a loaded handgun ready to fire and officers were able to quickly move in with no one getting injured.

On May 12, officers responded to the 1700 block of Pryor on a report of a man who sustained a gunshot wound to the abdomen. First aid was performed until EMS arrived and took over treatment and transported him to the hospital where he is in stable condition. Preliminary investigation indicates the victim arrived at his mother of his child's house and became involved in an altercation with her current boyfriend, 1 41-year old male. The victim pulled a knife and threatened the boyfriend who then retrieved his firearm and shot the victim. At this time, the shooter was taken into custody and is facing charges of having a weapon while under disability. He was released on a \$50,000 cash surety bond. Detectives are continuing to investigate.

On May 10, Dr. Dunn and his Diversity Institute team from Cleveland State completed the compilation of comments and questions from the residents that were obtained at the Town Hall meetings. The information has been provided to Police and is being reviewed to see how we can work some of that into current policies. It is posted on the Police web site. She is composing answers for some of the questions that came up which will also be posted.

Regarding the incidents over the weekend, nobody was injured. A couple of them are recurring incidents at the same houses where there have been prior incidents. The Chief has reached out personally to the owners of those properties and they are cooperating working with Police. Police are working with law enforcement partners and various agencies within the county and found some of these incidents are related to similar

incidents occurring in other cities. While some arrests have been made in these other incidents, we don't have any that are directly tied to us, but we have promising leads.

May 26 will be the 14th anniversary of the death of Investigator Jason D. West who was shot and killed in the line of duty. An end of life ceremony will be held at 3:00 p.m. in front of City Hall at the memorial and everyone is welcome to attend.

Council Member Ungar thanked Chief Mecklenburg. Regarding the 16-year-old with the loaded gun, he asked if we in the ordinary course of policework find more information when there's a juvenile involved? How did he get that gun and ammunition? Are there any repercussions in the event that he got it from an adult? If he isn't a Cleveland Heights resident, why did he target these women in this community?

Chief Mecklenburg responded he is not a Cleveland Heights resident. Regarding how he came across the gun, we find sometimes they are stolen or taken from a house where the gun was left unlocked, from unlocked vehicles, during burglaries. They have had some gun stores burglarized. Some are purchased legally by adults and sold on the streets. Police do an E-trace to track down who the last legal owner of that gun was and back trace where it came from and if they can charge somebody, they will do that. The Chief does not yet know where the gun came from in this incident, but will be looked into. The Chief stated she can't speak specifically to why these women were targeted, but can talk about similar ones. They're usually just driving around until they find an opportunity that they feel they can take.

Council Member Ungar said we've talked about deterrents like cameras, Ring cameras, and other items. He asked she let Council know what we can do to deter gun related incidents. The Chief responded they're still in the process of working things out with the Ring cameras. Approval was received for license plate readers. Highland Heights, Mentor, and Willoughby has them and they've had great success. These are used to 1.) address a stolen car that has been involved in a robbery or goes through our city; and 2.) If we do have a description of a car, they can check the readers for cars that match that and get a license plate to track it down. Council Member Ungar asked about the timing. Chief Mecklenburg stated she's meeting with them next week to pick out the specific locations and hopefully we'll receive them weeks after that.

Council Member Russell thanked the Chief for letting officers meet with her last week and for the tour. She apologized to the officers for the conditions they are working in. Those facilities will be taken care of ASAP.

Council Member Hart stated she visited as well and she appreciated their comments. She toured the facilities and she agreed. She told the Chief she hoped for a wish list about what things are needed in order to improve that. She thanked Tyler Allen, Robert Shed, Earl Pearson, Roman Soyko and Seth Adams. Council Member Russell stated she's scheduled for one after June 2.

President of Council Stein stated the officers are great and deserve better. Improvements are on the way. He stated the report was a reminder of the great policework and how dangerous the job is.

Report of the Clerk of Council

Notify Council that a notice has been received from the Ohio Department of Liquor Control advising that applications have been made by Marchant Manor LLC, 2211 Lee Road, Cleveland Heights, Ohio 44118 for the transfer of D1 and D2 permits from Annie's Wine Cottage LLC dba Annie's Wine Cottage, 1st Floor and 2nd Floor RR Only, 30 W. Olentangy St. & Porch & Patio, Powell, OH 43065

Matter of Record

PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Cobb responded to the public comment about the Racial Justice Task Force that the Chair and Vice Chair have been conferring about the applicants. He anticipates that a list will be submitted to Council at either the next meeting or the one after that. Their first meeting will be held in June.

Regarding curfew legislation, he gave credit to Vice President of Council Seren who raised the issue with him and sent proposed legislation which was a great template. He will follow up with the Law Director to get that legislation finalized in June. The Police Department is not enforcing that ordinance in the meantime.

The next committee meeting will be held May 26 at 6:00 with two agenda items – the Novak consultants report on the housing department and a presentation from the Greater Cleveland Congregation about Noble Neighborhood.

ADMINISTRATIVE SERVICES COMMITTEE

ORDINANCE NO. 61-2021 (AS), First Reading. An Ordinance granting final approval of the compensation rates and benefits proposed by the tentative labor agreement with the Cleveland Heights Fire Fighters Association, Local No. 402/International Association of Fire Fighters, AFL-CIO (Union) for the period commencing April 1, 2021 through March 31, 2024; giving the City Manager authority to sign said agreement; amending Section 3 of Ordinance No. 20-2021, "Wage and Salary Ordinance," to incorporate the labor agreement

Introduced by Council Vice President Seren

Legislation Introduced

RESOLUTION NO. 62-2021 (AS), First Reading. A Resolution authorizing the City of Cleveland Heights to become a Power a Clean Future Ohio Community and to adopt a goal to reduce greenhouse gas emissions in the city

Introduced by Council Vice President Seren

Legislation Introduced

There will be a committee meeting Wednesday, May 25, to hear a presentation about Resolution 62-2021.

Vice President of Council Seren stated that Council received information from people working in the Police Department about their working conditions. These conditions do not meet conditions of a healthy workplace. He's visited the department and sees the need for updates. He's confident that the health and wellbeing of the people that work for the city is a paramount concern and he's dedicated to creating a safe and healthy environment for our Police Department, the fleet, and throughout City Hall.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Russell stated the Forest Hill all-inclusive playground should be completed by the end of the week. After that, work will begin at the Denison Playground and facility.

She stated she was concerned about the salt dome and garbage there that she has commented on previously and asked about. She was told it would be cleaned up and now has been informed that it is contaminated and they don't know what to do with it or how to get it out. She stated we've got to get it out of that area. She's been getting calls from homeowners and businesses near there. They held a business developers roundtable today and talked about having grants for asbestos removal for older buildings to be torn down. She thought the dairy might be eligible for the Browns grant for asbestos and lead removal. She found two places that would accept the contaminated materials. There are many city owned lots and buildings in the Noble Neighborhood which is causing a delay for development in that area. Staff should be able to do it with some overtime pay to empty is out on Saturdays.

The City's timeline for Start Right made the RFP available in October with a December deadline and interviews in January. The contract was supposed to be in March and needs to be executed.

There was a comment about a burned down house that the Housing Department Director will address.

Susanna Niermann O'Neil stated we have been hauling every day recently and the reason it looks like nothing has been hauled is because of the enormous amount of yard waste that our crews are picking up including tree limbs from the big snow storm. We have a

contract with Boyas which has a good rate. Council Member Russell said she was glad to hear that update.

President of Council Stein stated he was glad to hear the cleaning and hauling was underway. In response to the City owned properties in the Noble area, he stated perhaps the Municipal Services Committee could add that to their next committee meeting agenda.

Council Member Russell stated she'd like a deadline when the dump will be cleared out and emptied. Susanna Niermann O'Neil stated the reality is there might be a big storm where it fills up with trees and limbs from that cleanup and it won't ever be an empty lot. President of Council Stein deferred the matter to go on a Municipal Services Committee agenda when the Public Works Director can talk about what is done there and explain the process.

FINANCE COMMITTEE

Council Member Hart asked Amy Himmelein to provide an explanation for the legislation. Amy Himmelein stated the budget adjustment is to increase the budget to purchase license plate readers, an offset for the lease of a fire truck, and a transfer to do some work on a building.

ORDINANCE NO. 63-2021 (F). An ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021

Introduced by Council Member Hart, Seconded by Council Member Dunbar

Roll Call: Ayes: Dunbar, Hart, Russell, Seren, Stein, Ungar, Cobb
 Nays: None

Legislation Passed

MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 64-2021 (MS), First Reading. A Resolution approving an Integrated Overflow Control Master Plan relating to the City's Sanitary Sewer Overflow Control program pursuant to a consent decree between the City of Cleveland Heights, the United States of America, the U.S. Environmental Protection Agency and the State of Ohio, authorizing and directing its submission by June 1, 2021

Introduced by Council Member Dunbar

Legislation Introduced

RESOLUTION NO. 65-2021 (MS). A Resolution authorizing the City Manager to enter into an agreement with GPD Group for engineering services associated with the rehabilitation of Coventry Road from Euclid Heights Boulevard to Fairhill Road; providing compensation therefor

Council Member Ungar moved to remove Resolution 65-2021 from the consent agenda which was seconded by Council Member Hart

Introduced by Council Member Dunbar, Seconded by Council Member Russell

Roll Call: Ayes: Hart, Russell, Seren, Stein, Ungar, Cobb, Dunbar
Nays: None

Legislation Passed

Council Member Dunbar stated this was Bike to Work Week and there will be a Ride of Silence.

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Ungar stated that the Racial Justice Task Force Chair Rhonda Davis Lovejoy is hard at work with her Vice Chair to come up with a set of recommendations for the membership. They hope to hold the first meeting in June.

Council Member Ungar stated that Cleveland Heights will be receiving almost \$39 million in American Rescue Plan funds. It is time to listen to the community about how it should be spent and have staff provide recommendations to Council. Council Member Russell stated there is a plan for a few million already. President of Council Stein stated he would want to cast it broadly so we got recommendations from everyone. Vice President of Council Seren stated there are established models of participatory budgeting including outreach. Vice President of Council Seren stated Council could carve out some of the funds for participatory budgeting process which would be meaningful for residents' priorities. Council Member Hart stated residents don't feel there is enough room for public input and this is a good opportunity, but we'll have to let them know some things that are actually needed as well.

Vice President of Council asked about the procedure of scheduling the next meeting to approve legislation. President of Council Stein stated there will be a meeting next Monday for the legislation that was on first reading tonight, so a special meeting was posted for that at 7:30. Council Member Cobb asked if the revised legislation will be posted. Susanna Niermann O'Neil stated that as soon as the Master Plan is sent to us, the document will be posted.

Council President's Report

No report.

SPECIAL MEETING OF COUNCIL: MONDAY, MARCH 24, 2021

Respectfully submitted,

Jason S. Stein, Mayor

Amy Himmelein, Clerk of Council
/jkc



Date: June 1, 2021

To: Susanna Niermann-O'Neil, City Manager

From: Collette Clinkscale, Director of Public Works

Subject: Public Works Update

Sanitary Sewer Evaluation Survey

Requirements		Due
Phase 1 SSES	CCTV - 393,658 LF	Complete
Phase 2 SSES	CCTV - 224,792 LF	30-Jun-21
Phase 1 SSES	1,980 Manhole Inspections	Complete
Phase 2 SSES	1,125 Manhole Inspections	Complete
CMOM	132,000 LF/yr Pipe Cleaned	31-Dec-21
Model	Calibrated Model	Complete

Completed Through May 21, 2021

	<u>Completed Thru May 21, 2021 (LF)</u>	<u>Overall Remaining (LF)</u>	<u>Overall Remaining (%)</u>
CCTV Phase 1	395,097	-	-
CCTV Phase 2	208,564	16,228	7%
MHs Phase 1	1,978	-	-
MHs Phase 2	1,115	-	-
Cleaning Total	695,500	-	-
Cleaning (2018) only	173,355	-	-
Cleaning (2019) only	304,188	-	-
Cleaning (2020) only	140,713	-	-
Cleaning (2021) only	77,244	54,756	41%

Work Completed by Entity

	<u>City</u>	<u>Contractor</u>	<u>County</u>
CCTV (Phase 1)	19% 75,464 LF	54% 215,287 LF	27% 104,346 LF
CCTV (Phase 2)	18% 38,084 LF	38% 83,932 LF	36% 80,979 LF
Cleaning (2021) only	3% 4,111 LF	33% 43,847 LF	22% 29,286 LF
Cleaning Total	27% 185,361 LF	44% 317,998 LF	29% 192,141 LF

Other

The Integrated Overflow Control Master Plan (IOCMP) has been submitted to the USEPA and posted on the website.

Capital Projects

#20-06 – Delamere Drive Basement Flooding Relief

The Delamere project is moving right along. Sanitary and storm sewer replacement is completed on Nottingham. Installed 300 feet of 24" sanitary sewer, 50 feet of 18" and 130 feet of 12" storm sewer on Delamere Drive including 2 manholes. Replaced 8 sanitary and storm sewer lateral service connections.



Delamere Drive Project photo



#21-01 – Shannon Road Resurfacing & Waterline Replacement

The temporary water main has been installed, and all homes are connected to it. Terrace has begun with the installation of the 8" water main starting at Andrews Road and working west down Shannon.

#21-02 – 2021 Street Resurfacing & ADA Curb Ramp Replacement Program

Pavement grinding is scheduled to begin this week.

#21-03 – 2021 Surface Treating Program

We are in the process of setting up the pre-construction meeting with N.E.S. and anticipate that work will begin in the next few weeks.

Streets Maintenance Division

The Street Division has been hauling yard waste to Boyas Excavating. We also have Fabrizi Trucking and Paving doing some hauling of yard waste from the Noble Road staging facility to Boyas Excavating

The asphalt crew is out repairing pot-holes and some of the Cleveland Water cut-outs. We have also assigned some staff to assist in the Refuse Division due to staffing and equipment issues.

As warm weather is upon us, we ask our residents to be cautious of workers in the road. Always drive slowly through work-zones or around refuse & recycling trucks and assume that workers do not see you.

Forestry Division

Forestry crews are out performing tree pruning and removals. Crews removed a tree on Sylvania Road that had fallen due to the high winds on Friday night, May 29th.

Refuse & Recycling

Bids were opened for refuse and recycling carts on Friday, May 29, 2021.

Refuse & Recycling operations continue as normal. **Next week will be the first full week of the month and will be bulk collection week. Residents can place up to four bulk items on their tree-lawn during their regularly scheduled collection day.** For additional items, or items on a non-scheduled bulk collection day these can be arranged in advance for a fee at the link below.

www.clevelandheights.com/bulkbrushrequest

Crews have been diligently screening yard waste bags to ensure that there are no contaminants that could cause them to be rejected at the dumping facility. If any non-yard waste materials (plastic bags, plastic bottles, etc.) are detected, bags are being tagged (**see image**). We will continue to run informative graphics in our bi-weekly newsletters and on social media to better inform our residents how they can assist in the success of recycling yard waste .

**UNABLE TO PICK-UP
DUE TO CONTAMINATION**
**Please Remove
Plastics & Other
Non-organic Materials**
**Please place bag out on your
next scheduled collection day**

Residents should follow the below guidelines when discarding yard waste

 **SOURCE SEPARATING YOUR YARD WASTE FOR RECYCLING**
Everyone can help to keep the yard waste recycling stream clean
The following items are taken to a registered composting facility to make mulch

GRASS CLIPPINGS	SHRUBS	PLEASE NO ROCKS
LEAVES	TREE BRANCHES	BRICKS/CONCRETE
SMALL BRANCHES		METAL
		DIRT
		PET WASTE
		ANY OTHER TYPE OF SOLID WASTE (trash, plastic, mulch bags, litter, etc.)

40 LBS. MAX

BUNDLED AND TIED WITH NATURAL OR JUTE TWINE AND NOT TO EXCEED THE FOLLOWING DIMENSIONS – 40 LBS. MAX

2 Feet Tall

4 Feet Long



Proposed: 5/19/2021

RESOLUTION NO. 62-2021 (AS),
Second Reading

By Council Member Seren

A Resolution authorizing the City of Cleveland Heights to become a Power a Clean Future Ohio Community and to adopt a goal to reduce greenhouse gas emissions in the city.

WHEREAS, Power a Clean Future Ohio is an expansive, diverse coalition engaging with cities and local governments across the state of Ohio to build a clean future for our communities; and

WHEREAS, Power a Clean Future Ohio empowers local leaders with tools and resources to create carbon reduction plans and implement them in ways that are achievable, measurable, equitable, and economical; and

WHEREAS, steps taken toward carbon emissions also aim to improve community quality of life, building community capital and increasing government efficiency, accountability, and transparency; and

WHEREAS, local governments have the unique opportunity to achieve reductions in both energy use and carbon emissions, along with cost savings through building and facilities management, land use and transportation planning, and through economic and community development; and

WHEREAS, efforts to address energy and climate issues provide an opportunity to move toward energy self-reliance and greater community resiliency and quality of life, and further provide environmentally healthy and cheaper-to-operate public buildings, encourage new economic development and local jobs, and support local renewable energy production; and

WHEREAS, on December 7, 2020, the Council of the City of Cleveland Heights unanimously passed Resolution No. 138-2020, to encourage effective plans to address climate change, a pressing problem already affecting Cleveland Heights; and

WHEREAS, the City of Cleveland Heights has installed solar arrays on three government buildings, alongside other comprehensive measures to reduce its carbon footprint and improve energy efficiency, and continues to actively seek ways to reduce energy use and carbon emissions; and

RESOLUTION NO. 62-2021 (AS), *Second Reading*

WHEREAS, uncertainty in energy prices and the transition away from fossil fuel energy sources present new challenges and opportunities to both the City of Cleveland Heights and to the economic health of its citizens and businesses; and

WHEREAS, climate changes have been observed in Ohio and have the potential to negatively impact local, regional and state economies, infrastructure development, drinking water supplies and recreational opportunities; and

WHEREAS, climate changes further have the potential to negatively impact habitat and ecological communities, including native fish and wildlife populations, to increase the spread of invasive species and exotic diseases, and pose flooding, drought, and health threats to our citizens; and

WHEREAS, Power a Clean Future Ohio assists in facilitating technical assistance for the implementation of these carbon reduction policies; and

WHEREAS, the Power a Clean Future Ohio provides cost-effective sustainable development policies in the following four categories: (1) Renewable Energy; (2) Energy Efficiency; (3) Transportation Electrification; and (4) Land Use.

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

SECTION 1. The Council of the City of Cleveland Heights does hereby authorize the City of Cleveland Heights (“the City”) to participate in Power a Clean Future Ohio (“PCFO”) that offers a free, voluntary continuous improvement framework. Passage of this participation resolution allows the City to be recognized as a Power a Clean Future Community.

SECTION 2. The City hereby commits to a goal of reducing greenhouse gas emissions in the City of Cleveland Heights by 30% by 2030, relative to 2021 levels.

SECTION 3. The City will develop a plan during Fiscal Year 2021 that lays out a roadmap for the City to achieve this goal and to proactively seek input from the community in developing this plan.

SECTION 4. The City will prioritize the lowest cost measures identified in the plan to meet energy needs to be mindful of the use of taxpayer dollars and any impact of consumers’ personal expenses.

SECTION 5. The City Manager or her designee shall serve as the City’s PCFO coordinator for implementation through Fiscal Year 2021. After December 31, 2021, the Mayor or designee shall serve as the City’s PCFO coordinator for implementation.

RESOLUTION NO. 62-2021 (AS), *Second Reading*

SECTION 6. The City will facilitate the involvement of community members in an equitable way and other units of government as appropriate in the planning, promoting, and/or implementing of PCFO policies.

SECTION 7. The City will provide public feedback once per year on how well PCFO is serving the City and on City needs from the PCFO program.

SECTION 8. The City will claim credit for having implemented and will work at its own pace toward implementing any policies from at least two of the PCFO policy categories (i.e. Renewable Energy; Energy Efficiency; Transportation Electrification; and Land Use) that will result in carbon emission reductions, cost savings, and quality of life improvement.

SECTION 9. 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 10. This Resolution shall take effect and be in force at the earliest time permitted by law.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 6/7/2021

RESOLUTION NO. 66-2021 (CRR)

By Council Member Russell

A Resolution in support of H.R. 1280 - George Floyd Justice in Policing Act of 2021; urging its passage by the U.S. Senate; and declaring an emergency.

WHEREAS, H.R. 1280 proposes to increase accountability for law enforcement misconduct, restrict the use of certain policing practices, enhance transparency and data collection, establish best practices and training requirements, and further enhances existing enforcement mechanisms to remedy violations by law enforcement by lowering the criminal intent standard, limiting qualified immunity, granting administrative subpoena power to the Department of Justice, and creating a national registry to compile data on complaints and records of police misconduct; and

WHEREAS, the House of Representatives passed H.R. 1280, known as the George Floyd Justice in Policing Act of 2021, on March 4, 2021, and it is now before the U.S. Senate for consideration; and

WHEREAS, City Council desires to express its support for H.R. 1280 and urges the U.S. Senate to pass H.R. 1280; and

WHEREAS, City Council further urges the Senate to enact legislation requiring the use of body cameras and dash cameras by all state and local police officers.

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

SECTION 1. That the Council of the City of Cleveland Heights hereby expresses its support for H.R. 1280, known as the George Floyd Justice in Policing Act of 2021, and urges its passage by the U.S. Senate.

SECTION 2. The Clerk of Council be and is hereby directed to forward a copy of this Resolution to Ohio Senators Sherrod Brown and Rob Portman.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely voice support for H.R. 1280 - George Floyd Justice in Policing Act of 2021. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this

RESOLUTION NO. 66-2021 (CRR)

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:

Proposed: 06/07/2021

ORDINANCE NO. 67-2021 (F)

By Council Member _____

An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,018,000 for the purpose of paying costs of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, (iii) acquiring motorized equipment and appurtenances thereto, (iv) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division, (v) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division and (vi) acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment, and declaring an emergency.

WHEREAS, pursuant to Ordinance Nos. 71-2010 and 72-2010, each passed on June 21, 2010, and Ordinance No. 84-2010, passed on July 6, 2010, there were issued \$1,635,000 of notes in anticipation of bonds for the purposes stated in clauses (i) and (ii) of Section 1 and other purposes, as part of a consolidated issue of \$1,850,000 Various Purpose General Obligation Bond Anticipation Notes, Series 2010, which notes were retired at maturity, together with other funds available to the City, with \$1,353,000 of notes issued in anticipation of bonds pursuant to Ordinance No. 88-2011, passed on July 18, 2011, as part of a consolidated issue of \$1,703,000 Various Purpose General Obligation Bond Anticipation Notes, Series 2011 (the 2011 Notes); and

WHEREAS, pursuant to Ordinance No. 89-2011, passed on July 18, 2011, there were issued \$350,000 of notes in anticipation of bonds for the purpose stated in clause (iii) of Section 1, as part of the consolidated issue of the 2011 Notes; and

WHEREAS, the 2011 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,351,000 of notes (the 2012 Refunding Notes) issued in anticipation of bonds pursuant to Ordinance No. 90-2012, passed on July 2, 2012, as part of a consolidated issue of \$2,126,000 Various Purpose Notes, Series 2012; and

WHEREAS, pursuant to Ordinance Nos. 88-2012 and 89-2012, each passed on July 2, 2012, there were issued \$775,000 of notes (the 2012 New Money Notes, and, together with the 2012 Refunding Notes, the 2012 Notes) in anticipation of bonds for the purpose stated in clause (iii) of Section 1 and other purposes, as part of the consolidated issue of the 2012 Notes; and

WHEREAS, the 2012 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,488,000 of notes (the 2013 Refunding Notes) issued in anticipation of bonds pursuant to Ordinance No. 120-2013, passed on July 15, 2013, as part of a consolidated issue of \$2,378,000 Various Purpose Notes, Series 2013; and

WHEREAS, pursuant to Ordinance Nos. 117-2013, 118-2013 and 119-2013, each passed on July 15, 2013, there were issued \$890,000 of notes (the 2013 New Money Notes, and, together with

ORDINANCE NO. 67-2021 (F)

the 2013 Refunding Notes, the 2013 Notes) in anticipation of bonds for the purpose stated in clause (iii) of Section 1 and other purposes, as part of the consolidated issue of \$2,378,000 Various Purpose Notes, Series 2013, which 2013 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$2,151,000 Various Purpose Notes, Series 2014 (the 2014 Notes), issued in anticipation of bonds pursuant to Ordinance No. 89-2014, passed on July 7, 2014, which 2014 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,925,000 Various Purpose Notes, Series 2015 (the 2015 Notes), issued in anticipation of bonds pursuant to Ordinance No. 88-2015, passed on July 6, 2015, which 2015 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,700,000 Various Purpose Notes, Series 2016 (the 2016 Notes), issued in anticipation of bonds pursuant to Ordinance No. 57-2016, passed on July 5, 2016, which 2016 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,285,000 Various Purpose Notes, Series 2017 (the 2017 Notes), issued in anticipation of bonds pursuant to Ordinance No. 87-2017, passed on July 3, 2017, which 2017 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$722,000 Various Purpose Notes, Series 2018 (the 2018 Notes), issued in anticipation of bonds pursuant to Ordinance No. 78-2018, passed on June 18, 2018, which 2018 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$582,000 of notes (the 2019 Refunding Notes) issued in anticipation of bonds pursuant to Ordinance No. 62-2019, passed on July 1, 2019, and there were issued \$631,000 of notes (the 2019 New Money Notes) in anticipation of bonds for the purposes stated in clauses (iv), (v) and (vi) of Section 1 pursuant to Ordinance Nos. 60-2019, 61-2019 and 63-2019, each passed on July 1, 2019, with the 2019 Refunding Notes and the 2019 New Money Notes together constituting a consolidated issue of Various Purpose Notes, Series 2019 (the 2019 Notes), which 2019 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,105,000 Various Purpose Notes, Series 2020 (the 2020 Refunding Notes), issued in anticipation of bonds pursuant to Ordinance No. 57-2020, passed on July 6, 2020 (the Outstanding Notes), which Outstanding Notes mature on July 19, 2021; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2 and other funds available to the City, including the payment of expenses properly allocable to the issuance of the Bonds; and

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvements described in Section 2 is at least five years and the estimated maximum maturity of the Bonds described in clause (i) of Section 2 is nine years, in clause (ii) of Section 1 is 14 years, in clause (iii) of Section 2 is two years and in clauses (iv), (v) and (vi) of Section 2 is 10 years;

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

SECTION 1. Definitions. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means the denomination of \$100,000 or any whole multiple of \$1,000 in excess thereof.

ORDINANCE NO. 67-2021 (F)

“Bond proceedings” means, collectively, this Ordinance, the Certificate of Award and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the Fiscal Officer.

“Certificate of Award” means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Executive” means the City Manager of the City.

“Fiscal Officer” means the Director of Finance of the City.

“Interest Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2022.

“Original Purchaser” means the original purchaser of the Bonds designated by the Fiscal Officer in the Certificate of Award.

“Principal Payment Dates” means unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in the years from and including 2022 to and including 2030, provided that in no case shall the final Principal Payment Date be later than the maximum maturity of the Bonds referred to in the preambles hereto.

SECTION 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City as a single fully registered bond in one lot in the maximum principal amount of \$1,018,000 (the Bonds) for the purpose of paying costs of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto (\$88,000), (ii) rebuilding Monticello

Boulevard and Taylor Road, including engineering and planning costs with respect thereto (\$150,000), (iii) acquiring motorized equipment and appurtenances thereto (\$135,000), (iv) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division (\$259,000), (v) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division (\$220,000) and (vi) acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment (\$166,000).

Subject to the limitations set forth in this Ordinance, the aggregate principal amount of the Bonds to be issued, the principal maturities of and the principal payment schedule for the Bonds, the interest rate or rates that the Bonds shall bear and certain other terms and provisions of the Bonds identified in this Ordinance are subject to further specification or determination in the Certificate of Award upon the finalization of the terms and provisions of the Bonds. The aggregate principal amount of Bonds to be issued, as so specified by the Fiscal Officer in the Certificate of Award, shall be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

The proceeds from the sale of the Bonds received by the City shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds received by the City representing premium (after payment of financing costs) or accrued interest shall be paid into the Bond Retirement Fund.

SECTION 3. Denominations; Dating; Principal and Interest Payment and Prepayment Provisions. The Bonds shall be issued as a single fully registered bond in one lot in the maximum principal amount of \$1,018,000. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) **Interest Rates and Interest Payment Dates.** The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) **Principal Payment Schedule.** The Bonds shall mature on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with the Fiscal Officer's determination of the best interest of and financial advantages to the City.

(c) **Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts.** The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing on each Principal Payment Date, shall be such that (i) the total principal and interest payments on the Bonds for each of the purposes stated in clauses (i) through (vi) of Section 2 in any fiscal year in which principal is payable is not more than three times the amount of those

payments in any other such fiscal year and (ii) the true interest cost of the Bonds shall not exceed 2%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day preceding that Interest Payment Date. Notwithstanding the foregoing, so long as the Original Purchaser is the registered owner of the Bonds, (i) the principal installments on the Bonds may be paid on each Principal Payment Date and any prepayment date by (A) wire transfer of immediately available funds to the registered owner, without presentation or surrender thereof, to an account in the United States as such owner will direct in writing to the Bond Registrar or (B) check or draft mailed to the registered owner, provided that in connection with the payment or prepayment of the final installment of principal of the Bonds, the registered owner thereof shall present and surrender its Bonds at the office of the Bond Registrar, and (ii) interest on the Bonds may be paid on each Interest Payment Date by (A) wire transfer of immediately available funds to the registered owner, without presentation or surrender thereof, to an account in the United States as such owner will direct in writing to the Bond Registrar or (B) check or draft mailed to the registered owner.

(e) Prepayment. If agreed to by the Original Purchaser, the Bonds shall be prepayable, in whole or in part, with or without penalty or premium, at the option of the City at any time or a specific time prior to maturity, each as designated by the Fiscal Officer in the Certificate of Award and as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Bond Registrar of the principal amount of the Bonds then to be prepaid, together with interest accrued thereon to the date of prepayment. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the date of prepayment and the name and address of the Bond Registrar, by certified or registered mail to the registered owners of the Bonds to be prepaid, and at their addresses, each as shown on the Bond Register at the close of business on the day preceding the mailing of the notice. The notice shall be mailed not less than 30 days prior to the date of that deposit, unless that notice is waived by the registered owner(s) of the Bonds. If moneys for prepayment are on deposit with the Bond Registrar on the specified prepayment date following the giving of that notice (unless the requirement of that notice is waived as stated above), interest on the principal amount prepaid shall cease to accrue on the prepayment date, and upon the request of the Fiscal Officer the registered owner(s) of the Bonds shall arrange for the delivery of the Bonds to the Bond Registrar for prepayment and surrender and cancellation.

SECTION 4. Execution and Authentication of Bonds. The Bonds shall be signed by the Executive and the Fiscal Officer, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code, the City's Charter, this Ordinance and the Certificate of Award; provided, however,

that, if requested by the Original Purchaser, the Bonds may be issued as a single registered Bond with multiple maturities of principal in Authorized Denominations as set forth in a payment schedule to be set forth in such Bond or attached thereto.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION 5. Registration; Transfer and Exchange.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall

be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for prepayment between the 15th day preceding the mailing of notice of Bonds to be prepaid and the date of that mailing, or (ii) any Bond selected for prepayment, in whole or in part.

SECTION 6. Award and Sale of the Bonds.

(a) Original Purchaser Designated in Certificate of Award. The Bonds shall be sold to the Original Purchaser at a purchase price, not less than 97% of their aggregate principal amount, to be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The President of Council, Executive, Fiscal Officer, Director of Law, Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements, bond purchase agreement, term sheet, placement agreement and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

(b) Financing Costs. The expenditure of the amounts necessary to pay the financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds is authorized and approved, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as

the same fall due. In each year, to the extent other funds are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated.

SECTION 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Fiscal Officer, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Bonds as “qualified tax-exempt obligations” if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt charges on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is

necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

SECTION 9. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Certificate of Award to the Cuyahoga County Fiscal Officer.

SECTION 10. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 11. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 12. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 13. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 14. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for the further reason that this Ordinance is required to be immediately effective

ORDINANCE NO. 67-2021 (F)

in order to enable the City to sell the Bonds at the earliest possible date, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

JASON S. STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED: June ____, 2021

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, OHIO:

As fiscal officer of the City of Cleveland Heights, Ohio, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$1,018,000 (the Bonds), for the purpose of paying costs of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto (the 2010 Street improvements) (\$88,000 of the Bonds), (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto (the 2010 Monticello/Taylor improvements) (\$150,000 of the Bonds), (iii) acquiring motorized equipment and appurtenances thereto (the 2013 Motorized Equipment improvements) (\$135,000 of the Bonds), (iv) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division (the 2019 Sewer Motor Vehicles and Equipment improvements) (\$259,000 of the Bonds), (v) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division (the 2019 Forestry Motor Vehicles and Equipment improvements) (\$220,000 of the Bonds) and (vi) acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment (the 2019 Police Radio improvements, and, collectively with the 2010 Street improvements, the 2010 Monticello/Taylor improvements, the 2013 Motorized Equipment improvements, the 2019 Sewer Motor Vehicles and Equipment improvements and the 2019 Forestry Motor Vehicles and Equipment improvements, the improvements) (\$166,000 of the Bonds), that:

1. The estimated life or period of usefulness of the improvements is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is (i) nine years as to the portion of the Bonds related to the 2010 Street improvements, (ii) 14 years as to the portion of the Bonds related to the 2010 Monticello/Taylor improvements, (iii) two years as to the portion of the Bonds related to the 2013 Motorized Equipment improvements and (iv) 10 years as to the portion of the Bonds related to the 2019 Sewer Motor Vehicles and Equipment improvements, the 2019 Forestry Motor Vehicles and Equipment improvements and the 2019 Police Radio improvements.

Dated: June 7, 2021

Director of Finance
City of Cleveland Heights, Ohio

Memo

To: Susanna Niermann-O'Neil, City Manager

From: Amy Himmelein, Finance Director

Date: May 28, 2021

Re: Annual Tax Budget Legislation

Attached is legislation regarding the City's annual tax budget. This legislation is required to be passed each year. It will receive two readings and accomplishes several items.

1. Established a date and time for the tax budget public hearing.
2. Provides a preliminary high-level overview to Council of 2022 forecasted revenues for the City.
3. Gives permission for the City to file the tax budget with the Cuyahoga County Budget Commission.

Also note this legislation is required to be approved and sent to the Budget Commission by July 15th each year. It is being presented early this year due to the Council break in July.

Proposed: 6/7/2021

RESOLUTION NO. 68-2021 (F), *First Reading*

By Council Member

A Resolution approving the adoption of the 2022 Tax Budget; and declaring an emergency.

WHEREAS, the City Manager has previously prepared and submitted to the Council a proposed 2022 Tax Budget for Council's review and evaluation; and

WHEREAS, a copy of the proposed 2022 Tax Budget is available for inspection by the general public at the office of the Director of Finance at the City Hall; and

WHEREAS, a notice of public hearing (which will be held June 14, 2021 at 6:00 pm) will be given at least ten (10) days prior to the public hearing on said 2022 Tax Budget.

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

SECTION 1. This Council hereby approves the adoption of the 2022 Tax Budget which is on file in the office of the Director of Finance/Clerk of Council.

SECTION 2. The Clerk of Council is hereby directed to make a copy of the approved 2022 Tax Budget a matter of record.

SECTION 3. The Director of Finance is hereby directed to file two (2) copies of the approved 2022 Tax Budget with the Cuyahoga County Budget Commission.

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

SECTION 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being to permit its timely filing with the Budget Commission within the period permitted by law. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 68-2021 (F), *First Reading*

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)
(List All Levies Of The Taxing Authority)

City of Cleveland Heights - 2022

SCHEDULE 1

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authorized	\$ AMOUNT Requested Of Budget Commission
101-GENERAL FUND	Current Expenses		Inside and Charter		January 1, 2021	January 1, 2022	9.62	\$7,810,000.00
216-RECREATION FACILITIES IMPROVEMENT	Current Expenses		Charter		January 1, 2021	January 1, 2022	0.70	\$575,000.00
232-POLICE PENSION	Current Expenses		Charter		January 1, 2021	January 1, 2022	0.30	\$245,000.00
233-FIRE PENSION	Current Expenses		Charter		January 1, 2021	January 1, 2022	0.30	\$245,000.00
301-BOND RETIREMENT	Debt Service		Debt Millage		January 1, 2021	January 1, 2022	1.50	\$1,250,000.00
Totals							12.42	\$10,125,000

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
101-GENERAL FUND	10,300,000.00	9,330,746.00	34,369,254.00	54,000,000.00	52,000,000.00	2,000,000.00
102-BUDGET STABILIZATION ACCOUNT	100,000.00	0.00	0.00	100,000.00	100,000.00	0.00
301-BOND RETIREMENT FUND	50,000.00	1,250,000.00	800,000.00	2,100,000.00	2,100,000.00	0.00
232-POLICE PENSION FUND	0.00	245,000.00	955,000.00	1,200,000.00	1,200,000.00	0.00
233-FIRE PENSION FUND	0.00	245,000.00	1,255,000.00	1,500,000.00	1,500,000.00	0.00
201-STREET MAINTENANCE FUND	650,000.00	0.00	1,600,000.00	2,250,000.00	1,600,000.00	650,000.00
202-FOUNDATION GRANTS FUND	40,000.00	0.00	5,000.00	45,000.00	5,000.00	40,000.00
203-FIRST SUBURBS CONSORTIUM FUND	2,500.00	0.00	0.00	2,500.00	0.00	2,500.00
204-COMMUNICATIONS DISPATCH FUND	0.00	0.00	0.00	0.00	0.00	0.00
205-PUBLIC WORKS MAINTENANCE FUND	400.00	0.00	0.00	400.00	0.00	400.00
206-LAW ENFORCEMENT TRUST FUND	160,000.00	0.00	5,000.00	165,000.00	50,000.00	115,000.00
207-DRUG LAW ENFORCEMENT FUND	100,000.00	0.00	50,000.00	150,000.00	120,000.00	30,000.00
208-COMMUNITY DEVELOPMENT BLOCK GRANT FUND	600,000.00	0.00	1,500,000.00	2,100,000.00	1,800,000.00	300,000.00
211-H.O.M.E. PROGRAM FUND	200,000.00	0.00	170,000.00	370,000.00	170,000.00	200,000.00
212- FEMA FUND	100,000.00	0.00	0.00	100,000.00	100,000.00	0.00
213-POLICE IMPROVEMENT FUND	40,000.00	0.00	20,000.00	60,000.00	60,000.00	0.00
214-LOCAL PROGRAMMING FUND	700,000.00	0.00	505,540.00	1,205,540.00	500,000.00	705,540.00
215-CAIN PARK FUND	0.00	0.00	700,000.00	700,000.00	700,000.00	0.00
216-RECREATIONAL FACILITIES IMPROVEMENT FUND	250,000.00	575,000.00	0.00	825,000.00	780,000.00	45,000.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
217-PUBLIC RIGHT OF WAY FUND	150,000.00	0.00	8,000.00	158,000.00	10,000.00	148,000.00
221-INDIGENT DUI TREATMENT FUND	200,000.00	0.00	10,000.00	210,000.00	15,000.00	195,000.00
222-COURT COMPUTER FUND	20,000.00	0.00	60,000.00	80,000.00	80,000.00	0.00
223-DUI ENFORCEMENT EDUCATION FUND	100,000.00	0.00	5,000.00	105,000.00	50,000.00	55,000.00
225-COURT SPECIAL PROJECTS FUND	2,000,000.00	0.00	100,000.00	2,100,000.00	200,000.00	1,900,000.00
226-LEAD SAFE FUND	25,000.00	0.00	200,000.00	225,000.00	200,000.00	25,000.00
227-NEIGHBORHOOD STABILIZATION PROGRAM FUND	100,000.00	0.00	0.00	100,000.00	0.00	100,000.00
230-STREET LIGHTING FUND	1,000,000.00	0.00	1,000,000.00	2,000,000.00	1,000,000.00	1,000,000.00
231-FORESTRY FUND	500,000.00	0.00	1,095,000.00	1,595,000.00	1,500,000.00	95,000.00
234-EARNED BENEFITS FUND	0.00	0.00	600,000.00	600,000.00	600,000.00	0.00
237-FIRST SUBURBS DEVELOPMENT COUNCIL	40,000.00	0.00	0.00	40,000.00	0.00	40,000.00
238-CORONAVIRUS RELIEF FUND	0.00	0.00	0.00	0.00	0.00	0.00
239-REFUSE GRANT FUND	0.00	0.00	0.00	0.00	0.00	0.00
240-FEDERAL MISCELLANEOUS GRANTS	10,000.00	0.00	50,000.00	60,000.00	50,000.00	10,000.00
241-LOCAL FISCAL RECOVERY	15,000,000.00	0.00	19,400,000.00	34,400,000.00	10,000,000.00	24,400,000.00
402-CAPITAL EQUIPMENT/IMPROVEMENTS FUND	450,000.00	0.00	500,000.00	950,000.00	700,000.00	250,000.00
411-ECONOMIC DEVELOPMENT FUND	1,000,000.00	0.00	30,000.00	1,030,000.00	100,000.00	930,000.00
412-CITY HALL MAINTENANCE FUND	70,000.00	0.00	20,000.00	90,000.00	20,000.00	70,000.00
415-RING ROAD CONSTRUCTION FUND	25,000.00	0.00	0.00	25,000.00	0.00	25,000.00
416-REFUSE CAPITAL FUND	20,000.00	0.00	40,000.00	60,000.00	50,000.00	10,000.00
601-WATER FUND	705,000.00	0.00	40,000.00	745,000.00	40,000.00	705,000.00
602-SEWER FUND	3,500,000.00	0.00	5,880,750.00	9,380,750.00	6,000,000.00	3,380,750.00
603-PARKING FUND	225,000.00	0.00	1,025,000.00	1,250,000.00	1,200,000.00	50,000.00
606-AMBULANCE SERVICE FUND	1,000,000.00	0.00	900,000.00	1,900,000.00	1,000,000.00	900,000.00
701-HOSPITALIZATION	0.00	0.00	9,000,000.00	9,000,000.00	9,000,000.00	0.00
703-WORKERS COMP	100,000.00	0.00	0.00	100,000.00	0.00	100,000.00
804-OFFICE ON AGING DONATIONS FUND	5,000.00	0.00	4,000.00	9,000.00	4,000.00	5,000.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
217-PUBLIC RIGHT OF WAY FUND	150,000.00	0.00	8,000.00	158,000.00	10,000.00	148,000.00
221-INDIGENT DUI TREATMENT FUND	200,000.00	0.00	10,000.00	210,000.00	15,000.00	195,000.00
222-COURT COMPUTER FUND	20,000.00	0.00	60,000.00	80,000.00	80,000.00	0.00
223-DUI ENFORCEMENT EDUCATION FUND	100,000.00	0.00	5,000.00	105,000.00	50,000.00	55,000.00
225-COURT SPECIAL PROJECTS FUND	2,000,000.00	0.00	100,000.00	2,100,000.00	200,000.00	1,900,000.00
226-LEAD SAFE FUND	25,000.00	0.00	200,000.00	225,000.00	200,000.00	25,000.00
227-NEIGHBORHOOD STABILIZATION PROGRAM FUND	100,000.00	0.00	0.00	100,000.00	0.00	100,000.00
230-STREET LIGHTING FUND	1,000,000.00	0.00	1,000,000.00	2,000,000.00	1,000,000.00	1,000,000.00
231-FORESTRY FUND	500,000.00	0.00	1,095,000.00	1,595,000.00	1,500,000.00	95,000.00
234-EARNED BENEFITS FUND	0.00	0.00	600,000.00	600,000.00	600,000.00	0.00
237-FIRST SUBURBS DEVELOPMENT COUNCIL	40,000.00	0.00	0.00	40,000.00	0.00	40,000.00
238-CORONAVIRUS RELIEF FUND	0.00	0.00	0.00	0.00	0.00	0.00
239-REFUSE GRANT FUND	0.00	0.00	0.00	0.00	0.00	0.00
240-FEDERAL MISCELLANEOUS GRANTS	10,000.00	0.00	50,000.00	60,000.00	50,000.00	10,000.00
241-LOCAL FISCAL RECOVERY	15,000,000.00	0.00	19,400,000.00	34,400,000.00	10,000,000.00	24,400,000.00
402-CAPITAL EQUIPMENT/IMPROVEMENTS FUND	450,000.00	0.00	500,000.00	950,000.00	700,000.00	250,000.00
411-ECONOMIC DEVELOPMENT FUND	1,000,000.00	0.00	30,000.00	1,030,000.00	100,000.00	930,000.00
412-CITY HALL MAINTENANCE FUND	70,000.00	0.00	20,000.00	90,000.00	20,000.00	70,000.00
415-RING ROAD CONSTRUCTION FUND	25,000.00	0.00	0.00	25,000.00	0.00	25,000.00
416-REFUSE CAPITAL FUND	20,000.00	0.00	40,000.00	60,000.00	50,000.00	10,000.00
601-WATER FUND	705,000.00	0.00	40,000.00	745,000.00	40,000.00	705,000.00
602-SEWER FUND	3,500,000.00	0.00	5,880,750.00	9,380,750.00	6,000,000.00	3,380,750.00
603-PARKING FUND	225,000.00	0.00	1,025,000.00	1,250,000.00	1,200,000.00	50,000.00
606-AMBULANCE SERVICE FUND	1,000,000.00	0.00	900,000.00	1,900,000.00	1,000,000.00	900,000.00
701-HOSPITALIZATION	0.00	0.00	9,000,000.00	9,000,000.00	9,000,000.00	0.00
703-WORKERS COMP	100,000.00	0.00	0.00	100,000.00	0.00	100,000.00
804-OFFICE ON AGING DONATIONS FUND	5,000.00	0.00	4,000.00	9,000.00	4,000.00	5,000.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
808-YOUTH RECREATION DONATION FUND	20,000.00	0.00	5,000.00	25,000.00	5,000.00	20,000.00
809-POLICE MEMORIAL FUND	10,000.00	0.00	0.00	10,000.00	600.00	9,400.00
810-YOUTH ADVISORY COMMISSION FUND	70.00	0.00	100.00	170.00	100.00	70.00
811-JUVENILE DIVERSION PROGRAM FUND	2,000.00	0.00	5,000.00	7,000.00	5,000.00	2,000.00
857-SALES TAX FUND	300.00	0.00	0.00	300.00	0.00	300.00
858-MISCELLANEOUS AGENCY FUND	1,000,000.00	0.00	50,000.00	1,050,000.00	150,000.00	900,000.00
864-NEORSO BILLING FUND	0.00	0.00	0.00	0.00	0.00	0.00
TBD-REFUSE FUND	2,578,000.00	0.00	2,448,000.00	5,026,000.00	2,000,000.00	3,026,000.00

UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)
 (Do Not Include General Obligation Debt Being Paid By Other Sources)
 (Do Not Include Special Obligation Bonds & Revenue Bonds)

SCHEDULE 3

I	II	III	IV	V	VI
Purpose Of Bonds Or Notes	Date Of Issue	Final Maturity Date	Principal Amount Outstanding At The Beginning Of The Calendar Year	Amount Required To Meet Calendar Year Principal & Interest Payments	Amount Receivable From Other Sources To Meet Debt Payments
2014 - Refund Ring Road Improvement Bonds	07/14	12/29	\$1,630,000.00	\$182,759.00	
2015 - Off Street Parking Bonds Refunded	04/15	12/28	\$2,965,000.00	\$460,189.50	
2018 - Vehicle Bonds	2018	12/27	\$395,000.00	\$71,257.50	
2020 - Various Purpose Bonds	07/05	11/21	\$11,305,000.00	\$749,072.00	
2021 - Top of the Hill Note	04/21	04/22	\$1,490,000.00	\$150,000.00	
2021 - Capital Improvements	Proposed	12/30	\$1,024,000.00	\$124,764.00	
Totals			\$18,809,000.00	\$1,463,278.00	

Proposed: 6/7/2021

ORDINANCE NO. 69-2021 (F)

By Council Member

An ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021 and declaring an emergency.

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

SECTION 1. Certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances all relating to appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021 be, and the same hereby are increased, decreased and/or transferred in the amounts set forth in Exhibit 1.

SECTION 2. All expenditures of the City of Cleveland Heights within the fiscal year ending December 31, 2021, shall be made within the appropriations herein provided. "Appropriation" as used herein means the total amount appropriated for the individual fund. Notwithstanding the financial detail herein presented within an individual fund, the City Manager is authorized to transfer budgeted amounts within each fund, so long as the total amount appropriated for each individual fund is not exceeded.

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

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

JASON STEIN
President of the Council

ORDINANCE NO. 69-2021 (F)

AMY HIMMELEIN
Clerk of Council

PASSED:

ORDINANCE NO. 69-2021 (F)

Exhibit 1

Fund	Department	Object	Reason	Previously Approved Budget	Requested Change	Revised Budget
101 - General	6203 - Refuse Coll/Transfer Sta	O.T.P.S.	Increase for repairs to transfer station compactors.	891,870.00	31,000.00	922,870.00
	7402 - Housing Inspections	Personal Services	Increase for Housing Inspector's salary.	511,324.00	6,211.80	517,535.80
	7201 - Police Admin	O.T.P.S.	Transfer for police vehicle repairs.	663,590.00	25,000.00	688,590.00
		Capital	Transfer to purchase police vehicles.	51,000.00	42,854.33	93,854.33
	7202 - Police Academy	O.T.P.S.	Transfer for police vehicle repairs.	185,350.00	(25,000.00)	160,350.00
			Transfer to purchase police vehicles.	370,700.00	(42,854.33)	327,845.67
208 - CDBG Resource	5304 - CDBG Code Enforcement	Personal Services	Decrease for Housing Inspector's salary.	76,334.68	(6,211.80)	70,122.88
238 - Coronavirus Relief Fund	8501 - Office On Aging Admin	O.T.P.S.	Increase due to receipt of an Ohio Department of Aging Senior Center Provider Relief Grant.	0.00	40,000.00	40,000.00
Total				2,750,168.68	71,000.00	2,821,168.68



MEMORANDUM

To: Susanna Niermann O'Neil, City Manager

From: Eric Zamft, Planning Director

Date: June 2, 2021

Subject: Request for Legislation to Consider Proposed Zoning Text Amendments to Part Eleven – Zoning Code of the Codified Ordinances of Cleveland Heights Regarding Private Parking Garages and Other Ancillary Changes; Referral of the Matter to the Planning Commission

Per the request and direction of Council, staff has prepared the attached request for legislation to consider proposed Zoning Text Amendments to Part Eleven – Zoning Code of the Codified Ordinances of Cleveland Heights Regarding Private Parking Garages and Other Ancillary Changes. Chapter 1119 contains the procedures for zoning text amendments. The first step in that process would be to refer the proposed amending ordinance to the Planning Commission. Staff has further prepared a memorandum attached that contains a more detailed explanation of the consistency with the Comprehensive Plan, background, the proposed changes, and the process.

Staff Recommendation:

Planning staff recommends that Council refers the Proposed Zoning Text Amendments ordinance to the Planning Commission for its consideration and recommendation.

Proposed: 6/7/2021

ORDINANCE NO. 70-2021 (PD)

By Council Member

An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to update the City's regulations regarding private parking garages and other ancillary changes, and transmitting the same to the Planning Commission.

WHEREAS, pursuant to Section 1119.01 of the Codified Ordinances of the City of Cleveland Heights, this Council may by Ordinance introduce amendments to the Zoning Code of the Codified Ordinances of the City of Cleveland Heights; and

WHEREAS, pursuant to Section 1119.01 of the Codified Ordinances of the City of Cleveland Heights, such amending Ordinance may be introduced upon Council's own initiative; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights, after the introduction of such amending Ordinance by Council, such amending Ordinance shall be transmitted to the Planning Commission for its consideration and recommendation; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights the Planning Commission shall be allowed a reasonable time, not less than thirty (30) days, nor more than sixty (60) days for its consideration and recommendations; and

WHEREAS, on March 20, 2017 the City Council adopted the City of Cleveland Heights Master Plan (the "Master Plan"); and

WHEREAS, the Master Plan contains much discussion, analysis, and actions regarding transportation and parking; and

WHEREAS, based upon repeated inquiries from residents, the number of applications at the Architectural Board of Review ("ABR") and the Board of Zoning Appeals ("BZA"), and review of the existing regulations related to parking within the City, those regulations do not present standards that are consistent with best practices and modern vehicular use; and

WHEREAS, City staff reviewed the regulations of neighboring municipalities, other municipalities in Ohio, and the United States for best practices; and

WHEREAS, in order to respond to the issues with the Zoning Code and implement the actions of the Master Plan, zoning text amendments that revise the parking regulations are necessary; and

ORDINANCE NO. 70-2021 (PD)

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

SECTION 1. Pursuant to Section 1119.01 of the Codified Ordinances, this Council hereby introduces the amendments to the Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights, as set forth in Exhibit A attached hereto.

SECTION 2. Pursuant to Section 1119.03 of the Codified Ordinances, this proposed amending Ordinance shall be transmitted to the Planning Commission.

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for the introduction of the proposed zoning amendments to be effective at the earliest time possible so that said amendments can be timely considered and acted upon by the Planning Commission for the benefit of the City and its residents. 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 STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:



MEMORANDUM

To: City Council

cc: Susanna Niermann O'Neil, City Manager
William Hanna, Law Director

From: Eric Zamft, Planning Director

Date: June 2, 2021

Subject: Proposed Zoning Text Amendments to Part Eleven – Zoning Code of the Codified Ordinances of Cleveland Heights Regarding Private Parking Garages and Other Ancillary Changes

Consistency with the Comprehensive Plan:

The City's adopted March 20, 2017 Master Plan contains much discussion and analysis regarding transportation and parking. "Complete Transportation Network" is the second category listed under "Goals and Objectives". Goal B is to "Ensure Parking Accessibility, Availability, Technology, and Management are Conducive to Shopping, Living, or Opening a Business". Within Goal B are a number of Actions related to parking, including Action 5: "Lower Zoning Code Parking Requirements for Residential and Commercial Structures".

Background:

Local ordinances are "living and breathing" documents that can be amended from time-to-time in order to keep up with changes in the social and economic environments. The City has followed this practice by constantly and consistently reviewing its Codified Ordinances and – when appropriate and necessary – making changes to those Ordinances. This is particularly the case with Part Eleven – Zoning Code.

The City's Zoning Code is central to development, redevelopment, and investment within the City. Planning staff is looking at ways to improve the zoning approach, regulations, and process, with the intent of pursuing a comprehensive rezoning effort in the hopeful near future. That intent should not prevent, however, the City from addressing pressing zoning issues within the City's existing code.

Issues with zoning can be identified in a number of ways, but a clear indication that there is a zoning issue is when there are repeated requests for variances for the same type of project or improvement. Another clear indication is if other boards and commissions see repeated,

multiple applications for the same type of project or improvement, but sometimes struggle with the appropriate regulations or guidelines for such improvement. Finally, another indication is when staff receives repeated inquiries for a particular type of project or improvement, but lacks clear guidance on how to process such application.

These indicators are all present when it comes to inquiries and applications related to private parking garages within the City: 1) over the past few years, there have been many requests for variances at the Board of Zoning Appeals (“BZA”) related to garages; 2) the Architectural Review Board (“ABR”) sees many applications on its calendar related to garages, some of which require significant discussion due to limited guidelines for design; and 3) Planning staff repeatedly and often receives inquiries on how to proceed with particular improvements to garages and notes the frustrations of residents on the standards that are in place.

The current zoning regulations related to parking, especially for single- and two-family homes, are complicated, scattered throughout the Code, outdated, inflexible and not contextual or reflective of the size of a lot and its location within a neighborhood. Perhaps most importantly, the current regulations do not meet the universal objective to allow for the appropriate amount of off-street parking designed to complement residences and residential neighborhoods. The current regulations prevent investment and improvement to residents’ homes and the community, are in contradistinction to environmental sustainability practices, limits open space, and is not equitable for all residents of the community.

Staff has reviewed the City’s regulations and have compared those against neighboring municipalities, as well as other municipalities in Ohio and the United States for best practices. Based upon this review, in order to respond to the issues with the Zoning Code and implement the actions of the Master Plan, zoning text amendments that revise the parking regulations are necessary.

During Committee of the Whole on April 26, 2021, the Planning Director gave a short presentation highlighting the issues related to private parking garages and staff’s initial proposals for revisions, noting that it was a starting point for conversation and discussion and that there would and should be plenty of community and board/commission input on the ultimate final legislation. Council directed staff to move forward with a formal zoning text amendment.

Proposed Zoning Text Amendments:

Generally, the Proposed Zoning Text Amendments revise and clarify the zoning regulations related to parking, notably private parking garages to be more flexible, streamlined, and modern. At its core is eliminating the rather restrictive regulation that all off-street parking should be in an enclosed (detached) parking garage; opening it up to more flexible options.

More specifically, the Proposed Zoning Text Amendments would revise:

- Section 1103.03 (Definitions) to clarify terms

- Section 1109.06 (Powers and Duties of the Board of Zoning Appeals) to provide the BZA with the power to review and vary the regulations related to parking overall, not just garage doors
- Section 1121.04 (Conditionally Permitted Uses in the single- and two-family zoning districts) to clarify various parking typologies as conditionally permitted principal or accessory uses, utilizing the correct Code references
- Section 1121.05 (Accessory Uses in the single- and two-family zoning districts) to provide correct Code references and clarified language
- Section 1121.09 (Dwelling Unit Requirements in the single- and two-family zoning districts) to provide greater flexibility with regards to required parking
- Section 1121.12 (Accessory Use Regulations in the single- and two-family zoning districts) to 1) ensure that required setbacks, maximum area, and rear yard coverage for accessory uses are consistent with other changes made in the Code regarding attached and detached private parking garages and fences; 2) provide specific supplemental regulations for enclosed parking spaces, private parking garages, and accessory parking spaces; 3) ensure that the regulations related to fences are consistent with previously adopted Code changes; 4) provide flexibility in driveway design to accommodate appropriate parking; 5) ensure that parking pad requirements are consistent with other parts of the Code
- Sections 1123.04 (Conditionally Permitted Uses in the multi-family zoning districts) and 1123.05 (Accessory Uses in the multi-family zoning districts) to clarify parking as a principally conditionally permitted use and accessory use
- Section 1123.10 (Dwelling Unit Requirements in the multi-family zoning districts) to provide greater flexibility with regards to required parking
- Section 1123.12 (Accessory Use Regulations in the multi-family zoning districts) to 1) ensure that required setbacks for accessory uses are consistent with other changes made in the Code regarding attached and detached private parking garages and fences; 2) provide specific supplemental regulations for private parking garages; 3) ensure that the regulations related to trash receptacles contain the correct Code reference
- Sections 1131.02 (Principal and Conditionally Permitted Uses in the commercial zoning districts) and 1131.03 (Accessory Uses in the commercial zoning districts) to clarify parking as a principally conditionally permitted use and accessory use
- Section 1131.12 (Supplemental Regulations for Private Parking Garages and Parking Decks that are Principal Uses in the commercial zoning districts) to provide specific supplemental regulations for private parking garages
- Section 1153.03 (Specific Area, Width, and Yard Regulations for conditional uses) to clarify the area, width, and yard regulations for a parking deck or private parking garage that is a principal use
- Section 1161.03 (Number of Parking Spaces Required) to allow flexibility in the provision of required off-street parking spaces for residential uses
- Section 1161.105 (Single-Family and Two-Family Residential Driveways) to provide flexibility in driveway design and provide corrected Code references

- Section 1161.13 (Exceptions to Off-Street Parking Requirements in Major Commercial Districts) to provide flexibility in parking requirements in the City's commercial districts, especially for existing buildings

The following sections are proposed to be revised to ensure consistency throughout the Zoning Code: Sections 1131.08 (Accessory Use Regulations for commercial districts); 1153.05 (Supplemental Regulations for Specific Uses); 1161.08 (Parking of Junk Motor Vehicles); 1161.11 (Improvement and Maintenance Standards); 1165.02 (Supplementary Accessory Use Regulations); and 1167.01 (Specifically Prohibited Uses)

Process:

Chapter 1119 of the Zoning Code provides the regulations and process for amending the Zoning Code. What follows is a summary of the process.

1. Introduction of amending ordinance to Council (Section 1119.02)
2. Referral to Planning Commission for consideration and recommendation. The Commission shall be allowed a reasonable time, not less than thirty (30) days, nor more than sixty (60) days for its consideration and recommendations (Section 1119.03).
3. Planning Commission consideration and recommendation at regularly-scheduled meeting or special meeting or workshop – all open to the public to watch (Section 1119.04).
4. Public hearing by Council, including appropriate noticing (Section 1119.05).
5. Action by Council. After the public hearing Council shall either adopt or deny the recommendation of the Planning Commission (Section 1119.06).

Definitions

1103.03 DEFINITIONS OF GENERAL TERMS

- (42) "Fence" means any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises. ~~Trellises or other structures supporting, or for the purpose of supporting, vines, flowers and other vegetation, when erected in such a position as to enclose all or any part of the premises or otherwise satisfy the intent of this definition shall be considered a fence~~
- (44) "Floor area of a dwelling unit" means the sum of the gross horizontal areas of a building devoted to residential use measured from the exterior faces of exterior walls or from the center line of common walls separating two (2) dwelling units. "Floor area of a dwelling unit" shall not include unfinished basement, attached parking garage, attic, terraces, breezeways, open porches and covered steps.
- (49) "Garage, parking" means a principal or accessory building or an enclosed space within the principal building in which motor vehicles owned by the general public are parked, including facilities operated as a business enterprise with a service charge or fee paid to the owner or operator of such facility, with no facilities for mechanical service or repair of a commercial or public nature. Parking garage may be attached or detached and shall be considered enclosed parking spaces. A parking deck shall be considered a parking garage.
- (50) "Garage, private parking" means a detached accessory building or an attached portion of the principal building designed to store motor vehicles and other normal household accessories of the residents of the principal building, with no facilities for mechanical service or repair of a commercial or public nature. Private parking garage shall be considered enclosed parking spaces.
- (84) "Parking lot" (See also garage, parking) means an area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.
- ~~(XX) "Accessory parking space" means an open or enclosed area, accessible from a street, for parking motor vehicles of owners, occupants, employees, customers, or tenants of the main building or use.~~

BZA

1109.06 POWERS AND DUTIES OF THE BOARD

For the purpose of this Zoning Code, the Board of Zoning Appeals is given the following powers and duties:

- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Administrator in the administration or enforcement of this Zoning Code.
- (b) To authorize such variances from the terms of this Zoning Code as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this Code will result in practical difficulty or, in the case of a use variance, unnecessary hardship, and so that

EXHIBIT A

the spirit of this Code shall be observed and substantial justice done. Specifically, variances shall be reviewed according to the criteria set forth in Section 1115.07(e) and may be granted as guided by the following:

- (1) Vary the yard or height regulations for a permitted principal or accessory building or structure where there is an exceptional or unusual physical condition of a lot when the condition is not generally prevalent in the neighborhood and which, when related to the yard regulations of this Zoning Code, would prevent a reasonable arrangement of buildings on the lot.
- (2) Vary the sign regulations where topography or existing buildings interfere with usual visibility under such conditions, including time limits, as the Board may deem necessary in order to prevent the granting of a special privilege.
- (3) Vary the lot area or lot width requirements where there is an exceptional or unusual physical condition of a lot, when the condition is not generally prevalent in the neighborhood.
- (4) Vary ~~the garage door~~ requirements related to enclosed parking spaces, private parking garages, and accessory parking spaces in all districts in multiple-family uses only, in exceptional or unusual circumstances, taking into consideration the following physical factors:
 - ~~A. The topography, including the grade of lane where the building and accessory garage are situated and the entryway to the garage or garages;~~
 - ~~B. The maneuvering space available to enter the parking stall;~~
 - ~~C. The number of garages involved;~~
 - ~~D. Design and usage of the garage structure; and~~
 - ~~E. All other applicable factors included within Section 1109.06(b) hereof.~~
- (5) Vary the applicable off-street parking requirement established in Section 1161.03, or as reduced for shared facilities pursuant to Section 1161.04, or as modified by the Planning Commission as a conditional use pursuant to Section 1161.05, when there are exceptional or unusual circumstances that result in practical difficulty in complying with the requirements.
- (c) To resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section 1105.05.
- (d) To adopt rules or bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.
- (e) To allow or permit the expansion or extension of a nonconforming use where the enforcement of the regulations pertaining to nonconforming uses will result in unnecessary hardship.
- (f) To grant special exceptions from the off-street parking requirements for new uses in new or expanded buildings in certain major commercial districts, according to the criteria set forth in Section 1115.13 and Section 1161.13(a)(2).
- (g) To grant special exceptions to provide a reasonable accommodation as required by state and/or federal law, according to the criteria set forth in Section 1115.13.

AA and A (SF) and B (2-Family)

1121.04 CONDITIONALLY PERMITTED USES

The categories of conditional uses which may (together with their accessory uses) be permitted in the AA and A Single-Family and B Two-Family Residential Districts, provided they conform to the conditions, standards, and requirements of Title Seven and are approved for a particular zoning lot in accordance with the administrative provisions of Section 1115, shall include the following:

- (j) Public parking (surface parking lot, parking deck, or one-story covered parking garage) as a principal use ~~for a permitted use not on the same lot;~~
- (k) Accessory parking spaces for a commercial use, contiguous with a C-1, C-2, C-2X or C-3 District S-1, or S-2 District, as regulated in Code chapter 1153.05(f) & 1161;
- (l) Accessory parking for a multi-family use contiguous with MF-1, MF-2, MF-3, S-1, S-2, a C-1, C-2, C-2X or C-3 District as regulated in Code chapter 1161; ~~(Intentionally omitted);~~

1121.05 ACCESSORY USES.

Accessory buildings, structures, and uses subject to the regulations in Section 1121.12 and as noted are permitted in association with and subordinate to a permitted or conditionally permitted use in the AA and A Single-Family and B Two-Family Residential Districts and are limited to the following:

- (a) Private parking garages and related residential off-street parking subject to the regulations of Chapter 1161;
- (b) Signs subject to the regulations of Chapter 1163;
- (c) Home occupations in a dwelling unit subject to the regulations of Section 1165.02(b);
- (d) Swimming pools and associated pool house;
- (e) Porches, decks, ~~arbors,~~ patios, and gazebos;
- (f) Storage shed, and other similar buildings for the storage of domestic supplies;
- (g) Fences;
- (h) Noncommercial greenhouse not to exceed twenty-five percent (25%) of ground floor area of the principal building;
- (i) Vegetable/edible and flower gardens;
- (j) Children's play equipment;
- (k) Gatehouse, guard house;
- (l) Parking of non-passenger vehicles subject to the regulations of Section 1165.02(c);
- (m) Parking of recreational vehicles subject to the regulations of Section 1165.02(d);
- (n) Portable on-demand storage structures, subject to the regulations of Section 1165.02(f);
- (o) Rain barrels and above-ground cisterns;
- (p) Laundry clotheslines;
- (q) Ornamental pool; ~~and~~
- (r) Compost bins subject to 1121.12(~~po~~) of this Code; and
- (s) Chicken coop subject to 1153.05(gg) of this Code.

EXHIBIT A

1121.09 DWELLING UNIT REQUIREMENTS.

In order to provide healthful living conditions and to preserve the character of the neighborhood, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following standards establishing minimum floor areas of dwelling units ~~and required garage space.~~

- (a) Minimum Area of Dwelling Unit. The minimum floor area of a dwelling unit shall not be less than specified below. For the purpose of determining the minimum floor area, porches, steps, terraces, breezeways, attached parking garages, or other attached structures not intended for human occupancy shall be excluded.

District	Type of Dwelling	Minimum Floor Area Per Dwelling Unit (In Square Feet)
AA	Single Family	2,000
A	Single Family	1,500
B	Single Family	1,500
B	Two Family	1,000

~~(b) Enclosed Parking Spaces Required. Required off street enclosed parking spaces shall be provided for each dwelling unit, either in a garage that is attached or detached and accessory to the dwelling unit in accordance with Schedule 1161.03. When 75% or more of a blockface have detached rear yard garages or attached garages with doors not visible on the street elevation, new attached garages shall have doors not visible on the street elevation. A new attached garage of a home on a corner lot may have garage doors visible on one of the streets. Furthermore, all parking areas shall be provided, designed and constructed in accordance with the accessory use standards in Section 1121.12 and the parking requirements in Chapter 1161.~~

1121.12 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in AA, A and B Districts shall conform to the location, coverage and maintenance standards contained in this section. Attached private parking garages ~~as part of a dwelling~~ are subject to all yard requirements for a principal building specified in Section 1121.08 and shall comply with the floor area regulations for private parking garages established in subsection (e) hereof.

- (a) Minimum Yard Requirements for Accessory Uses. An accessory building or use permitted in an AA, A or B District shall be located as set forth in Schedule 1121.12(a), however, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in subsections 1121.12(b) through (i).

Schedule 1121.12(a) MINIMUM YARD REQUIREMENT FOR ACCESSORY USES

<u>Permitted Use, Structure, Building</u>	<u>Yard in Which Permitted</u>	<u>Rear Lot Line</u>	<u>Side Lot Line</u>	<u>Side Street (Corner Lot)</u>	<u>Principal Building</u>
	Rear	3(a)(i)	3(i)	25(b)	0

EXHIBIT A

(1) Detached <u>private parking</u> garage	Side	5(a)(i)	(c)(i)	25(b)	0
(2) Pool house, storage shed (o), other similar buildings	Rear only	5	5	(e)	0
(3) Swimming pool (above and below ground)	Rear and side	15	15	15(b)	5
(4) Deck, porch, handicap ramp, steps, hot tub, and similar structures exceeding 3 feet in height (f) (k)	Rear and side	5	5	(d)	0
	Front		See Section 1121.12(b)		
(5) Deck, patio, porch steps, ornamental pool, coldframe and similar structures not exceeding 3 feet in height (f) (k)	Rear and side	3	3	(d)	0
	Front		See Section 1121.12(b)		
(6) Fences exceeding <u>3-4</u> feet in height	Rear, and side <u>side and corner side</u>	(g)	(g)	(g)	0(g)
(7) Fences not exceeding <u>3-4</u> feet in height (k)	Front, side, and rear <u>and corner side</u>	0(g)	0(g)	0(g)	0(g)
(8) Sidewalk and driveway	Front, side and rear	3	3	NA	0
(9) Open parking areas for storage of noncommercial vehicles and recreational equipment (h)	Rear only	3	3	NA	0
(10) Freestanding air conditioning machinery, emergency generator, above-ground components of geothermal energy systems, and other similar equipment	Rear and side, except not in required minimum side yard (see Section 1121.08) and standard screening, see note (m)				
(11) Rain Barrels and Above Ground Cisterns (j)	Rear and side, provide standard screening, see note (m)	(j)	(j)	(k)	0
(12) Laundry clothesline	Rear only	3	3	NA	0
(13) Vegetable/edible gardens	(1)	(1)	(1)	(1)	(1)
(14) Compost Bin(s) (n)	Side and Rear	3	3	N/A	3
(15) Chicken coop and run	Rear	10	10	N/A	10

- (a) When the rear yard of a corner lot abuts the side yard of an interior lot, a detached private parking garage shall be located no less than 10 feet from the rear lot line.
- (b) Or no closer to the side street than the principal building, whichever is greater.
- (c) Shall maintain the minimum dimension for the side yard of a principal use as specified in Section 1121.08.
- (d) See Section 1121.12(b).

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- (e) Shall be no closer to the side street than the principal building, unless specifically permitted elsewhere in this Zoning Code.
- (f) "Height" of a deck, porch, ramp, or steps means the vertical distance from the average finished ground elevation to the top of the floor surface.
- (g) See Section 1121.12(i) for additional fence regulations.
- (h) See Section 1165.02(c) for parking of non-passenger vehicles. See Section 1121.12(k) for parking pad regulations.
- (i) The Zoning Administrator may approve reduced rear and side yard setbacks for a detached private parking garage, provided that in no event shall the Zoning Administrator approve setbacks less than those of an existing or previously existing detached private parking garage on the property and shall adhere to all applicable Building Code regulations.
- (j) See Section 1121.12(m) for additional regulations.
- (k) When in the front or corner side yard are permitted only with Architectural Board of Review approval.
- (l) See Section 1121.12(l) for additional vegetable/edible garden regulations.
- (m) Standard screening means a fence, masonry wall or evergreen hedge which is eighty (80%) or more solid and either six (6) feet high or a height adequate to screen the view from a person six (6) feet tall standing on a public street or on adjacent property.
- (n) See Section 1121.12(o) for additional compost bin regulations.
- (o) In a rear yard of 2,000 square feet in area or less, storage buildings shall be no closer than 3 feet from a rear or side property line.

...

- (d) Maximum Area and Rear Yard Coverage of Accessory Uses. The percent of rear yard covered by accessory uses, buildings and structures (limited to those permitted in Sections 1121.05 and 1121.12) and the maximum floor area of such accessory use, building or structure, shall not be greater than as set forth in Section 1121.12(d). The area of building, structure or pavement shall be the maximum area of land on which, or above which, such building, structure or pavement is constructed. The percentage shall be the area of building, structure and/or pavement in ratio to the area of the rear yard. However, in no case shall an accessory use, building or structure exceed the maximum area set forth in Schedule 1121.12(d).

Schedule 1121.12(d) MAXIMUM AREA AND REAR YARD COVERAGE

Permitted Use, Building Structure	Maximum Percentage of Rear Yard Coverage		Maximum Area (in sq. ft.)		
	AA and A District	B District	AA District	A District	B District
(1) Accessory building	20(a)(c)(f)	30(a)(c)(f)	(d)	(d)	1,200(d)
(2) Accessory structures exceeding 3 feet in height <u>(g)</u>	15	15	2,000	2,000	2,000
(3) Pavement related to parking, including driveway	30(b)	30(b)	2,000	2,000	2,000

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(4) Accessory structures not exceeding 3 feet in height, including sidewalks and patios <u>(h)</u>	60	60	6,500	4,000	4,000
(5) Total maximum rear yard coverage (e)	60	60	12,000	----	----

Notes to Schedule 1121.12(d)

- (a) Nonconforming lots may be permitted to have up to 40% rear yard coverage by accessory buildings subject to Zoning Administrator approval of landscaping and screening plan which addresses stormwater management and minimizes adverse impact on neighboring lots. Total rear yard coverage shall not exceed 70%.
- (b) Nonconforming lots may be permitted to have up to 40% rear yard coverage by pavement or unenclosed parking subject to Zoning Administrator approval of landscaping and screening plan which addresses stormwater management and minimizes adverse impact on neighboring lots. Total rear yard coverage shall not exceed 70%.
- (c) The Zoning Administrator may approve a lesser number of ~~enclosed~~ accessory parking spaces pursuant to Section 1161.03(a).
- (d) See also Section 1121.12(e) for maximum floor area of a private parking garage.
- (e) While each specific category (1-4) has a maximum size limitation, the total coverage of all accessory uses shall not exceed the area limit for the rear yard.
- (f) On a corner lot, a private parking garage may cover up to 60% of rear-yard area. Total permitted rear-yard coverage on a corner lot is 80% of rear-yard area.

(g) For a fence, exceeding 4 feet in height

(h) For a fence, not exceeding 4 feet in height

...

(e) Supplemental Regulations for Enclosed Parking Spaces, Private Parking Garages, and Accessory Parking Spaces

(1) Maximum ~~Floor Area of a~~ Number of Private Parking Garages. A single-family dwelling shall be permitted no more than one (1) attached and one (1) detached parking garage. A two-family dwelling shall be permitted no more than one (1) attached and one (1) detached garage.

(2) Maximum Floor Area of Private Parking Garages. For a single-family dwelling, with a the total maximum floor area of all parking garages shall be of 500-600 square feet plus one (1) additional square foot of parking garage area for every fifteen (15) square feet of lot area greater than 6,000 square feet. However, the area of the parking garage(s) shall not exceed 1, 200-300 square feet. A For a two-family dwelling, the total maximum floor area of all parking garages shall be permitted no more than one (1) attached and one (1) detached garage with a maximum floor area of 1,200-300 square feet.

(3) Design Standards for Private Parking Garages. When 75% or more of a blockface have detached private parking garages in the rear yard or attached private parking garages with doors not visible on the street elevation, new attached private parking garages shall have doors not visible on the street elevation. A new attached private parking garage of a home on a corner lot may have garage doors visible on one of the streets.

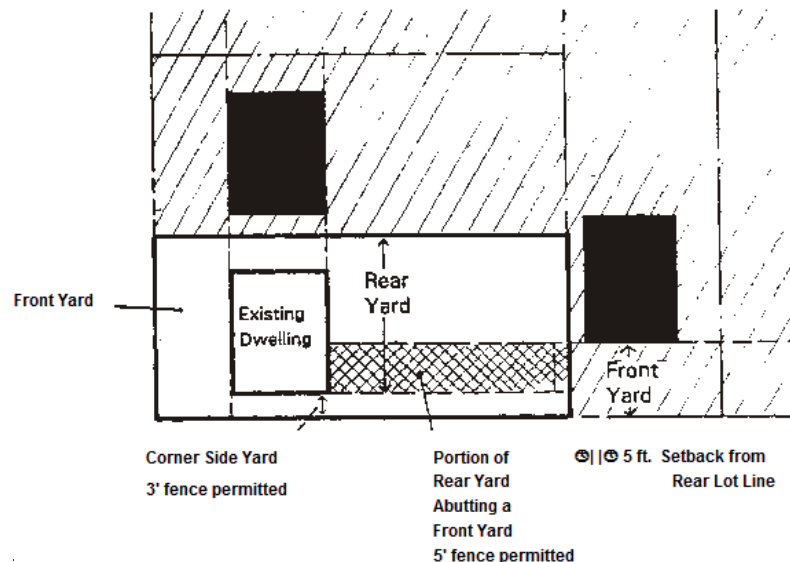
EXHIBIT A

- a. Any attached private parking garage should be designed to be compatible and complimentary of the primary residence, including materials, color, roof design, and massing, and should not be the dominant structure on the site.
 - b. Any attached private parking garage shall be located at least five (5) feet behind the front façade of the primary structure. A new attached private parking garage on a corner lot shall be set back at least five (5) feet from the façade of the primary structure on the side that contains the driveway.
 - c. The garage doors of any private parking garage may face the street, side, or rear property lines.
 - ~~Attached or built-in private parking garages as part of a single-family dwelling are subject to all yard requirements for a principal building specified in Section 1121.08 and shall comply with the floor area regulations for private parking garages established in subsection (e) hereof.~~
 - ~~Any attached private parking garage should be designed to be compatible and complimentary of the primary residence, including materials, color, roof design, and massing, and should not be the dominant structure on the site.~~
 - ~~(1) All accessory parking spaces, whether enclosed or open, shall be provided, designed and constructed in accordance with the accessory use standards in Section 1121.12 and the parking requirements in Chapter 1161.~~
- (i) Fences. Fences and walls to be erected, placed and maintained on a lot shall be approved by the Zoning Administrator and a fence permit issued unless otherwise noted. The appearance and height of fences shall be regulated and limited by its location on the lot as follows:
- (1) A fence or wall located in a front ~~or corner-side~~ yard shall have a maximum height of four (4) feet above ground level and shall require Architectural Board of Review approval. Fences within ten (10) feet of an intersection shall comply with Section 1165.03(e) and shall require Architectural Board of Review approval.
 - (2) Except as limited in subsection (i)(5) hereof, fences and walls located in a side or rear yard shall not exceed seven (7) feet above ground level provided that a fence or wall may be located parallel to a principal building no closer than a distance equal to the height of the fence or wall.
 - (3) When a side yard fence having a length greater than ten (10) feet is parallel to and visible from the street, it shall be landscaped according to an approved landscape plan.
 - (4) A fence or wall located in a side yard of a corner lot shall have a maximum height of six (6) feet above ground level and shall require Architectural Board of Review approval. ~~In the portion of the rear yard of a corner lot which abuts the front yard of an interior lot, a fence no greater than five (5) feet in height may be located in such rear yard provided it shall be no closer than five (5) feet to the rear lot line and shall be landscaped according to an approved landscape plan. The fence shall be approved by the Architectural Board of Review.~~
 - (5) The side of a fence closest to the adjacent property line and facing outward from the yard being fenced shall be the smooth finished side. All structural members shall be on the interior side of such fence.

EXHIBIT A

- (6) No chain link, ~~or~~ mesh, wire, ~~fence~~ or barbed wire fence shall be constructed in a front yard or corner side yard.
- (7) Deer net fencing - no fence permit required:
- A. Deer net fencing around vegetable/edible and flower gardens is permitted in rear and interior side yards, and is limited to a maximum height of seven feet, including all posts.
 - B. Proper installation is required, including six inches of the fence grid flared onto the ground to prevent deer from pushing underneath the fence.
 - C. Deer net fencing is permitted in community gardens with no location limitations.
- (8) Chicken coops and runs - no fence permit required. See Code Section 1153.05(gg).

**ILLUSTRATION OF FENCE REGULATIONS FOR
CORNER LOTS IN AA, A AND B DISTRICTS
Section 1121.12(i)**



- (j) Residential Use of Existing Carriage House. In an AA or A District there shall be only one (1) dwelling unit on a lot except that an existing carriage house may continue as a nonconforming dwelling unit in compliance with the following:
- (1) The carriage house shall have been occupied (regardless of the length of time), designed for, constructed for, or intended for residential occupancy and legally constructed or created prior to the adoption of this Zoning Code.
 - (2) Alterations to the carriage house shall be regulated by Section 1173.01(a) and (b).
 - (3) For the purposes of this section, the occupants of the carriage house shall be considered as part of the family of the principal dwelling unit and shall comply with the family definition.
- (k) Single Family and Two-Family Residential Parking Pad. In ~~any District~~ an AA, A, or B District, single-family and two-family dwellings are permitted to utilize a paved parking pad ~~in addition to as part of~~ the required ~~enclosed~~ parking.

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- (1) Parking pads may be located in the interior side or rear yard but must be located three (3) feet from any lot line. Parking pads are prohibited in the front and corner side yard or forward of the front building line.
 - (2) Any driveways that access the parking pad are limited to twelve (12) feet in width and must meet the requirements of this Ordinance for single-family and two-family residential driveways.
 - (3) The maximum coverage requirements for the lot may not be exceeded to accommodate a parking pad.
 - (4) Paving pads must be surfaced and maintained in accordance with Section 1161.11(d). Paving with semi-pervious materials, permeable pavers, porous asphalt, porous concrete, grass-crete or gravel-crete, is encouraged. However, a semi-pervious parking pad or driveway is still subject to the coverage requirements of each individual yard.
- (l) Vegetable/Edible Gardens. Vegetable/edible gardens are allowed in all yards in the residential districts. Any vegetable/edible garden located in the front and corner side yard must comply with the following standards:
- (1) Vegetable/edible gardens must be kept weed-free between plants and rows.
 - (2) There shall be no trash or debris in the vegetable/edible gardens.
 - (3) Vegetable/edible gardens are required to be harvested on a regular basis.
 - (4) The vegetable/edible gardens must be designed and maintained so that water and fertilizer will not drain onto adjacent property or the public right-of-way.
 - (5) Use of insecticides made from synthetic chemical materials is prohibited. Acceptable alternatives, applied in accordance with established safe handling instructions, include rotenone, pyrethrin and Safer Soap.
 - (6) The use of herbicides and weed killers is discouraged.
 - (7) Areas of dry, loose soil that may be moved by wind must be covered by mulch or otherwise confined.
 - ~~(8) Vegetable/edible gardens fences shall meet the standards of subsection 1121.12(i) above.~~
- ...
- (p) Driveways. In addition to the location and coverage regulations set forth in this section, residential driveways shall be subject to the following additional regulations:
- (1) Only one driveway and one curb cut shall be permitted per lot except lots 100' wide or greater shall be permitted one (1) additional curb cut which shall comply with Schedule 1121.12(a)(98); ~~and.~~
 - (2) Pavement width shall not exceed twelve (12) feet except where necessary to provide direct access to a private parking garage.
 - (3) Pavement width for a single-car attached private parking garage shall comply with Section 1161.105.
 - (4) Shared driveways are permitted in accordance with Code section 1161.105.

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MF-1, MF-2, and MF-3 (MF)

1123.04 CONDITIONALLY PERMITTED USES

When denoted by the letter C, a use listed below is a conditional use which may (together with its accessory uses) be permitted in the MF-1, MF-2 and MF-3 Residential Districts provided it conforms to the conditions, standards and requirements of Title Seven and is approved for a particular zoning lot in accordance with the administrative provisions of Chapter 1115.

(j)	Parking deck or one-story private parking garage as a principal use for a permitted use that is not on the same lot	C	C	C
-----	---	---	---	---

1123.05 ACCESSORY USES

When denoted by the letter A, a use listed below is an accessory use permitted in association with and subordinate to a permitted or conditionally permitted use in MF-1, MF-2 and MF-3 Multiple-Family Residential Districts, subject to the regulations of Section 1123.12 and are limited to the following:

(a)	Private parking garages and related residential off-street parking, subject to the regulations of Chapter 1161.	A	A	A
-----	--	---	---	---

1123.10 DWELLING UNIT REQUIREMENTS.

In order to provide healthful living conditions and to preserve the character of the neighborhood, dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following standards establishing minimum floor areas of dwelling units ~~and required garage space~~.

- (a) Minimum Area of Dwelling Unit. In a MF Multiple Family Residential District, the minimum floor area for a dwelling unit shall be not less than specified below. For townhouse and multi-family dwellings, where applicable, measurements will be made to the center line of party walls. All areas within private parking garages, porches, public halls and general storage rooms in multi-family dwellings shall be excluded in this measurement.

District	Minimum Floor Area (in square feet)	
	By Type of Unit Townhouse/Cluster Development	Multi-family dwelling
MF-1	1,250	500
MF-2	1,250	500
MF-3	1,250	500

- ~~(b) Enclosed Parking Spaces Required. Enclosed parking spaces shall be provided for each dwelling unit in compliance with Chapter 1161, either in a garage that is attached to and integrated with or in a garage that is detached and accessory to the dwelling unit. When 75% or more of a block face have detached rear yard garages or attached garages with doors not visible on the street elevation, new attached garages shall have doors not visible on the street elevation. A new, attached garage of a multi-family dwelling on a corner lot may have~~

EXHIBIT A

~~garage doors visible on one of the streets. The first floor of a principal building containing dwellings shall not have more than 50% of any side yard or front yard building frontage comprised of garage doors. Furthermore, all parking areas shall be provided, designed and constructed in accordance with the accessory use regulations in Section 1123.12.~~

1123.12 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in a MF Multiple-Family District shall conform to the regulations of this section.

- (a) Minimum Yard Requirements for Accessory Uses. An accessory building or use permitted in an MF District shall be located as set forth in Schedule 1123.12(a).

Schedule 1123.12(a)
MINIMUM YARD REQUIREMENTS FOR ACCESSORY USES

Permitted Accessory Use		Front Yard	Abutting MF, C or S District	Abutting AA, A or B District
(1)	Private <u>parking</u> garage and related <u>accessory</u> parking areas	NP	5	10

...

- (d) Trash Receptacles. Trash receptacles shall be enclosed in an approved structure or be screened from view as required by 1166.10(a).

- (e) Fences and Walls. Fences and walls shall comply with the regulations for fences and walls in AA, A and B Districts contained in Section 1121.12.

- (f) Supplemental Regulations for Enclosed Parking Spaces, Private Parking Garages, and Accessory Parking Spaces.

- (1) Any enclosed parking spaces shall be provided for each dwelling unit in compliance with Chapter 1161, either in an attached private parking garage that is integrated with or in a detached private parking garage that is accessory to the principal building.

- (2) Design Standards for Private Parking Garages. When 75% or more of a block face have detached private parking garages in the rear yard or attached private parking garages with doors not visible on the street elevation, new attached private parking garages shall have doors not visible on the street elevation. A new, attached private parking garage of a multi-family dwelling on a corner lot may have garage doors visible on one of the streets. The first floor of a principal building containing dwellings shall not have more than 50% of any side yard or front yard building frontage comprised of garage doors.

- a. Any attached private parking garage should be designed to be compatible and complimentary of the primary structure, including materials, color, roof design, and massing, and should not be the dominant structure on the site.

- b. Any attached private parking garage shall be located at least five (5) feet behind the front façade of the primary structure. A new attached private parking garage

on a corner lot shall be set back at least five (5) feet from the front façade of the primary structure.

c. The garage doors of any private parking garage may face the street, side, or rear property lines.

~~— All accessory parking spaces, whether enclosed or open, shall be provided, designed and constructed in accordance with the accessory use standards in Section 1123.12 and the parking requirements in Chapter 1161.~~

Commercial Districts (this would be C1, C2, C2X, C3)

1131.02 PRINCIPAL AND CONDITIONALLY PERMITTED USES.

(a) Unless otherwise provided by law or in this Code, buildings, structures or land shall only be used or occupied following the adoption of this Zoning Code for the uses permitted herein. Schedule 1131.02, on the following page, enumerates those uses that may locate in a C-1 Office, C-2 Local Retail, C-2X Multi-Use and C-3 General Commercial District as a matter of right as a principal use, and those uses which may locate in a given district only upon obtaining a conditional use permit.

(1) A use listed in Schedule 1131.02 shall be permitted by right in a district when denoted by the letter ~~“P”~~ provided that all requirements of other City ordinances and this Zoning Code have been met.

(2) A use listed in Schedule 1131.02 may be permitted as a conditional use in a district when denoted by the letter ~~“C”~~, provided that the requirements of Title Seven have been met.

(b) Although a use may be indicated as permitted or conditionally permitted in a particular commercial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and parcel in question.

Schedule 1131.02

PERMITTED AND CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS

<u>Land Use Category</u>			<u>C-1 Office District</u>	<u>C-2 Retail District</u>	<u>C-2X Multi- Use District</u>	<u>C-3 Comme rcial District</u>
(a)	<u>Residential Uses:</u>					
	(1)	Multiple-family dwelling as a free-standing building	P			
	(2)	Multiple-family dwelling units above the first floor in association with permitted commercial use	P	P	P	P
	(3)	Lodging house and boarding house including convent, home for the aged, residential care facility, and other congregate living facility	C	C	C	C
	(4)	Nursing home including intermediate and long-term care facility	C	C	C	C
	(5)	Dormitories, fraternities, sororities	C	C	C	C

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	(6)	Live/Work Dwelling subject to the regulations of Section 1131.13	P	C	C	C
(b)	<u>Office/Professional/Medical Uses:</u>					
	(1)	Offices provided that only samples of merchandise are displayed or stored in the premises	P	P	P	P
	(2)	Financial establishment without drive-through facility	P	P	P	P
	(3)	Financial establishment with drive-through facility	C	C	C	C
	(4)	Financial establishment with Automatic Teller Machine (ATM)	C	C	C	C
	(5)	Animal clinics, veterinary offices, animal training, animal grooming facilities, animal day-care facilities, overnight boarding of animals in conjunction with animal clinics, veterinary offices, animal grooming facilities and animal day-care facilities	C	C	C	C
	(6)	Funeral homes and mortuaries				C
	(7)	Hospitals	C			C
	(8)	Urgent care clinics	C	C	C	P
(c)	<u>Retail/Service Uses:</u>					
	(1)	Retail establishments in wholly enclosed buildings		P	P	P
	(2)	Convenience retail and service establishments in an office building provided such business occupies no more than an area equal to 100% of first floor area	C	P	P	P
	(3)	Personal services including dry cleaning, laundry, beauty salon, tattoo parlor, body piercing		P	P	P
	(4)	Restaurants bar, tavern, nightclub		P	P	P
	(5)	Catering		C	C	P
	(6)	Outdoor dining facility		C	C	C
	(7)	Drive-through facility in association with a permitted restaurant, retail or service use		C	C	C
	(8)	Hotels	C	C	C	C
(d)	<u>Automotive Uses:</u>					
	(1)	Automobile sales, new or new and used				C
	(2)	Automobile rental				C
	(3)	Truck, boat sales/rental				C
	(4)	Gasoline station				C
	(5)	Car wash establishment				C
	(6)	Automobile service station - major and minor repair				C
	(7)	Parking lot as a principal use		C	C	P
	(8)	Parking deck or <u>private</u> parking garage as a principal use	<u>C</u>	C	C	<u>PC</u>
(e)	<u>Commercial Entertainment/Recreation Uses:</u>					
	(1)	Indoor commercial entertainment facility including game room, bowling alley, skating rink, and movie theater		C	C	C
	(2)	Private indoor and/or outdoor recreation including a health, tennis and racquet club		C	C	C

EXHIBIT A

	(3)	Dance studio, exercise class		C	C	P
	(4)	Meeting room		C	C	P
	(5)	Banquet hall, party center		C	C	P
	(6)	Mural	P	P	P	P
	(7)	Satellite dish receiving antenna	C	C	C	C
(f)	<u>General Commercial/Light Industrial Uses:</u>					
	(1)	Shops and studios for custom work of making articles to be sold at retail on the premises		P	P	P
	(2)	Printing and publishing		P	P	P
	(3)	Storage and warehousing of goods, self- storage				C
	(4)	Research & Development, Limited	P	P	P	P
(f)	<u>General Commercial/Light Industrial Uses: (Cont.)</u>					
	(5)	Industrial Design	P	P	P	P
	(6)	Nursery and garden supply with accessory outdoor storage		C	C	C
	(7)	Greenhouse	C	C	C	C
(g)	<u>Educational Facilities:</u>					
	(1)	Elementary, junior and senior high school	C	C	C	C
	(2)	College, university, trade and training schools, adult education facilities	C	C	C	C
	(3)	Day care center, preschool, tutoring center	C	C	C	C
(h)	<u>Community Facilities:</u>					
	(1)	Public library, museum	C	C	C	C
	(2)	Public safety facilities	C	C	C	C
	(3)	Public service and maintenance facilities	C	C	C	C
	(4)	Public parks and playgrounds	C	C	C	C
	(5)	Outdoor community festival longer than 3 days	C	C	C	C

1131.03 ACCESSORY USES.

When denoted by the letter A, a use listed in Schedule 1131.03 is an accessory use permitted in association with and subordinate to a permitted or conditionally permitted use in a C- 1, C-2, C-2X or C-3 Commercial District subject to the regulations of Sections 1131.08 and 1131.14(c).

Schedule 1131.03
PERMITTED ACCESSORY USES

Land Use Category		C-1 Office District	C-2 Retail District	C-2X Multi-Use District	C-3 Commercial District
(a)	Off-street parking and loading facilities as required and regulated in Chapter 1161, <u>including enclosed parking spaces,</u>	A	A	A	A

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	<u>private parking garages, parking decks, and accessory parking spaces</u>				
(b)	Signs as permitted and regulated in Chapter 1163	A	A	A	A
(c)	Home occupations subject to the regulations of Section 1165.02(b)	A	A	A	A
(d)	Enclosed storage building for incidental storage of goods and supplies sold on the premises		A	A	A
(e)	Employee cafeterias	A	A	A	A
(f)	Recycling collection station or trash receptacle enclosed in a principal building, in an approved structure or screened according to the regulations of Section 1166.10	A	A	A	A
(g)	All accessory uses permitted within a Multiple-Family District in connection with permitted multiple-family dwellings	A			
(h)	Retail and service establishments not to exceed an area equal to 50% of the first floor area of a permitted office or multiple-family building	A			
(i)	Greenhouses*	A	A	A	A
	* A Greenhouse is only permitted on the interior side yard or rear yard of a lot. In size, a Greenhouse shall not exceed 25% of the gross floor area of the principal building and shall never exceed 400 square feet.				

Notes to Schedule 1131.06

- (b) See Section 1131.12 for supplemental regulations for private parking garages, ~~and~~ parking decks that are principal uses.

1131.08 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in a C Commercial District shall conform to the regulations of this section, and shall be landscaped and screened from view in accordance with Chapter 1166, as applicable.

- (a) Off-Street Parking Lots. Off-street parking spaces in a parking lot may be located on the same lot as the principal use served, or may be located on a separate lot, ~~or conditionally permitted in residential districts~~ in accordance with Section 1161.11, provided:

- (1) Landscaping shall be accordance with Sections 1166.06 and 1166.07.
- (2) Parking shall not be permitted in front or corner-side yards or between a principal building and a public right-of-way. Drive aisles shall not be permitted between a principal building and a public right-of-way.
- (3) Surface parking lots that exclusively serve a specific principal use or uses to the exclusion of other principal uses ~~in the district on a lot~~ are limited to a maximum of sixty-two 62 feet in width. Width shall be measured along the edge of the parking lot that is closest to and parallel or roughly parallel to the street.

- (b) Location of Accessory Buildings/Structures. Accessory buildings and structures shall be located in a side or rear yard in compliance with the yard regulations for principal uses set forth in Schedule 1131.06.

- (c) Fences. Fences may be erected in any commercial district provided they comply with the following regulations:

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- (1) A fence located in a front yard shall have a maximum height of ~~48 inches~~four (4) feet above ground level.
- (2) In a rear or interior side yard, a fence shall have a maximum height of seven (7) feet above ground level.
- (3) In a corner side yard, a fence shall have a maximum height of ~~48 inches~~six (6) feet above ground, except as required by Section 1166.07 for lots adjacent to a residential district, or unless set back 15 or more feet from the public right of way, in which case a fence shall have a maximum height of seven (7) feet above ground level.
- (4) Any fence within 25 feet of a public right of way and parallel or approximately parallel to such street shall be approved by the Architectural Board of Review. No chain-link fencing shall be permitted in front or corner side yard.
- (5) No barbed wire fence shall be constructed or erected on any lot. Any nonconforming barbed wire fence shall be removed following five years from the adoption of the amendment to this Zoning Code which made such fence nonconforming.
- (6) A fence which has the sole purpose of enclosing a seasonal outdoor activity shall be removed during the times of the year when the seasonal activity is not in operation if it causes a nuisance or limits safe travel along public sidewalks.
- (7) A pergola or other freestanding structure may be permitted in front of a building but not within the required front yard, subject to Architectural Board of Review approval.

1131.12 SUPPLEMENTAL REGULATIONS FOR PRIVATE PARKING GARAGES, AND OFF-STREET PARKING DECKS ~~AND PARKING GARAGES~~ THAT ARE PRINCIPAL USES.

~~Private parking garages, Off-street and~~ parking decks ~~and parking garages may be located on the same lot as the principal use, or may be located on a separate lot in accordance with Section 1161.06, and~~ that are principal uses shall comply with the following standards:

- (a) All parking decks and parking garages shall be approved by the Architectural Board of Review.
- (b) A parking deck or private parking garage shall comply with the yard requirements for a principal use specified in Schedule 1131.06 except that open parking decks and open private parking garages in which vehicles are visible from the street shall be located not less than fifteen (15) feet from a public right of way.
- (c) Open parking decks and open private parking garages shall be landscaped according to the requirements established in Section 1166.06.

Supplemental Standards for Conditional Uses**1153.03 SPECIFIC AREA, WIDTH AND YARD REGULATIONS**

Schedule 1153.03
AREA, WIDTH AND YARD REGULATIONS
FOR CERTAIN CONDITIONAL USES

Conditional Use		Min. Lot Area	Min. Lot Width (Feet)	Front	Side/Rear	Side/Front	Rear	See Also Section
(11)	Parking deck or one-story private parking garage for a permitted use not on the same zoning lot as a principal use	20,000 sq. ft.	100	30	15	N/A	N/A	---

1153.05 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

The following conditional use regulations are specific requirements pertaining to the location and maintenance of certain conditional uses and are in addition to the general criteria set forth in Chapter 1151 and the lot area, width and yard regulations set forth in Section 1153.03.

...

(h) Home Occupation in an Accessory Building. A home occupation in an accessory building may be conditionally permitted by the Zoning Administrator in any district provided that the following standards are met and maintained:

- (1) There shall be no display or other indication from the exterior that the building is being utilized for any nonresidential purpose, and the external appearance of the structure in which the use is conducted shall be compatible with the dwelling unit and neighboring residential structures;
- (2) There shall be no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises. A home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art is permitted, provided it meets all other criteria of this section, and involves no direct sales of such works of art to consumers on a regular basis from the premises;
- (3) There shall be no person employed or engaged in the furtherance of the home occupation other than a member of the immediate family residing in the same dwelling unit as the home occupation;
- (4) There shall be no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located;
- (5) There shall be no storage of material, goods or equipment used for a business activity conducted off the premises;
- (6) There shall be no motor vehicles bringing clients or customers to the place of the home occupation other than for the periods from 9:00 a.m. to 5:00 p.m. on weekdays, and

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from 9:00 a.m. to 12:00 noon on Saturday. All such vehicles visiting the place of the home occupation shall be parked on private property;

- (7) No home occupation shall be permitted in any accessory building, or portion thereof, where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons; and
- (8) No home occupation shall be permitted in that portion of a private parking garage that ~~is required by this Zoning Code to provide~~ provides enclosed parking spaces for a dwelling unit in fulfillment of the required accessory parking spaces for such dwelling unit by this Zoning Code.

...

- (aa) Attached Single-Family Dwelling Unit. Attached single-family dwelling units may be conditionally permitted in B, A, AA, and MF Districts in accordance with the following:
 - (1) In A, AA, and MF Districts, attached single-family dwelling units may be conditionally permitted only on lots which contain legally non-conforming side-by-side two-family dwellings.
 - (2) Each attached single-family dwelling unit must be on a separate parcel. When applicable, lots must be subdivided per Section 1111.06(b)(5).
 - (3) Attached single-family dwelling units shall be permitted only on corner lots on which each dwelling unit fronts upon a different street.
 - (4) Each attached dwelling unit shall have its own driveway and ~~two-car garage~~ provide the requisite number of accessory parking spaces per this Zoning Code.

Off-Street Parking and Loading Requirements

1161.03 NUMBER OF PARKING SPACES REQUIRED

The required number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 1161.03. For a use not specified in Schedule 1161.03, the Planning Commission shall apply the standard for a specified use which the Commission determines to be most similar to the proposed use.

Schedule 1161.03 REQUIRED OFF-STREET PARKING SPACES

	Principal Building or Use	Minimum Spaces Required
(a)	Residential Uses:	
	(1) Single-family dwellings	2 spaces, of which both spaces shall be enclosed (a)(b) <u>for each dwelling unit</u>
	(2) Two-family dwellings	2 spaces for each dwelling unit, of which both spaces per dwelling unit shall be enclosed (a)(b)

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	(3)	Townhouses	2 spaces for each dwelling unit, of which both spaces per dwelling unit shall be enclosed.
	(4)	Multi-family dwelling	1 space for each dwelling unit, of which not less than .5 space per unit shall be enclosed.
	(5)	Senior citizen apartments	1 space for each dwelling unit, of which not less than 0.5 spaces per dwelling unit shall be enclosed.
	(6)	Lodging house, boarding houses	1 space for each bed
	(7)	Dormitories, sororities and fraternities	1 space for each 3 persons based on the maximum capacity as established in the Housing Code
	(8)	Nursing homes	1 space per 3 beds
(b) Office, Professional Service Uses: (b)			
	(1)	Office, medical office, animal clinic and financial establishments	1 space for each 300 sq. ft. of floor area
	(2)	Funeral homes, mortuaries	1 space for each 50 sq. ft. of floor area in parlors or service rooms
	(3)	Hospitals	2 spaces per room
(c) Retail/Service Uses: (b)			
	(1)	Retail or business uses permitted in any C District, unless specific standards given below	1 space for each 300 sq. ft. of floor area
	(2)	Furniture and appliance; retail nursery garden supply, establishments	1 space for each 500 sq. ft. of floor area
	(3)	Restaurants; bars; taverns; night clubs	1 space for each 300 sq. ft. floor area (outdoor dining area excluded)
	(4)	Hotels and motels	5 spaces plus 1 space for each sleeping room or suite
(d) Automotive Uses: (b)			
	(1)	Auto sales; new and used, auto, truck, boat sales, rental facilities	1 space for each 500 sq. ft. of floor area (indoor area only)
	(2)	Gasoline stations	.5 spaces per pump +1 per 500 sq. ft. of accessory retail area
	(3)	Car wash facilities	1 space per bay plus sufficient area for stacking spaces
	(4)	Automobile service stations - major and minor repair	4 spaces per bay
(e) Commercial Entertainment/Recreation Uses: (b)			
	(1)	Bowling alleys	2 spaces per each lane
	(2)	Game rooms	1 space for each billiard table or amusement device
	(3)	Skating rinks	1 space per 200 sq. ft. of floor area
	(4)	Indoor movie theaters, auditorium and other public assembly places	1 space for every 4 seats for first 400 seats then 1 space per 10 seats
	(5)	Golf course	4 spaces per hole
	(6)	Tennis or racquet ball court	2 spaces per court
	(7)	Indoor or outdoor swimming pools, public or private	1 space per 200 sq. ft. of water area

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	(8)	Health, fitness, recreation club	1 space for every 200 sq. ft. of exercise area, including locker room, and equipment room
(f)	General Commercial Uses: (b)		
	(1)	Printing, publishing, storage and warehousing of goods	1 space for each 800 sq. ft. of floor area
	(2)	Research and testing laboratories	1 space for each 400 sq. ft. of floor area
(g)	Educational Facilities:		
	(1)	junior high schools, elementary schools and kindergartens	2 spaces per classroom +1 space per 15 seats in largest assembly hall
	(2)	Neighborhood high schools	2 spaces per classroom
	(3)	Regional high schools	5 spaces per classroom.
	(4)	Colleges, universities	10 spaces for every classroom
	(5)	Day Care Centers, preschools and similar uses	1 space for each staff person or employee plus a minimum of 2 pick-up/drop-off spaces
(h)	Community Facilities:		
	(1)	Places of worship	1 space for every 4 seats
	(2)	Community center, library, museum or similar public or private semi- public building	1 space for every 4 seats or for each 300 sq. ft. of floor area, whichever is greater

Notes to Schedule 1161.03:

- ~~(a) All existing lots of record of a single-family and two-family dwelling that does not meet the minimum lot area or lot width requirements of the district are permitted to provide fewer enclosed parking spaces in a detached garage if the Zoning Administrator verifies that construction of a code-conforming detached garage cannot be accommodated on the site and approves a landscaping and screening plan which addresses stormwater management and minimizes adverse impact on neighboring properties. The site must meet one (1) or more of the following standards:~~
- ~~(i) The maximum rear yard coverage limitation would be exceeded with the construction of a Code-conforming garage.~~
 - ~~(ii) The maximum lot coverage or impervious surface limitation would be exceeded with the construction of a Code-conforming garage.~~
 - ~~(iii) The previously existing detached garage on the lot was a single-car garage for single-family dwelling or fewer than four-car garage for a two-family dwelling.~~
 - ~~(iv) Special conditions peculiar to the land or structure which are not applicable generally to other lands or structures in the same Zoning District render a code-conforming garage impractical.~~
 - ~~(v) Construction of a rear-yard garage would result in pavement access of fewer than 20 feet to an enclosed parking space.~~
- ~~(b) If the previously existing detached garage on the lot was a single-car garage for single-family dwelling or fewer than four-car garage for a two-family dwelling, the Zoning Administrator may approve a garage with the same number of enclosed spaces.~~

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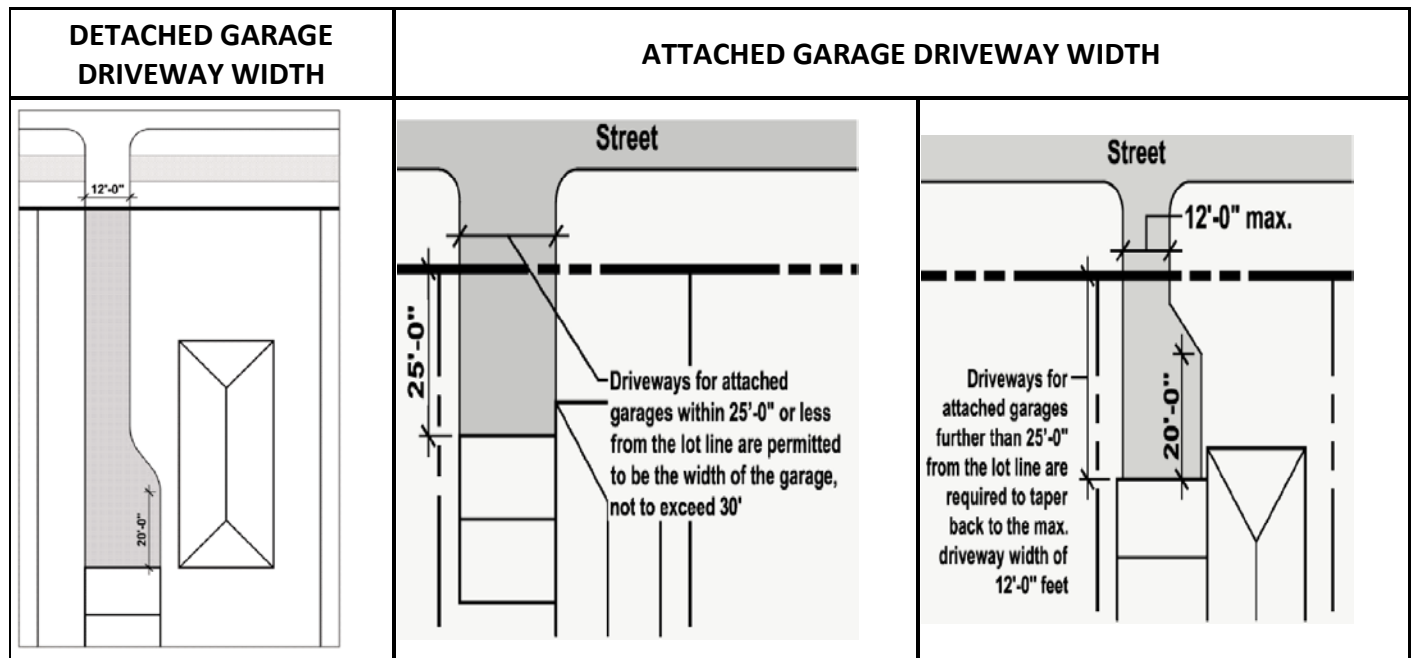
1161.08 PARKING OF JUNK MOTOR VEHICLES.

- (a) The outdoor parking of a junk motor vehicle on a lot shall be prohibited except as provided below. However, such a vehicle may be stored in an enclosed private parking garage, provided that in a residential district no business shall be conducted in connection therewith while such vehicle is parked or stored inside of the building.
- (b) The parking of a junk motor vehicle in connection with a conditional use in a commercial district may be permitted for a period not to exceed forty-eight (48) hours.

1161.105 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DRIVEWAYS.

- (a) For single-family and two-family dwellings, a residential driveway that provides access to a detached private parking garage is limited to twelve (12) feet in width. A driveway apron, the width of the private parking garage, as measured from the garage walls, is permitted to extend for a distance (depth) of twenty (20) feet from the garage doors before tapering back to the maximum driveway width of twelve (12) feet. For attached garages located twenty-five (25) feet or less from the lot line, the driveway is permitted to be the width of the attached garage and no tapering is required on private property. However, the apron shall be a maximum of twelve (12) feet. (See Figure 1164.105(a)).
- (b) For dwellings with a single-car attached private parking garage, the Zoning Administrator may approve the driveway width that provides access to the private parking garage and up to an additional nine (9) feet of width to provide for one (1) parking space that does not block the private parking garage. This width is permitted to extend for a distance of twenty (20) feet from the garage door before tapering back to the maximum driveway width of twelve (12) feet.
- (c) Driveways must be located a minimum of three (3) feet from the side and rear lot line. However, a residential driveway may be shared by adjacent lots and constructed on the lot line. This shared driveway location is only allowed if agreed to by the owners of each lot.
- (~~e~~d) All single-family and two-family dwellings are permitted to construct driveways that consist of two (2) paved wheel strips, each of which is a minimum of eighteen (18) inches wide and a minimum of twenty (20) feet long. A permeable surface, such as turf, must be maintained between such wheel strips. (See Figure 1161.105(~~e~~d): Paved Wheel Strips). All driveway aprons must comply with the construction and paving requirements of this Zoning OrdinanceCode.
- (~~d~~e) Residential driveways must be surfaced and maintained in accordance with Section 1161.11(d). Paving with semi-pervious materials, such as permeable pavers, porous asphalt, porous concrete, grass-crete or gravel-crete, is encouraged. A semi-pervious driveway is still subject to the coverage requirements of each individual yard. Gravel and wood chips are prohibited.
- (f) For single-family and two-family dwellings, driveways may be used for accessory parking spaces up to two (2) motor vehicles, so long as such driveway can accommodate vehicles without the vehicles extending over sidewalks, the street, or landscaped areas.

FIGURE 1161.105(a): RESIDENTIAL DRIVEWAY WIDTH



1161.11 IMPROVEMENT AND MAINTENANCE STANDARDS

- (j) Lighting. Wherever a parking lot, open parking deck, or open private parking garage is to be used during darkness, a system of floodlighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All floodlights shall be shielded so that a minimum glare will extend to adjacent property and shall be in compliance with Section 1165.07.
- (l) Maintenance. A parking lot, open parking deck, or private parking garage shall be maintained in a manner to keep it as free as practicable from dust, paper and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot or garage, shall be maintained in good condition throughout its use for parking purposes. All exposed concrete walls shall be painted or finished.

1161.13 EXCEPTIONS TO OFF-STREET PARKING REQUIREMENTS IN ~~MAJOR~~-COMMERCIAL DISTRICTS

- (a) In ~~certain major~~ the City's commercial districts, parking needs are predominantly met by the existence of significant amounts of on- and off-street public parking and, in some areas, large private parking areas serving multiple uses. This reduces the need for individual uses to provide their own dedicated off-street parking, as does the fact that many patrons of uses in

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these commercial districts arrive on foot or by public transportation. Further, a large number of small parking lots would be disruptive in these areas, in which safe and pleasant conditions for pedestrians are important assets. On the commercial-district parcels described in subsection (b) below, the following exceptions to the off-street parking requirements set out in Chapter 1161 shall apply:

- (1) New uses in existing buildings that would not result in a significant change of intensity relating to traffic and parking shall not be required to provide off-street parking.
 - (2) New uses in ~~new buildings or~~ existing buildings proposed to expand the ~~with~~ gross floor areas (GFAs) ~~newly expanded~~ by 25% or less that would not result in a significant change of intensity relating to traffic and parking shall not be required to provide off-street parking. ~~more shall be required to either provide the required number of off-street parking spaces specified for the use or request that the Board of Zoning Appeals grant a special exception from the off-street parking requirement for that particular use. Without being required to determine that a practical difficulty, as set out in Section 1115.07(e)(1), exists on the property, and in accordance with the procedures set out in Section 1115.13, the Board is authorized to grant a special exception from the off-street parking requirement for a use, in whole or in part, if it can be shown that adequate parking will be available to serve the use and that the establishment of the use will not unduly reduce the amount of parking available to existing uses in the area. Conditionally permitted uses may also request a reduction in the off-street parking requirements through the Planning Commission, per Section 1161.05, as part of the conditional use review process.~~
- (b) The exceptions to the off-street parking requirements, as described in subsection (a) above, shall apply only to commercially zoned parcels, ~~or parcels on which commercial district regulations are in effect, in the Cedar Fairmount, Coventry and Cedar Lee commercial districts, and more specifically:~~
- ~~(1) In the Cedar Fairmount commercial district, the parcels zoned C-2, C-2X or S-2 and located along Cedar Rd. between Euclid Heights Blvd. and Norfolk Rd.;~~
 - ~~(2) In the Coventry commercial district, the parcels zoned C-3, C-2, C-2X or S-2 and located along Coventry Rd. between Euclid Heights Blvd. and Mayfield Rd.;~~
 - ~~(3) In the Cedar Lee commercial district, the parcels zoned C-2, C-2X or S-2 and located along Lee Rd. between Derbyshire Road and Coleridge Road; and~~
 - ~~(4) All parcels zoned C-2, C-3, C-2X or S-2 that are contiguous to any of the parcels described above.~~

Additional Regulations Governing Uses

1165.02 SUPPLEMENTARY ACCESSORY USE REGULATIONS.

In addition to district regulations governing accessory uses, the following supplementary regulations set specific conditions for various accessory uses:

- (a) Use of Accessory Building. No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced, and no accessory building shall be used unless the principal building on the lot is also being used. However, nothing shall prevent the use by a contractor during building construction of a temporary construction shed or road wagon for the storage of tools, material and equipment.
- (b) Home Occupations Accessory to a Dwelling Unit in a Residential District. A home occupation may be conducted in a dwelling unit provided that the following standards are maintained:
 - (1) There is no display that will indicate from the exterior that the dwelling unit is being utilized in part for any purpose other than that of a residential dwelling;
 - (2) There is no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises. A home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art is permitted, provided it meets all other criteria of this section, and involves no direct sales of such works of art to consumers on a regular basis from the premises;
 - (3) There is no more than one person employed or engaged in the furtherance of the home occupation who is not a member of the immediate family residing on the premises;
 - (4) There is no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located;
 - (5) There are and will be no exterior alterations made to the dwelling unit for the home occupation purposes which would change the appearance of the dwelling so as to indicate from the exterior that the building is used for any purpose other than that of a dwelling unit;
 - (6) There are no motor vehicles bringing clients or customers to the place of the home occupation other than for the periods from 9:00 a.m. to 5:00 p.m. on weekdays, and from 9:00 a.m. to 12:00 noon on Saturday. All such vehicles visiting the place of the home occupation shall be parked on private property;
 - (7) No home occupation shall be permitted in any portion of any dwelling unit where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons;
 - (8) The home occupation shall be conducted wholly within the dwelling unit and no aspect of the home occupation shall be conducted in any accessory building except as may be conditionally permitted according to Chapters 1151 and 1153 or in any detached or attached private parking garage.
- (b.1) Occasional Sales Incident to Home Occupations. Notwithstanding the provisions of subsection (b) hereinabove, the Zoning Administrator may issue a permit for an “occasional

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sale” to an artist or other craftsperson engaged in art as a home occupation to authorize said artist to sell artwork out of the home on the following terms and conditions:

- (1) A permit for an “occasional sale” shall not be issued more than three times a year for the same premises, and shall be for a period not to exceed three days.
- (2) The sale may occur only between the hours of 9:00 a.m. and 7:00 p.m.
- (3) No merchandise may be sold at the sale other than individual works of art. At least twenty-five percent (25%) of the artwork offered for sale must have been produced on the premises upon which the sale is occurring.
- (4) Subject to the provisions of subsection 1163.06(f), one temporary sign is permitted to advertise the “occasional sale”. An “occasional sale” sign shall be categorized as a “garage sale” sign pursuant to 1163.06(f)(1)C.
- (5) No person shall participate in the conduct of the sale other than the artists whose work is being sold and residents of the premises upon which the sale is occurring. In no event shall there be more than five persons engaged at any one time in the conduct of the sale.
- (6) In considering whether to grant an application for a permit for an “occasional sale” the Zoning Administrator shall consider the past history of sales on the same premises or by the same parties, the availability of off- street parking on the premises, the availability of on-street parking in the neighborhood, the density of the neighborhood, the number of customers the sale is expected to draw, and similar factors. Any party aggrieved by the decision of the Zoning Administrator to grant or deny a permit may appeal the Administrator’s decision to the Board of Zoning Appeals.

(c) Parking Nonpassenger Vehicles in a Residential District. The placing, storing or parking of trucks and other such commercial vehicles, including pickup trucks, vans and panel trucks, on a lot or on a public street in a residential zone is prohibited. Exceptions to this prohibition are licensed passenger vehicles, or noncommercial motor vehicles; vehicles displaying license plates issued to a handicapped person and imprinted with the international wheelchair symbol; or vehicles displaying a valid parking card issued by the State of Ohio to handicapped persons and the following:

- (1) Such vehicle may be so placed, parked and permitted to stand for a period during the delivery therefrom or the pickup of articles or materials to be used or consumed on the related premises.
- (2) When such vehicles are used in connection with constructing, altering, repairing, maintaining or cleaning a building on such lot when the described work is in process.
- (3) One (1) single rear-axle four-wheel vehicle described as a pickup truck, van or panel truck, and not exceeding three-quarter (3/4) ton capacity or its equivalent gross weight, may be stored or parked in a private parking garage with the garage doors closed on a residential premise provided all of the following conditions are observed:
 - A. There are no offensive odors emitted from the truck.
 - B. There is stored within the confines of the truck only such items as hand tools, spare parts and small amounts of supplies and/or other items of personalty. In no event is such vehicle to be used as a warehouse for the storage of substantial goods, supplies or other materials.
 - C. There are no animals, fish or fowl stored in the truck.

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- D. There are no foodstuffs or other organic materials stored in the truck which would create a condition that would attract, harbor or contain vermin, insects or rodents.
 - E. The storing of the truck in a private parking garage shall not cause the displacement of a passenger vehicle or vehicles in such manner as to result in a violation of other provisions of this Zoning Code.
 - F. There are no health or safety hazards caused in permitting the garaging of a truck.
 - G. The use and garaging of a truck shall not result in a public nuisance which is offensive to neighboring property owners or residents by reason of excessive noise, late hours of truck use, intensity of activity or other such reasons.
 - H. The truck shall be maintained, at all times, in good mechanical condition and exterior appearance.
 - I. No maintenance and repair work on the truck shall be done on the property, except of an emergency nature.
 - J. No such vehicle shall be used in conjunction with any "home occupation" not authorized by the terms of this Zoning Code.
 - K. An annual permit which shall be affixed to the vehicle in plain view shall be obtained from the Zoning Administrator or designated agent for the authority to garage a truck as described in this subsection (c) and payment of the applicable fee shall be required.
- (4) Subsection (c)(3) hereof shall not be applicable to vehicles licensed as noncommercial vehicles, or to vehicles not exceeding three-quarter (3/4) ton capacity or its equivalent in gross weight, that are used exclusively for purposes other than engaging in business for profit, bearing no commercial signage, and that display either license plates issued to a handicapped person and imprinted with the international wheelchair symbol, or a valid parking card issued by the State of Ohio to handicapped persons.
- (d) Parking of Recreation Vehicles in a Residential District. The parking of recreation vehicles as an accessory use in a residential district is subject to the following:
- (1) Except as otherwise provided in this section, boats, campers, trailers, and similar equipment owned and used by the occupants of the premises may be stored on such premises, provided such storage is not in the open but is in a private parking garage.
 - (2) Notwithstanding the provisions of subsection (d)(1) hereof, not more than one (1) open air parking space for a recreation vehicle used for recreational purposes by the occupants of the dwelling may be located in a rear yard provided that:
 - A. Such parking space shall be included in the accessory building area allowances otherwise prevailing for this site and shall not be in addition to such area allowance.
 - B. The recreation vehicle shall not have fixed connections to electricity, water, gas or sanitary sewer facilities and at no time shall the recreation vehicle be used for living or housekeeping purposes.
 - C. The recreational vehicle shall not be stored outside of a private parking garage unless adequate screening thereof has been established to the satisfaction of the Zoning Administrator. Adequate screening shall consist of building walls, fencing as permitted by this Zoning Code, or evergreen plantings in accordance with the Plantings List approved by the Planning Commission. In determining adequacy of screening, the Zoning Administrator shall consider the size of the lot in question, the proximity of

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buildings on adjacent property, the size of the recreational vehicle, the existing landscaping or screening on adjacent properties, and all other relevant considerations. At least five (5) days before the Zoning Administrator makes any determination as to the adequacy of the screening, he or she shall cause notices to be sent to the contiguous properties.

- D. A recreation vehicle may be parked in a parking or driveway area anywhere on the premises for loading or unloading purposes for a period of not more than forty-eight (48) hours in any consecutive twenty-one (21) day period.
- E. An annual permit shall be obtained from the Zoning Administrator or designated agent for the recreation vehicle open air parking space described in this section, and payment of the applicable fee shall be required.

...

Prohibited Uses

1167.01 SPECIFICALLY PROHIBITED USES

- (c) Wrecking or dismantling of motor vehicles except within a private parking garage pursuant to Section 1161.08.

Proposed: 6/7/2021

RESOLUTION NO. 71-2021 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Tucker Ellis LLP to serve as special counsel to the City of Cleveland Heights in connection with the Cedar-Lee-Meadowbrook project; and declaring an emergency.

WHEREAS, the City identified the opportunity to develop the site of approximately 4.8 acres known as “Cedar-Lee-Meadowbrook;” and

WHEREAS, the City issued Requests for Qualifications and Preliminary Development Proposals for the site, with responses received by December 30, 2020; and

WHEREAS, this Council determined that was in the City’s best interest to move forward with negotiations on the Cedar-Lee-Meadowbrook project with Flaherty & Collins Properties and authorized the same; and

WHEREAS, the City Manager, Director of Economic Development, and Director of Law have determined a need to retain the services of outside counsel to assist the City in the undertaking of the project; and

WHEREAS, the City has previously retained Tucker Ellis LLP for legal representation in connection with similar developments; and

WHEREAS, the City Manager has determined that the services of Tucker Ellis, LLP have been satisfactory and recommends the firm’s engagement in connection with the Cedar-Lee Meadowbrook Project; and

WHEREAS, such services are professional services for which no bidding is necessary.

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 execute an engagement letter and any related documents with Tucker Ellis LLP to serve as counsel to the City of Cleveland Heights in connection with the Cedar-Lee-Meadowbrook project. Compensation for the services detailed herein shall not exceed One Hundred Twenty Thousand Dollars (\$120,000.00). All agreements hereunder shall be approved as to form and subject to the final approval of the Director of Law.

RESOLUTION NO. 71-2021 (PD)

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 to enter into the above-mentioned engagement letter at the earliest time possible to proceed to the next phase of the project detailed herein. 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:

Proposed: 10/2/2017

ORDINANCE NO. 106-2017 (PSH), *Second Reading*

By Council Member Seren

An Ordinance amending Chapter 525, “Law Enforcement and Public Office,” of the Codified Ordinances of Cleveland Heights by enacting a new Section 525.18, “Civil Immigration Enforcement.”

WHEREAS, the City of Cleveland Heights wishes to defend all persons, insofar as possible and lawful, from: (a) being subject to the effects of mass deportation, (b) invasions of privacy by or at the behest of other jurisdictions, and (c) discrimination in law enforcement in the above regards; and

WHEREAS, the City of Cleveland Heights wishes to provide all persons with means of redress in instances of mistakes and abuses in the above regards.

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

SECTION 1. Chapter 525 of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to adopt a new Section 525.18, “Civil Immigration Enforcement” to read as follows:

525.18 CIVIL IMMIGRATION ENFORCEMENT

(a) City officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement or Customs and Border Protection.

(b) City officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by U.S. Immigration and Customs Enforcement or Customs and Border Protection, without a judicial warrant.

(c) Unless acting pursuant to a court order or a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, no City official shall permit U.S. Immigration and Customs Enforcement or Customs and Border Protection agents access to City facilities or any person in City custody for investigative interviews or other investigative purposes.

(d) To the extent U.S. Immigration and Customs Enforcement or Customs and Border Protection has been granted access to City facilities, individuals with whom U.S. Immigration and Customs Enforcement or Customs and Border Protection engages will be notified that they are

ORDINANCE NO. 106-2017 (PSH)

speaking with U.S. Immigration and Customs Enforcement or Customs and Border Protection, and U.S. Immigration and Customs Enforcement or Customs and Border Protection agents shall be required to wear duty jackets and make their badges visible at all times while in City facilities.

(e) City officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

(f) No City official shall voluntarily release personally identifiable data or information to U.S. Immigration and Customs Enforcement or Customs and Border Protection regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

(g) No City agency or official shall authorize or engage in the human or technological surveillance of a person or group based solely or primarily upon a person or group's actual or perceived religion, ethnicity, race, or immigration status.

(h) No City official shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal event/activity.

(i) Whoever violates this Section is guilty of interfering with civil rights, as codified in Section 525.13 of the Codified Ordinances of the City of Cleveland Heights, a misdemeanor of the first degree. (ORC 2921.45)

(j) Any person who alleges a violation of the provisions of this Section may file a written complaint for investigation with the Complaint Officer defined in Section 749.05 of the Codified Ordinances of the City of Cleveland Heights.

(k) Nothing in this Section is intended to violate 8 U.S.C. § 1373 or 8 U.S.C. § 1644.

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

ORDINANCE NO. 106-2017 (PSH)

SECTION 3. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 6/7/2021

ORDINANCE NO. 72-2021 (PSH)

By Council Member Seren

An Ordinance repealing certain provisions of Chapter 531, “Minors’ Curfew,” of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights.

WHEREAS, Chapter 531 of the Codified Ordinances of the City of Cleveland Heights governs the curfew for minors in the City; and

WHEREAS, Codified Ordinance Section 531.01(d) prohibits minors from being in various business districts located within the City during certain specified hours; and

WHEREAS, Codified Ordinance Section 531.06 permits the Director of Public Safety to impose a temporary special curfew when the Director reasonably believes that an event involving the gathering of minors is proposed to take place at a particular location on public property within the City, if it appears that such event poses a threat of imminent harm or danger; and

WHEREAS, the Police Chief and City Manager have recommended that the additional curfew provisions of Section 531.01(d) are not presently needed and should be repealed; and

WHEREAS, repeal of the prohibition of Section 531.01(d) will encourage patronage of businesses by minors and will not adversely impact the public health, safety, and welfare in the opinion of the Police Chief and City Manager; and

WHEREAS, the exigency that previously existed that provided the basis for granting the Director of Public Safety the ability to impose temporary special curfew measures under Section 531.06 has ceased to exist, such that this provision is no longer necessary; and

WHEREAS, this Council believes that it would be in the best interests of the City and its residents to repeal these Sections.

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

SECTION 1. The existing Section 531.01(d) of the Codified Ordinances of Cleveland Heights shall be, and is hereby, repealed in its entirety.

SECTION 2. The existing Section 531.06, “Temporary Special Curfew Areas,” of the Codified Ordinances of Cleveland Heights shall be, and is hereby, repealed in its entirety.

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

ORDINANCE NO. 72-2021 (PSH)

SECTION 4. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

JASON STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

ORDINANCE NO. 72-2021 (PSH)

Proposed: 6/7/2021

RESOLUTION NO. 73-2021 (CRR)

By Council Member

A Resolution proclaiming June 4, 2021 to be National Gun Violence Awareness Day in the City of Cleveland Heights; and declaring an emergency.

WHEREAS, every day, ninety-six (96) Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and

WHEREAS, Americans are twenty-five (25) times more likely to be murdered with guns than people in other developed countries; and

WHEREAS, protecting the public's safety is the City Manager's highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and

WHEREAS, mayors, city managers, and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 24th birthday on June 2, 2021; and

WHEREAS, to help honor Hadiya – and the ninety-six (96) Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 4, 2021, the first Friday in June, as the 7th annual National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to Wear Orange on June 4, the first Friday in June in 2021, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 4, 2021, Americans will raise awareness about gun violence and honor the lives and lost human potential of Americans stolen by gun violence; and

WHEREAS, this Council is committed to reducing gun violence and pledges to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe; and

RESOLUTION NO. 73-2021 (CRR)

WHEREAS, this Council passed Resolution No. 41-2018 to urge state and federal governments to enact common sense gun laws and mental health legislation to help reduce gun violence; and

WHEREAS, the City of Cleveland Heights is honored to take part in the annual observance of National Gun Violence Awareness Day in the hopes to help honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

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

SECTION 1. This Council hereby declares the first Friday in June, June 4, 2021, to be National Gun Violence Awareness Day in the City of Cleveland Heights and encourages residents to wear orange on this day to show solidarity with the families who have lost a family member to gun violence, the communities that are affected, and the hope that bringing awareness will help continue the battle against gun violence.

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 to recognize National Gun Violence Awareness Day on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 6/7/2021

RESOLUTION NO. 74-2021 (CRR)

By Council Member

A Resolution declaring June 2021 to be LGBTQ Pride Month; and declaring an emergency.

WHEREAS, the City of Cleveland Heights historically has been a community that values and seeks diversity in its residents; and

WHEREAS, in 1976, this Council committed itself to a Resolution establishing the “Nine-Point Plan” to promote a well-maintained, full-service residential community that is racially, religiously, and ethnically diverse; and

WHEREAS, in 1982, this Council reaffirmed its commitment to diversity and tolerance by prohibiting discrimination in City employment based upon sexual orientation, as well as race, religion, sex, disability, and ethnic status; and

WHEREAS, in 2001, the Visioning Committee found that the overwhelming majority of Cleveland Heights residents consider diversity to be one of the community’s strongest assets and that the residents’ lives were enriched because of the varying experiences and perspectives brought by people of different ethnicities, religion, race, socio-economic status, and sexual orientation; and

WHEREAS, in 2002, this Council extended employment benefits to domestic partners of City employees; and

WHEREAS, in 2003, the citizens of Cleveland Heights initiated and passed an ordinance to provide for the establishment of a domestic partner registry which was the first of its kind in the State of Ohio; and

WHEREAS, in 2013 and 2014, this Council expanded the role and jurisdiction of the Fair Housing Board to hear and investigate sexual orientation and gender identity and expression discrimination complaints occurring in places of public accommodation, education, and employment, as well as in a housing context, and renamed the Board the “Fair Practices Board”; and

WHEREAS, in 2018, this Council passed a resolution supporting the Ohio Fairness Act to ensure that all Ohio residents are able to enjoy basic freedom from discrimination where they work, live, and engage in commerce throughout the state; and

WHEREAS, in an effort to further build and strengthen our communities and nation, one should value the LGBTQ (lesbian, gay, bisexual, transgender, and queer) community members as colleagues and neighbors, daughters and sons, sisters and brothers, and friends and partners; and

RESOLUTION NO. 74-2021 (CRR)

WHEREAS, this Council recognizes that much has been accomplished over the last generation to promote equality and justice, as society and its law reflect that diversity and tolerance are strength in a progressive culture, yet many challenges still remain, as prejudice against members of the LGBTQ community can still erupt into acts of hatred, violence, and discrimination; and

WHEREAS, the City of Cleveland Heights is committed to equal rights for all Americans and is therefore proud to support all those committed to justice and equality in a crusade to outlaw discriminatory laws and practices and to protect the LGBTQ community from prejudice and persecution; and

WHEREAS, many communities and organizations across the United States will celebrate June 2021 as LGBTQ Pride Month to recognize the significance that LGBTQ Americans have made throughout our nation's history.

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

SECTION 1. This Council does hereby: (i) proclaim June 2021 to be LGBTQ (lesbian, gay, bisexual, transgender, and queer) Pride Month; (ii) recognize the LGBTQ community for its many and varied contributions that have enriched our civic life; (iii) celebrate the progress made in creating a society more inclusive and accepting of the LGBTQ community; and (iv) affirm continued efforts to break down the walls of fear and prejudice and work to build a bridge to understanding and tolerance, until the members of the LGBTQ community are afforded the same rights and responsibilities as other Americans.

SECTION 2. The Clerk of Council is hereby directed to send a copy of this Resolution to the President of the United States, Ohio Senators Rob Portman and Sherrod Brown, Governor Mike DeWine, Ohio Senate President Matt Huffman, Ohio House Speaker Bob Cupp, Ohio Senator Sandra Williams, and Ohio Representative Janine R. Boyd.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to join with other communities in this celebration in a timely manner. Wherefore, provided it received the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take

RESOLUTION NO. 74-2021 (CRR)

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:

MEMO

To: Susanna Niermann O'Neil, City Manager

From: Brian Iorio, CDBG Coordinator

C.C.: Cleveland Heights City Council; Eric Zamft; William Hanna

RE: CDBG-CV Lake Erie Ink Subrecipient Support

Legislation authorizing the City to contract with Lake Erie Ink is being requested, as an emergency, in order to assist this organization carry out its programming during the pandemic.

Lake Erie Ink is an annual subrecipient of Community Development Block Grant funds. These funds help fund their Ink Spot Program. Below is a description of the Ink Spot Program as described by Lake Erie Ink in their Year 47 application:

In our community, youth have inequitable access to the arts and to opportunities where they can express themselves creatively and authentically. Lake Erie Ink: a writing space for youth (LEI)... directly address(es) this need through our Ink Spot after school programs, serving youth at both Noble Elementary and Monticello Middle School. Facilitated by LEI staff teachers and guest artists, the Ink Spot program engages youth in creative expression activities and provides academic support twice a week throughout the school year. Using literary arts as a way to inspire and engage with youth, the Ink Spot, offers youth a space and resources to learn new ways to express their ideas, and connect with others in a collaborative and positive environment. They will gain communication skills, and learn new forms of expression such as, poetry, play writing, comics and personal narrative. They will gain confidence as they share their work with others

Due to the ongoing pandemic, Lake Erie Ink has requested \$3,900 of CDBG-CV funds (CDBG funds authorized through the CARES Act) in order to facilitate their Summer programming outdoors in an effort to keep their staff and students safe from COVID-19 transmission.

CDBG-CV funds were provided by the US Department of Housing and Urban Development in order to prevent, prepare for, or respond to the COVID-19 pandemic. CDBG-CV funds were authorized by Cleveland Heights City Council through Resolution 41-2020 (PD) on May 4, 2020.

As a part of the CDBG-CV budget, \$25,000 was set aside for Subrecipient Support in order to facilitate programs already funded with Cleveland Heights CDBG dollars during the pandemic.

Of course, please let me know if you have any questions. I can be contacted via email or through my office phone at (216) 291-4845.

Proposed: 6/7/2021

RESOLUTION NO. 75-2021 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Lake Erie Ink, a non-profit corporation, for the use of Community Development Block Grant CV funds to provide additional assistance to their Ink Spot Program needed as a result of the COVID-19 Pandemic; providing compensation therefor; and declaring an emergency.

WHEREAS, Lake Erie Ink is a non-profit corporation with the mission to provide expression opportunities and academic support to youth in the community; and

WHEREAS, Lake Erie Ink seeks additional funding in order to continue to offer their youth programming in light of the COVID-19 Pandemic; and

WHEREAS, it would be in the best interest of the City and its residents to provide funding to assist such programming; and

WHEREAS, there are monies available for such purpose from the CDBG-CV Funds originating from the Coronavirus Aid, Relief, and Economic Security Funds (CARES Act).

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with Lake Erie Ink, a non-profit corporation, and to execute any related documents for assistance with its Ink Spot Program. The agreement shall provide for funding in the amount of up to Three Thousand Nine Hundred Dollars (\$3,900) from Community Development Block Grant CV funds. The services to be performed by Lake Erie Ink are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a twelve-month period commencing May 1, 2021, and terminating April 30, 2022, and shall be reviewed 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 to allow the services of the Lake Erie Ink to continue without interruption. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 75-2021

JASON STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

EXHIBIT A
STATEMENT OF WORK

LAKE ERIE INK - INK SPOT PROGRAM

Lake Erie Ink: a writing space for youth, provides creative expression opportunities and academic support to youth in the Greater Cleveland community. This summer, they are extending their Ink Spot programming through summer camps and will work with an anticipated 60 participants in person. In addition to their summer camps, Lake Erie Ink will also be providing various pop up workshops in Cleveland Heights throughout the summer.

While Lake Erie Ink is resuming limited in-person programming, they know it will still look different to the programming they have previously held in the summer and will require the use of technology and other supplies to run seamlessly.

Technology: To stay consistent with the current times and to make sure Lake Erie Ink is operating as efficiently as possible, LEI will purchase 2 new laptops, 2 chrome books, and 1 tablet for the summer programming. Teaching artists leading the camps will need a laptop or tablet for taking attendance, showing demonstrations, and sharing videos as necessary. Since the camps will be outside, they will not have traditional desktop computers to work from. With 5 in person camps and two teachers running each camp, they currently do not have the technological resources to provide all the teachers with what they need at this time.

PPE Supplies: Since this will be programming presented in-person, it will be necessary to have PPE supplies on hand as specified by CDC guidelines for the teaching staff as well as the children. These supplies will include hand sanitizer, cleaning products, disposable masks, disinfectant wipes, water, etc. In addition, they will need 4 folding tables for the pop-up workshops for workspaces for some students as well as a hub for materials, computers and the PPE supplies. For the pop-up workshops, LEI will purchase a pop-up tent for the students to work under so weather does not affect their ability to host the workshops.

Lake Erie Ink will also purchase supplies such as clipboards to help with following social distancing protocols. The children can take their clipboards and spread out in the work area which will keep them socially distanced and therefore, the program will be in alignment with CDC guidelines.