



## COUNCIL UPDATE

June 18, 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](http://clevelandheights.com) calendar.

Saturday, June 19	-	9:00 – Noon	-	Shredding Day at City Hall Parking Lot, Limit of 10 boxes per person
Monday, June 21	-	6:30 p.m.	-	Tax Budget Public Hearing
	-	7:00 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council Meeting
Monday, June 28	-	6:30 p.m.	-	Committee of the Whole

Council will be on break for the month of July.

### LEGISLATION

- **Bond Ordinance, Second Reading.** 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
- **Tax Budget, Second Reading.** A Resolution approving the adoption of the 2022 Tax Budget

- **Appropriations**. 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
- **American Rescue Plan Act, First Reading**. An Ordinance authorizing all actions necessary, including the expenditure of funds
- **2022 Tax Budget, Second Reading**. A Resolution approving the adoption of the 2022 Tax Budget
- **Broadband**. A Resolution opposing provisions of the Ohio Senate Omnibus Budget Amendment which would effectively prohibit in the State of Ohio the new construction of public-owned broadband networks and negatively impact the ongoing provision of broadband services provided by public-owned networks, thereby harming the ability of Ohio's residents and businesses to participate in the 21st century digital economy
- **Lead Safe, First Reading**. An Ordinance enacting and adopting Chapter 522, "Lead Hazards," of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights; repealing Chapter 1347, "Certificate of Occupancy," of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 1347, "Certificate of Occupancy"; and amending Section 1345.99, "Penalty," of Chapter 1345, "Enforcement and Penalty," of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights.
- **Tenant's Right to Pay Stay, First Reading**. An Ordinance enacting and adopting Chapter \_\_\_, "Tenant's Right to Pay to Stay," of the Codified Ordinances of the City of Cleveland Heights
- **GPD**. A Resolution authorizing the City Manager to enter into an agreement with GPD Group for professional design services relating to the City's Sanitary Sewer Overflow Control project and the EPA Consent Decree; providing compensation therefor
- **National Parks and Recreation Month**. A Resolution proclaiming July 2021 to be National Parks and Recreation Month in the City of Cleveland Heights
- **CDBG**
  - A Resolution authorizing the City Manager to enter into an agreement with the **Bhutanese Community of Greater Cleveland**, a non-profit corporation, for the use of Community Development Block Grant funds in connection with its Refugee Assistance programming; providing compensation therefor

- A Resolution authorizing the City Manager to enter into an agreement with **Family Connections of Northeast Ohio**, a non-profit corporation, for the use of Community Development Block Grant funds in support of its Family School Connections Program; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with **FutureHeights**, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Community Capacity Building Program; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with **Gesher**, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Heights Emergency Food Center**, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating and capital improvement expenses; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Home Repair Resource Center** (“HRRC”), a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC’s housing counseling, home-repair and home-improvement programs; providing compensation therefor
- 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 funds to provide support for the organization’s Ink Spot After School Program; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Open Doors Academy**, a non-profit corporation, for the use of Community Development Block Grant funds to support the organization’s Year-round Academic and Enrichment Programming for Disadvantaged Middle School Youth and the Pathways to Independence Program at Cleveland Heights High School; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Severance Tower Local Advisory Council**, a non-profit corporation, for the use of Community Development Block Grant funds in support of its Accessible Community Garden Project; providing compensation therefor

- A Resolution authorizing the City Manager to enter into an agreement with the **Start Right Community Development Corporation**, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for its Food Bank Program; providing compensation therefor

### **City Manager's Report**

- Calendar reminder: Tuesday, August 3rd we are combining the annual Safety night with our 100th celebration. There will be a time capsule and a greeting card for residents to sign. All activities at the Community Center.
- Racial Justice Task Force will have their first meeting on Thursday June 24th.
- My thanks on behalf of the entire workforce to Jim Lambdin our IT Director for his dedicated service for 30+ years. He guided us all through the ups and downs of technology as it expanded and became an essential part of our ability to serve. Jim has been dedicated, loyal, a team player, a voice to listen, a patient "instructor", a 24/7 resource and much valued friend. We welcome Ryan Prosser who has been hired as our IT Director. He has all the skills and background to get the job done for us going forward.
- Jennifer Coe who has been our staff support for the City Manager office for 6 years is moving on at the end of June. She has been such an integral part of our work and also her communication skills with residents have helped us to get things done smoothly... last minute memos, packets and Webex invites - Jen did it all and more. Wishing her the best.

### **Communications and Public Engagement**

- Reviewed and presented Noble mural submissions to neighborhood committee. We have identified the top three that will move on in the process.
- City merchandise back on sale. Added to the selection are special 100 year ball caps and coasters featuring historic images. \$2.00 from every item will be donated to the Heights Youth Recreation Fund. Orders can be picked up at the Rec Center.
- Finalized Cleveland Magazine Special Supplement - July issue
- Continued coordination with NEORSD on communications around plans for Shaker Lakes dams
- Continued calls with City Architects on communications for CLM

- Summer Focus is being finalized for early July delivery
- Facilitated interview for Eric Z with CJN on plans around Park Synagogue
- Prepared and distribute responses to media requests in regards to Denison incident.

# Memo

**To:** Susanna Niermann-O'Neil, City Manager

**From:** Amy Himmeltein, Finance Director

**Date:** June 14, 2021

**Re:** April 2021 Financial Statements

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Attached are the April 2021 Unencumbered Balances Statement for All Funds and the Review of General Fund Statement. The review below encompasses activity from January through April 2021.

## **Review of General Fund**

### **Revenue**

- Property tax revenue increased 2.6% from 2020 due to the collection of Special Improvement District special assessment revenue in the first half of the year. In 2020 this revenue was not collected until the second half of the year.
- Municipal Income Tax increased 9.4%. April 2021 revenue is from March 2021 collections by RITA. The increase is mainly in the collections of business withholding income tax.
- Intergovernmental Grants & Contracts decreased 36.6% from 2020 due to a worker's comp refund of approximately \$750,000 being received in April 2020. However, the City received the Homestead and Rollback disbursement in April this year compared to June 2020.
- Charges for Services decreased 43.2% due to a large decrease in landfill/refuse fees collection. These collections have decreased 29% from the same time in 2020.
- Fees, Licenses, Permits increased 56.4% due to continued collection of occupancy permits.
- Interest Earnings decreased 92% from this time in 2020 due to the decline in interest rates from the pandemic.
- All Other Revenue increased 314% due to the timing of recording administrative fees owed from foreclosure bonds. The revenue recorded in January was for 2021 administrative fees. The additional revenue recorded in February was the proportional amount charged for bonds received during 2020. Going forward the Building department will charge the admin fee at the beginning of the year and whenever a bond is received.

### **Expenditures**

- Personal Services overall has decreased 15% because there was one more pay as of this time in 2020.
- Public Health Administration Other decreased 97.6% due to the timing of the payment to the Board of Health.
- Overall, Parks and Recreation has decreased significantly due to the closure of the community center as a result of COVID-19.
- Finance Department Other decreased 38.2% as a result of not needing an interim Finance Director in 2021.
- Income Tax decreased 15.5% due to a decrease in legal costs incurred by RITA.

- Police Administration Other increased 30.1% due to an encumbrance to pay for a full year's lease of the body cameras plus payments for crossing guards.
- Joint Dispatch increased 34.4% due to encumbering the full year's anticipated payments to HHCC.
- Building Department Other decreased 26.4% due to a delay in billing from SafeBuilt.
- Refuse Collection Other increased 128.8% due to new costs associated with recycling and landfill.
- Vehicle Maintenance Other increased 9.8% due to encumbering expected gasoline purchases.
- General Operations Personal Services increased 123.7% due to encumbering larger unemployment fees from COVID-19 unemployment claims.
- General Operations Other increased 47.7% due to the payment for liability insurance which Council approved at the end of December 2020.
- Law Department Other increased 62.6% due to higher than average use of legal counsel.
- Special Improvement Districts increased 81.3% due to encumbering the entire estimated payment to the SID's at the beginning of 2021 instead of encumbering them later in the year as was done in 2020.
- Hospitalization increased 4.9% due to the cost per enrolled employee charged back to the General Fund increasing \$285 per person which equaled \$84,000 for April 2021.

### **Review of All Funds**

Overall, the negative unencumbered fund balances mean the City has not received enough revenue to cover the expenditures plus encumbrances currently incurred. These negative balances will be corrected by year end, unless they are related to grants or another revenue source that has yet to be received.

- The Recreations Facility Improvement fund balance decreased due to encumbering the Forest Hill Park project.
- The Bond Retirement fund balance increased due to receiving the semi-annual property tax settlement.
- The Financed Capital Projects fund balance decreased due to encumbering the equipment for the refuse automation project.

**UNENCUMBERED BALANCES FOR ALL FUNDS  
AS OF APRIL 30, 2021**

FUND NUMBER	FUND NAME	UNENCUMBERED BALANCE AS OF 1/1/21		YTD EXPENDITURES + ENCUMBRANCES	12/31/2020 ENCUMBRANCES	UNENCUMBERED BALANCE AS OF 4/30/2021
		YTD REVENUE	ENCUMBRANCES			
101	GENERAL	\$18,147,004	\$17,017,984.35	\$16,397,861	\$660,671	\$19,427,799
102	BUDGET STABILIZATION ACCOUNT	\$100,000	\$0	\$0	\$0	\$100,000
201	STREET CONSTRUCTION	\$1,301,343	\$644,882	\$760,051	\$366,338	\$1,552,512
202	FOUNDATION GRANTS	(\$50,138)	\$0	\$165,750	\$0	(\$215,888)
203	FIRST SUBURBS CONSORTIUM	\$2,501	\$0	\$0	\$0	\$2,501
204	COMMUNICATION SYSTEMS OPERATION	(\$73,642)	\$0	\$0	\$0	(\$73,642)
205	PUBLIC WORKS FACILITY IMPROVEMENT	\$423	\$0	\$0	\$0	\$423
206	LAW ENFORCEMENT TRUST	\$161,775	\$9,579	\$31,497	\$11,858	\$151,716
207	DRUG LAW ENFORCEMENT TRUST	\$107,575	\$11,200	\$49,218	\$463	\$70,020
208	CDBG RESOURCE	(\$671,920)	\$1,416,639	\$888,109	\$111,901	(\$31,488)
210	EPA BROWNFIELD GRANT	\$0	\$0	\$0	\$0	\$0
211	HOME PROGRAM	\$246,352	\$60,051	\$100,155	\$350	\$206,597
212	FEMA	\$159,866	\$0	\$44,372	\$19,375	\$134,869
213	POLICE FACILITY IMPROVEMENT	\$3,533	\$0	\$13,837	\$10,303	(\$1)
214	LOCAL TV PROGRAMMING	\$953,085	\$127,276	\$296,435	\$2,856	\$786,783
215	CAIN PARK	\$5,080	\$15,560	\$22,540	\$0	(\$1,900)
216	RECREATION FACILITY IMPROVEMENT	\$494,921	\$309,589	\$482,341	\$33,371	\$355,541
217	PUBLIC RIGHT OF WAY	\$164,932	\$0	\$0	\$0	\$164,932
221	INDIGENT DUI TREATMENT	\$271,196	\$5,464	\$0	\$0	\$276,661
222	MUNICIPAL COURT COMPUTERIZATION	\$56,017	\$19,708	\$0	\$0	\$75,725
223	DUI - ENFORCEMENT/EDUCATION	\$121,432	\$1,822	\$0	\$0	\$123,254
225	MUNI COURT - SPECIAL PROJECTS	\$2,130,836	\$32,912	\$3,050	\$1,241	\$2,161,939
226	LEAD SAFE PROGRAM - CUYAHOGA CNTY	(\$111,820)	\$169,250	\$50,970	\$0	\$6,459
227	NEIGHBORHOOD STABILIZATION PRGM	\$123,584	\$0	\$0	\$0	\$123,584
228	CDBG-COVID	(\$165,286)	\$106,829	\$353,320	\$15,000	(\$396,776)
230	STREET LIGHTING	\$1,301,403	\$524,824	\$289,184	\$0	\$1,537,042
231	TREE FUND	\$529,493	\$638,575	\$464,604	\$73,622	\$777,086
232	POLICE PENSION	\$143,750	\$132,697	\$359,804	\$0	(\$83,357)
233	FIRE PENSION	\$43,893	\$132,697	\$516,244	\$0	(\$339,654)
234	EARNED BENEFITS	\$476,987	\$0	\$208,134	\$0	\$268,854
237	FIRST SUBURBS DEVELOPMENT COUNCIL	\$57,754	\$0	\$0	\$0	\$57,754
238	CORONAVIRUS RELIEF FUND	\$26,659	\$219	\$424,475	\$458,264	\$60,667
239	REFUSE GRANT FUND	\$0	\$0	\$0	\$0	\$0
240	FEDERAL MISCELLANEOUS GRANTS	\$0	\$0	\$25,060	\$0	(\$25,060)
301	G.O. BOND RETIREMENT	\$558,728	\$2,248,573	\$1,893,224	\$0	\$914,077
402	FINANCED CAPITAL PROJECTS	\$914,836	\$0	\$3,658,925	\$0	(\$2,744,089)
411	ECONOMIC DEVELOPMENT	\$1,095,857	\$3,954	\$148,962	\$125,725	\$1,076,575
412	CITY HALL MAINTENANCE AND REPAIR	\$100,949	\$8,510	\$14,922	\$0	\$94,537
415	SEVERANCE RING ROAD RECONSTRUCTION	\$35,045	\$0	\$0	\$0	\$35,045
416	REFUSE CAPITAL FUND	\$0	\$0	\$0	\$0	\$0
601	WATER	\$705,213	\$19,478	\$1,260,523	\$76,506	(\$459,326)
602	SEWER	\$4,669,776	\$1,831,530	\$3,544,499	\$664,055	\$3,620,861
603	PARKING	\$218,194	\$70,423	\$381,439	\$11,521	(\$81,301)
606	AMBULANCE SERVICES	\$1,321,006	\$303,850	\$355,084	\$21,710	\$1,291,482
701	HOSPITALIZATION	\$1,568,362	\$2,285,912	\$2,285,912	\$0	\$1,568,362
703	WORKERS COMPENSATION	\$204,767	\$0	\$0	\$0	\$204,767
804	OFFICE ON AGING	\$14,311	\$655	\$148	\$0	\$14,819
808	YOUTH RECREATION SCHOLARSHIP	\$59,826	\$0	\$0	\$0	\$59,826
809	POLICE MEMORIAL TRUST FUND	\$11,808	\$0	\$0	\$0	\$11,808
810	YOUTH ADVISORY COMMISSION	\$71	\$0	\$0	\$0	\$71
811	JUVENILE DIVERSION PROGRAM	\$6,903	\$3,858	\$0	\$0	\$10,760
857	SALES TAX	\$535	\$7	\$193	\$0	\$349
858	MISCELLANEOUS AGENCY	\$2,020,412	\$154,468	\$333,030	\$0	\$1,841,850
864	NEORSD	\$214	\$0	\$63	\$0	\$151

## TOTALS

**CITY OF CLEVELAND HEIGHTS  
REVIEW OF GENERAL FUND  
AS OF APRIL 30, 2021**

<b>REVENUES:</b>	4/30/2020 Actual	2021 Budget	4/30/2021 Actual	Percentage 2021 Budget	Difference 2021 vs 2020
Property Taxes	\$3,908,005	\$7,175,859	\$4,008,671	56%	\$100,666
Municipal Income Tax	\$8,675,906	\$28,000,000	\$9,492,541	34%	\$816,635
Other Local Taxes	\$12,169	\$50,000	\$0	0%	(\$12,169)
State Levied/Shared Taxes	\$544,612	\$1,554,900	\$584,700	38%	\$40,088
Intergovernmental Grants & Contracts	\$786,158	\$910,000	\$498,821	55%	(\$287,337)
Charges For Services	\$1,197,218	\$3,100,000	\$680,267	22%	(\$516,951)
Fees, Licenses, Permits	\$664,143	\$2,295,000	\$1,038,701	45%	\$374,558
Interest Earnings	\$150,922	\$200,000	\$12,002	6%	(\$138,920)
Fines and Forfeitures	\$561,319	\$1,720,000	\$482,798	28%	(\$78,521)
All Other Revenue	\$50,303	\$786,500	\$208,583	27%	\$158,280
Sale of Assets	\$0	\$0	\$10,900	0%	\$10,900
<b>Total Revenues</b>	<b>\$16,550,754</b>	<b>\$45,792,259</b>	<b>\$17,017,984</b>	<b>37%</b>	<b>\$467,230</b>

<b>EXPENDITURES:</b>	4/30/2020 Expenditures + Community Services	2021 Expenditures + Budget Amended	4/30/2021 Expenditures + Encumbrances	Percentage 2021 Budget	Difference 2021 vs 2020
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Commission on Aging	\$0	\$0	\$0	0%	\$0
Community Relations Personal Services	\$20,405	\$106,386	\$0	0%	(\$20,405)
Community Relations Other	\$1,914	\$12,550	\$291	2%	(\$1,623)
Public Relations Personal Services	\$78,656	\$175,358	\$54,066	31%	(\$24,590)
Public Relations Other	\$28,289	\$117,000	\$11,927	10%	(\$16,362)
Community Services Admin Personal Services	\$72,711	\$0	\$0	0%	(\$72,711)
Community Services Administration Other	\$330	\$6,600	\$0	0%	(\$330)
Public Health Administration	\$126,275	\$245,950	\$2,975	1%	(\$123,300)
<b>Total Community Services</b>	<b>\$328,580</b>	<b>\$663,845</b>	<b>\$69,259</b>	<b>10%</b>	<b>(\$259,321)</b>

**Parks and Recreation**

Public Properties & Park Maint Personal Services	\$372,880	\$1,204,883	\$348,232	29%	(\$24,648)
Public Properties & Park Maintenance Other	\$443,272	\$1,091,432	\$485,098	44%	\$41,827
Parks & Recreation Admin Personal Services	\$83,676	\$317,547	\$97,780	31%	\$14,103
Parks & Recreation Administration Other	\$5,648	\$37,388	\$2,883	8%	(\$2,765)
Swimming Pools Personal Services	\$12,832	\$273,629	\$0	0%	(\$12,832)
Swimming Pools Other	\$14,588	\$131,450	\$13,545	10%	(\$1,043)
Cain Park (Transfer)	\$0	\$0	\$0	0%	\$0
Ice Programs Personal Services	\$89,787	\$250,987	\$19,357	8%	(\$70,430)
Ice Programs Other	\$7,651	\$19,928	\$1,990	10%	(\$5,661)
General Recreation Programs Personal Services	\$24,635	\$144,222	\$17,726	12%	(\$6,909)
General Recreation Programs Other	\$12,313	\$34,300	\$1,956	6%	(\$10,358)
Sports Programs Personal Services	\$30,540	\$126,995	\$0	0%	(\$30,540)
Sports Programs Other	\$22,534	\$105,100	\$5,418	5%	(\$17,116)
Community Center Personal Services	\$190,004	\$644,839	\$111,920	17%	(\$78,084)
Community Center Other	\$198,987	\$496,258	\$64,777	13%	(\$134,210)
Office on Aging Personal Services	\$52,219	\$169,838	\$31,970	19%	(\$20,249)
Office on Aging Other	\$30,113	\$34,300	\$2,549	7%	(\$27,564)
<b>Total Parks and Recreation</b>	<b>\$1,591,679</b>	<b>\$5,083,096</b>	<b>\$1,205,201</b>	<b>24%</b>	<b>(\$386,478)</b>

**Finance Department**

Finance Department Personal Services	\$103,303	\$440,679	\$120,851	27%	\$17,548
Finance Department Other	\$137,936	\$194,300	\$85,195	44%	(\$52,741)
Income Tax	\$382,456	\$1,015,000	\$323,319	32%	(\$59,137)
<b>Total Finance Department</b>	<b>\$623,695</b>	<b>\$1,649,979</b>	<b>\$529,366</b>	<b>32%</b>	<b>(\$94,329)</b>

**Planning & Development**

Landmark Commission	\$11	\$16,100	\$0	0%	(\$11)
Planning Department Personal Services	\$97,937	\$521,991	\$108,144	21%	\$10,207
Planning Department Other	\$4,958	\$33,000	\$15,869	48%	\$10,911
Planning Commission Personal Services	\$581	\$8,138	\$1,356	17%	\$775
Planning Commission Other	\$2,332	\$3,900	\$1,187	30%	(\$1,145)
Architectural Board of Review Personal Services	\$1,453	\$11,492	\$1,647	14%	\$194
Architectural Board of Review Other	\$0	\$500	\$0	0%	\$0
Board of Zoning Appeals Personal Services	\$775	\$5,813	\$1,260	22%	\$484
Board of Zoning Appeals Other	\$1,009	\$2,975	\$1,084	36%	\$75
<b>Total Planning &amp; Development</b>	<b>\$109,056</b>	<b>\$603,910</b>	<b>\$130,546</b>	<b>22%</b>	<b>\$21,491</b>

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**CITY OF CLEVELAND HEIGHTS**  
**REVIEW OF GENERAL FUND**  
**AS OF APRIL 30, 2021**

<b>Public Safety</b>	4/30/2020 Expenditures + Encumbrances	2021 Budget Amended	4/30/2021 Expenditures + Encumbrances	Percentage 2021 Budget	Difference 2021 vs 2020
Traffic Signs & Signals Personal Services	\$20,299	\$61,039	\$18,534	30%	(\$1,765)
Traffic Signs & Signals Other	\$99,414	\$146,450	\$95,209	65%	(\$4,205)
Police Administration Personal Services	\$2,767,274	\$9,212,469	\$2,420,301	26%	(\$346,974)
Police Administration Other	\$301,980	\$725,264	\$392,856	54%	\$90,876
Police Academy Personal Services	\$107	\$0	\$0	0%	(\$107)
Police Academy Other	\$40,350	\$110,107	\$46,006	42%	\$5,656
Police Vehicle Maintenance Personal Services	\$0	\$0	\$0	0%	\$0
Police Vehicle Maintenance Other	\$0	\$0	\$0	0%	\$0
Fire Administration Personal Services	\$2,318,483	\$6,670,509	\$2,038,757	31%	(\$279,726)
Fire Administration Other	\$146,343	\$289,820	\$138,484	48%	(\$7,859)
Joint Dispatch (Transfer)	\$0	\$0	\$0	0%	\$0
Joint Dispatch	\$1,116,323	\$1,500,000	\$1,500,000	100%	\$383,677
Fire Prevention Personal Services	\$38,977	\$96,500	\$31,268	32%	(\$7,709)
Fire Prevention Other	\$135	\$6,200	\$225	4%	\$90
Building Department Personal Services	\$0	\$0	\$0	0%	\$0
Building Department Other	\$199,665	\$545,700	\$146,981	27%	(\$52,685)
Housing Inspections Personal Services	\$137,832	\$531,324	\$119,739	23%	(\$18,093)
Housing Inspections Other	\$23,414	\$110,800	\$40,520	37%	\$17,106
Street Lighting (Transfer)	\$0	\$0	\$0	0%	\$0
Animal Control Personal Services	\$24,101	\$73,634	\$23,438	32%	(\$663)
Animal Control Other	\$25,000	\$33,934	\$26,934	79%	\$1,934
<b>Total Public Safety</b>	<b>\$7,259,699</b>	<b>\$20,113,751</b>	<b>\$7,039,252</b>	<b>35%</b>	<b>(\$220,447)</b>

**Public Works**

Service Administration Personal Services	\$57,169	\$317,380	\$68,758	22%	\$11,589
Service Administration Other	\$1,562	\$8,992	\$803	9%	(\$759)
Capital Projects Administration Personal Services	\$0	\$0	\$0	0%	\$0
Capital Projects Administration Other	\$21,000	\$23,000	\$23,000	100%	\$2,000
Refuse Collection Personal Services	\$548,718	\$1,911,340	\$482,741	25%	(\$65,977)
Refuse Collection Other	\$205,175	\$940,847	\$469,377	50%	\$264,202
Vehicle Maintenance Personal Services	\$294,534	\$875,271	\$243,112	28%	(\$51,422)
Vehicle Maintenance Other	\$624,816	\$1,528,329	\$686,189	45%	\$61,374
Street Maintenance Personal Services	\$431,878	\$1,318,930	\$318,676	24%	(\$113,202)
Street Maintenance Other	\$244,626	\$345,818	\$195,441	57%	(\$49,185)
Forestry (Transfer)	\$0	\$0	\$0	0%	\$0
<b>Total Public Works</b>	<b>\$2,429,478</b>	<b>\$7,269,908</b>	<b>\$2,488,097</b>	<b>34%</b>	<b>\$58,619</b>

**General Government**

City Council Personal Services	\$24,717	\$77,884	\$21,083	27%	(\$3,634)
City Council Other	\$4,576	\$9,563	\$5,397	56%	\$821
City Manager Personal Services	\$155,851	\$564,445	\$129,064	23%	(\$26,788)
City Manager Other	\$12,465	\$19,912	\$12,291	62%	(\$175)
Civil Service Commission Personal Services	\$194	\$2,381	\$1,163	49%	\$969
Civil Service Commission Other	\$805	\$30,300	\$24,552	81%	\$23,747
General Operations Personal Services	\$108,114	\$421,752	\$241,795	57%	\$133,681
General Operations Other	\$744,975	\$1,451,669	\$1,100,094	76%	\$355,119
Management Information Systems Personal Services	\$93,490	\$338,715	\$88,066	26%	(\$5,424)
Management Information Systems Other	\$82,277	\$248,261	\$85,315	34%	\$3,038
County Fiscal Officer Deductions	\$103,314	\$215,000	\$88,827	41%	(\$14,488)
Law Department Personal Services	\$193,916	\$601,065	\$158,064	26%	(\$35,852)
Law Department Other	\$282,534	\$532,426	\$459,326	86%	\$176,792
Special Improvement Districts	\$217,881	\$396,591	\$394,973	100%	\$177,092
Municipal Court Personal Services	\$334,640	\$1,018,710	\$286,964	28%	(\$47,675)
Municipal Court Other	\$59,902	\$192,043	\$99,899	52%	\$39,996
<b>Total General Government</b>	<b>\$2,419,652</b>	<b>\$6,120,716</b>	<b>\$3,196,871</b>	<b>52%</b>	<b>\$777,219</b>

PAGE 3  
**CITY OF CLEVELAND HEIGHTS**  
**REVIEW OF GENERAL FUND**  
**AS OF APRIL 30, 2021**

Other	4/30/2020 Expenditures + Encumbrances	2021 Budget Amended	4/30/2021 Expenditures + Encumbrances	Percentage 2021 Budget	Difference 2021 vs 2020
Transfers & Advances	\$0	\$9,450,000	\$0	0%	\$0
Hospitalization	\$1,658,862	\$6,838,953	\$1,739,268	25%	\$80,406
<b>Total Other</b>	<b>\$1,658,862</b>	<b>\$16,288,953</b>	<b>\$1,739,268</b>	<b>11%</b>	<b>\$80,406</b>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$16,420,701</b>	<b>\$57,794,158</b>	<b>\$16,397,861</b>	<b>28%</b>	<b>(\$22,840)</b>
Excess Revenue Over/(Under) Expenses	<u>\$130,053</u>		<u>\$620,124</u>		
Unencumbered Balance Beginning of Year		\$10,436,981		\$18,147,004	
Add: Prior Year Encumbrances		<u>\$1,266</u>		<u>\$660,671</u>	
Estimated Unencumbered Balance		<u>\$10,568,301</u>		<u>\$19,427,799</u>	

# Memo

**To:** Susanna Niermann-O'Neil, City Manager

**From:** Amy Himmeltein, Finance Director

**Date:** June 14, 2021

**Re:** May 2021 Financial Statements

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Attached are the May 2021 Unencumbered Balances Statement for All Funds and the Review of General Fund Statement. The review below encompasses activity from January through May 2021.

## **Review of General Fund**

### **Revenue**

- Property tax revenue increased 2.6% from 2020 due to the collection of Special Improvement District special assessment revenue in the first half of the year. In 2020 this revenue was not collected until the second half of the year.
- Municipal Income Tax increased 8.3%. May 2021 revenue is from April 2021 collections by RITA. The increase is mainly in the collections of individual income tax.
- Intergovernmental Grants & Contracts decreased 34.3% from 2020 due to a worker's comp refund of approximately \$750,000 being received in April 2020. However, the City received the Homestead and Rollback disbursement in April this year compared to June 2020.
- Charges for Services decreased 33.3% due to a large decrease in landfill/refuse fees collection. These collections have decreased 21% from the same time in 2020.
- Fees, Licenses, Permits decreased 35.9% because the City received the building permit for Top of the Hill at this time last year.
- Interest Earnings decreased 91.9% from this time in 2020 due to the decline in interest rates from the pandemic.
- All Other Revenue increased 596% due to the timing of recording administrative fees owed from foreclosure bonds. The revenue recorded in January was for 2021 administrative fees. The additional revenue recorded in February was the proportional amount charged for bonds received during 2020. Going forward the Building department will charge the admin fee at the beginning of the year and whenever a bond is received. The City also received the retainage refund from RITA for 2020 in the amount of \$421,000.

### **Expenditures**

- Personal Services overall has decreased 12.2% because there was one more pay as of this time in 2020.
- Public Health Administration Other decreased 95.3% due to the timing of the payment to the Board of Health.
- Overall, Parks and Recreation has decreased significantly due to the closure of the community center as a result of COVID-19.

- Finance Department Other decreased 38.2% as a result of not needing an interim Finance Director in 2021.
- Income Tax decreased 15.5% due to a decrease in legal costs incurred by RITA.
- Police Administration Other increased 25.6% due to an encumbrance to pay for a full year's lease of the body cameras plus payments for crossing guards.
- Joint Dispatch increased 34.4% due to encumbering the full year's anticipated payments to HHCC.
- Building Department Other decreased 26.4% due to a delay in billing from SafeBuilt.
- Refuse Collection Other increased 63.7% due to new costs associated with recycling and landfill.
- Vehicle Maintenance Other increased 41.8% due to the purchase of gasoline and encumbering expected gasoline purchases.
- Street Maintenance Other decreased 22% due to the timing of road salt payments.
- General Operations Personal Services increased 197.2% due to encumbering larger unemployment fees from COVID-19 unemployment claims.
- General Operations Other increased 15.8% due to the payment for liability insurance which Council approved at the end of December 2020.
- Law Department Other increased 56.3% due to higher than average use of legal counsel.
- Special Improvement Districts increased 81.3% due to encumbering the entire estimated payment to the SID's at the beginning of 2021 instead of encumbering them later in the year as was done in 2020.

### **Review of All Funds**

Overall, the negative unencumbered fund balances mean the City has not received enough revenue to cover the expenditures plus encumbrances currently incurred. These negative balances will be corrected by year end, unless they are related to grants or another revenue source that has yet to be received.

- Local Fiscal Recovery fund balance increased due to receiving the first round of American Rescue Plan Act funds.
- The Sewer Fund fund balance increased due to increased collections from the first quarter billing.

**UNENCUMBERED BALANCES FOR ALL FUNDS  
AS OF MAY 31, 2021**

FUND NUMBER	FUND NAME	UNENCUMBERED BALANCE AS OF 1/1/21		YTD EXPENDITURES + ENCUMBRANCES	12/31/2020 ENCUMBRANCES	UNENCUMBERED BALANCE AS OF 5/31/2021
		YTD REVENUE	ENCUMBRANCES			
101	GENERAL	\$18,147,004	\$21,244,603.86	\$19,474,749	\$660,671	\$20,577,530
102	BUDGET STABILIZATION ACCOUNT	\$100,000	\$0	\$0	\$0	\$100,000
201	STREET CONSTRUCTION	\$1,301,343	\$842,499	\$805,959	\$366,338	\$1,704,221
202	FOUNDATION GRANTS	(\$50,138)	\$0	\$185,695	\$0	(\$235,833)
203	FIRST SUBURBS CONSORTIUM	\$2,501	\$0	\$0	\$0	\$2,501
204	COMMUNICATION SYSTEMS OPERATION	(\$73,642)	\$0	\$0	\$0	(\$73,642)
205	PUBLIC WORKS FACILITY IMPROVEMENT	\$423	\$0	\$0	\$0	\$423
206	LAW ENFORCEMENT TRUST	\$161,775	\$10,390	\$37,498	\$11,858	\$146,525
207	DRUG LAW ENFORCEMENT TRUST	\$107,575	\$107,020	\$51,806	\$463	\$163,251
208	CDBG RESOURCE	(\$671,920)	\$1,417,523	\$1,025,639	\$111,901	(\$168,135)
210	EPA BROWNFIELD GRANT	\$0	\$0	\$0	\$0	\$0
211	HOME PROGRAM	\$246,352	\$76,817	\$101,155	\$350	\$222,363
212	FEMA	\$159,866	\$0	\$44,372	\$19,375	\$134,869
213	POLICE FACILITY IMPROVEMENT	\$3,533	\$70	\$13,837	\$10,303	\$69
214	LOCAL TV PROGRAMMING	\$953,085	\$128,223	\$418,129	\$2,856	\$666,036
215	CAIN PARK	\$5,080	\$21,445	\$32,727	\$0	(\$6,202)
216	RECREATION FACILITY IMPROVEMENT	\$494,921	\$309,589	\$552,607	\$33,371	\$285,275
217	PUBLIC RIGHT OF WAY	\$164,932	\$0	\$0	\$0	\$164,932
221	INDIGENT DUI TREATMENT	\$271,196	\$7,378	\$0	\$0	\$278,574
222	MUNICIPAL COURT COMPUTERIZATION	\$56,017	\$25,766	\$158	\$0	\$81,626
223	DUI - ENFORCEMENT/EDUCATION	\$121,432	\$2,207	\$0	\$0	\$123,639
225	MUNI COURT - SPECIAL PROJECTS	\$2,130,836	\$43,022	\$5,029	\$1,241	\$2,170,070
226	LEAD SAFE PROGRAM - CUYAHOGA CNTY	(\$111,820)	\$170,332	\$50,970	\$0	\$7,542
227	NEIGHBORHOOD STABILIZATION PRGM	\$123,584	\$0	\$0	\$0	\$123,584
228	CDBG-COVID	(\$165,286)	\$106,829	\$361,320	\$15,000	(\$404,776)
230	STREET LIGHTING	\$1,301,403	\$524,824	\$360,078	\$0	\$1,466,148
231	TREE FUND	\$529,493	\$640,032	\$511,654	\$73,622	\$731,492
232	POLICE PENSION	\$143,750	\$132,697	\$449,223	\$0	(\$172,776)
233	FIRE PENSION	\$43,893	\$132,697	\$645,731	\$0	(\$469,141)
234	EARNED BENEFITS	\$476,987	\$2,163	\$294,112	\$0	\$185,038
237	FIRST SUBURBS DEVELOPMENT COUNCIL	\$57,754	\$0	\$0	\$0	\$57,754
238	CORONAVIRUS RELIEF FUND	\$26,659	\$219	\$424,475	\$458,264	\$60,667
239	REFUSE GRANT FUND	\$0	\$0	\$0	\$0	\$0
240	FEDERAL MISCELLANEOUS GRANTS	\$0	\$0	\$25,060	\$0	(\$25,060)
241	LOCAL FISCAL RECOVERY	\$0	\$19,408,531	\$0	\$0	\$19,408,531
301	G.O. BOND RETIREMENT	\$558,728	\$2,248,573	\$2,018,760	\$0	\$788,541
402	FINANCED CAPITAL PROJECTS	\$914,836	\$0	\$3,685,925	\$0	(\$2,744,089)
411	ECONOMIC DEVELOPMENT	\$1,095,857	\$3,954	\$150,262	\$125,725	\$1,075,275
412	CITY HALL MAINTENANCE AND REPAIR	\$100,949	\$10,638	\$14,922	\$0	\$96,664
415	SEVERANCE RING ROAD RECONSTRUCTION	\$35,045	\$0	\$0	\$0	\$35,045
416	REFUSE CAPITAL FUND	\$0	\$0	\$0	\$0	\$0
601	WATER	\$705,213	\$19,478	\$1,260,363	\$76,506	(\$459,166)
602	SEWER	\$4,669,776	\$2,653,149	\$3,686,056	\$664,055	\$4,300,924
603	PARKING	\$218,194	\$73,366	\$387,840	\$11,521	(\$84,759)
606	AMBULANCE SERVICES	\$1,321,006	\$372,920	\$429,840	\$21,710	\$1,285,795
701	HOSPITALIZATION	\$1,568,362	\$2,878,920	\$2,878,920	\$0	\$1,568,362
703	WORKERS COMPENSATION	\$204,767	\$0	\$0	\$0	\$204,767
804	OFFICE ON AGING	\$14,311	\$715	\$165	\$0	\$14,862
808	YOUTH RECREATION SCHOLARSHIP	\$59,826	\$0	\$0	\$0	\$59,826
809	POLICE MEMORIAL TRUST FUND	\$11,808	\$0	\$0	\$0	\$11,808
810	YOUTH ADVISORY COMMISSION	\$71	\$0	\$0	\$0	\$71
811	JUVENILE DIVERSION PROGRAM	\$6,903	\$3,858	\$0	\$0	\$10,760
857	SALES TAX	\$535	\$7	\$193	\$0	\$349
858	MISCELLANEOUS AGENCY	\$2,020,412	\$111,051	\$339,149	\$0	\$1,792,314
864	NEORSD	\$214	\$0	(\$63)	\$0	\$278

## TOTALS

\$39,565,401

\$53,731,504

\$40,697,316

\$2,665,132

\$55,264,721

**CITY OF CLEVELAND HEIGHTS**  
**REVIEW OF GENERAL FUND**  
**AS OF MAY 31, 2021**

<b>REVENUES:</b>	5/31/2020 Actual	2021 Budget	5/31/2021 Actual	Percentage 2021 Budget	Difference 2021 vs 2020
Property Taxes	\$3,908,005	\$7,175,859	\$4,008,671	56%	\$100,666
Municipal Income Tax	\$11,411,331	\$28,000,000	\$12,360,703	44%	\$949,372
Other Local Taxes	\$12,169	\$50,000	\$0	0%	(\$12,169)
State Levied/Shared Taxes	\$649,292	\$1,554,900	\$744,148	48%	\$94,856
Intergovernmental Grants & Contracts	\$791,623	\$910,000	\$520,142	57%	(\$271,481)
Charges For Services	\$1,608,349	\$3,100,000	\$1,073,641	35%	(\$534,708)
Fees, Licenses, Permits	\$1,786,900	\$2,295,000	\$1,145,783	50%	(\$641,117)
Interest Earnings	\$172,259	\$200,000	\$15,357	8%	(\$156,902)
Fines and Forfeitures	\$600,745	\$1,720,000	\$638,581	37%	\$37,836
All Other Revenue	\$104,365	\$786,500	\$726,680	92%	\$622,315
Sale of Assets	\$0	\$0	\$10,900	0%	\$10,900
<b>Total Revenues</b>	<b>\$21,045,037</b>	<b>\$45,792,259</b>	<b>\$21,244,604</b>	<b>46%</b>	<b>\$199,567</b>

<b>EXPENDITURES:</b>	5/31/2020 Expenditures + Community Services	2021 Expenditures + Encumbrances	5/31/2021 Expenditures + Budget Amended	Percentage 2021 Budget	Difference 2021 vs 2020
Commission on Aging	\$0	\$0	\$0	0%	\$0
Community Relations Personal Services	\$20,405	\$106,386	\$0	0%	(\$20,405)
Community Relations Other	\$2,605	\$12,550	\$588	5%	(\$2,017)
Public Relations Personal Services	\$96,176	\$175,358	\$67,808	39%	(\$28,368)
Public Relations Other	\$28,509	\$117,000	\$14,844	13%	(\$13,665)
Community Services Admin Personal Services	\$88,910	\$0	\$0	0%	(\$88,910)
Community Services Administration Other	\$330	\$6,600	\$0	0%	(\$330)
Public Health Administration	\$126,275	\$245,950	\$5,950	2%	(\$120,325)
<b>Total Community Services</b>	<b>\$363,209</b>	<b>\$663,845</b>	<b>\$89,189</b>	<b>13%</b>	<b>(\$274,020)</b>

**Parks and Recreation**

Public Properties & Park Maint Personal Services	\$453,603	\$1,204,883	\$444,803	37%	(\$8,800)
Public Properties & Park Maintenance Other	\$541,870	\$1,091,432	\$531,955	49%	(\$9,915)
Parks & Recreation Admin Personal Services	\$102,578	\$317,547	\$122,661	39%	\$20,083
Parks & Recreation Administration Other	\$5,683	\$37,388	\$7,999	21%	\$2,316
Swimming Pools Personal Services	\$12,832	\$273,629	\$0	0%	(\$12,832)
Swimming Pools Other	\$1,619	\$131,450	\$18,347	14%	\$16,728
Cain Park (Transfer)	\$0	\$0	\$0	0%	\$0
Ice Programs Personal Services	\$94,397	\$250,987	\$24,693	10%	(\$69,704)
Ice Programs Other	\$7,807	\$19,928	\$2,413	12%	(\$5,394)
General Recreation Programs Personal Services	\$29,053	\$144,222	\$22,229	15%	(\$6,825)
General Recreation Programs Other	\$12,449	\$34,300	\$6,364	19%	(\$6,085)
Sports Programs Personal Services	\$30,540	\$126,995	\$2,058	2%	(\$28,482)
Sports Programs Other	\$24,054	\$105,100	\$13,718	13%	(\$10,336)
Community Center Personal Services	\$221,913	\$644,839	\$143,477	22%	(\$78,436)
Community Center Other	\$213,304	\$496,258	\$74,654	15%	(\$138,651)
Office on Aging Personal Services	\$60,005	\$169,838	\$40,095	24%	(\$19,909)
Office on Aging Other	\$30,118	\$34,300	\$2,960	9%	(\$27,158)
<b>Total Parks and Recreation</b>	<b>\$1,841,825</b>	<b>\$5,083,096</b>	<b>\$1,458,424</b>	<b>29%</b>	<b>(\$383,400)</b>

**Finance Department**

Finance Department Personal Services	\$133,722	\$440,679	\$166,999	38%	\$33,277
Finance Department Other	\$141,466	\$194,300	\$87,117	45%	(\$54,350)
Income Tax	\$455,261	\$1,015,000	\$415,907	41%	(\$39,354)
<b>Total Finance Department</b>	<b>\$730,449</b>	<b>\$1,649,979</b>	<b>\$670,022</b>	<b>41%</b>	<b>(\$60,427)</b>

**Planning & Development**

Landmark Commission	\$11	\$16,100	\$0	0%	(\$11)
Planning Department Personal Services	\$105,337	\$521,991	\$138,259	26%	\$32,922
Planning Department Other	\$4,714	\$33,000	\$16,214	49%	\$11,499
Planning Commission Personal Services	\$1,260	\$8,138	\$2,035	25%	\$775
Planning Commission Other	\$2,437	\$3,900	\$1,194	31%	(\$1,243)
Architectural Board of Review Personal Services	\$2,035	\$11,492	\$2,131	19%	\$97
Architectural Board of Review Other	\$110	\$500	\$0	0%	(\$110)
Board of Zoning Appeals Personal Services	\$775	\$5,813	\$1,647	28%	\$872
Board of Zoning Appeals Other	\$1,027	\$2,975	\$1,132	38%	\$105
<b>Total Planning &amp; Development</b>	<b>\$117,705</b>	<b>\$603,910</b>	<b>\$162,612</b>	<b>27%</b>	<b>\$44,906</b>

PAGE 2  
**CITY OF CLEVELAND HEIGHTS**  
**REVIEW OF GENERAL FUND**  
**AS OF MAY 31, 2021**

<b>Public Safety</b>	5/31/2020 Expenditures + Encumbrances	2021 Budget Amended	5/31/2021 Expenditures + Encumbrances	Percentage 2021 Budget	Difference 2021 vs 2020
Traffic Signs & Signals Personal Services	\$24,861	\$61,039	\$23,184	38%	(\$1,678)
Traffic Signs & Signals Other	\$102,368	\$146,450	\$100,484	69%	(\$1,884)
Police Administration Personal Services	\$3,374,172	\$9,212,469	\$3,008,165	33%	(\$366,007)
Police Administration Other	\$321,607	\$843,119	\$404,059	48%	\$82,452
Police Academy Personal Services	\$107	\$0	\$0	0%	(\$107)
Police Academy Other	\$43,448	\$41,796	\$34,525	83%	(\$8,923)
Police Vehicle Maintenance Personal Services	\$0	\$0	\$0	0%	\$0
Police Vehicle Maintenance Other	\$0	\$0	\$0	0%	\$0
Fire Administration Personal Services	\$2,822,749	\$6,670,509	\$2,547,813	38%	(\$274,936)
Fire Administration Other	\$163,661	\$289,820	\$158,190	55%	(\$5,471)
Joint Dispatch (Transfer)	\$0	\$0	\$0	0%	\$0
Joint Dispatch	\$1,116,323	\$1,500,000	\$1,500,000	100%	\$383,677
Fire Prevention Personal Services	\$44,873	\$96,500	\$38,740	40%	(\$6,133)
Fire Prevention Other	\$135	\$6,200	\$225	4%	\$90
Building Department Personal Services	\$0	\$0	\$0	0%	\$0
Building Department Other	\$234,652	\$545,700	\$264,756	49%	\$30,104
Housing Inspections Personal Services	\$171,821	\$517,536	\$148,235	29%	(\$23,586)
Housing Inspections Other	\$37,883	\$130,800	\$65,472	50%	\$27,589
Street Lighting (Transfer)	\$0	\$0	\$0	0%	\$0
Animal Control Personal Services	\$29,556	\$73,634	\$28,933	39%	(\$622)
Animal Control Other	\$25,000	\$33,934	\$26,934	79%	\$1,934
<b>Total Public Safety</b>	<b>\$8,513,215</b>	<b>\$20,169,506</b>	<b>\$8,349,716</b>	<b>41%</b>	<b>(\$163,500)</b>

**Public Works**

Service Administration Personal Services	\$69,399	\$317,380	\$86,018	27%	\$16,620
Service Administration Other	\$1,603	\$8,992	\$1,144	13%	(\$458)
Capital Projects Administration Personal Services	\$0	\$0	\$0	0%	\$0
Capital Projects Administration Other	\$21,000	\$23,000	\$23,000	100%	\$2,000
Refuse Collection Personal Services	\$664,473	\$1,911,340	\$603,137	32%	(\$61,337)
Refuse Collection Other	\$302,882	\$971,847	\$495,712	51%	\$192,830
Vehicle Maintenance Personal Services	\$358,502	\$875,271	\$297,975	34%	(\$60,526)
Vehicle Maintenance Other	\$665,219	\$1,526,949	\$943,020	62%	\$277,801
Street Maintenance Personal Services	\$513,847	\$1,318,930	\$396,427	30%	(\$117,421)
Street Maintenance Other	\$272,478	\$345,818	\$212,613	61%	(\$59,865)
Forestry (Transfer)	\$0	\$0	\$0	0%	\$0
<b>Total Public Works</b>	<b>\$2,869,403</b>	<b>\$7,299,528</b>	<b>\$3,059,047</b>	<b>42%</b>	<b>\$189,644</b>

**General Government**

City Council Personal Services	\$29,885	\$77,884	\$27,074	35%	(\$2,811)
City Council Other	\$4,576	\$9,563	\$5,597	59%	\$1,021
City Manager Personal Services	\$190,955	\$564,445	\$162,022	29%	(\$28,933)
City Manager Other	\$12,566	\$19,912	\$12,467	63%	(\$99)
Civil Service Commission Personal Services	\$194	\$2,381	\$1,550	65%	\$1,356
Civil Service Commission Other	\$805	\$30,300	\$24,552	81%	\$23,747
General Operations Personal Services	\$108,114	\$421,752	\$321,326	76%	\$213,212
General Operations Other	\$988,947	\$1,450,101	\$1,145,288	79%	\$156,341
Management Information Systems Personal Services	\$114,271	\$338,715	\$110,450	33%	(\$3,821)
Management Information Systems Other	\$86,305	\$248,261	\$82,077	33%	(\$4,228)
County Fiscal Officer Deductions	\$103,314	\$215,000	\$88,827	41%	(\$14,488)
Law Department Personal Services	\$230,228	\$601,065	\$206,855	34%	(\$23,373)
Law Department Other	\$289,540	\$525,518	\$452,593	86%	\$163,053
Special Improvement Districts	\$217,881	\$396,591	\$394,973	100%	\$177,092
Municipal Court Personal Services	\$408,349	\$1,018,710	\$359,241	35%	(\$49,108)
Municipal Court Other	\$62,144	\$192,043	\$107,818	56%	\$45,674
<b>Total General Government</b>	<b>\$2,848,074</b>	<b>\$6,112,241</b>	<b>\$3,502,710</b>	<b>57%</b>	<b>\$654,636</b>

PAGE 3  
**CITY OF CLEVELAND HEIGHTS**  
**REVIEW OF GENERAL FUND**  
**AS OF MAY 31, 2021**

Other	5/31/2020	5/31/2021	Percentage 2021 Budget	Difference 2021 vs 2020
	Expenditures + Encumbrances	2021 Budget Amended		
Transfers & Advances	\$0	\$9,450,000	0%	\$0
Hospitalization	\$2,156,922	\$6,838,953	32%	\$26,107
<b>Total Other</b>	<b>\$2,156,922</b>	<b>\$16,288,953</b>	<b>13%</b>	<b>\$26,107</b>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$19,440,802</b>	<b>\$57,871,057</b>	<b>34%</b>	<b>\$33,947</b>
Excess Revenue Over/(Under) Expenses	<u>\$1,604,235</u>	<u>\$1,769,855</u>		
Unencumbered Balance Beginning of Year	\$10,436,981	\$18,147,004		
Add: Prior Year Encumbrances	<u>\$1,266</u>	<u>\$660,671</u>		
Estimated Unencumbered Balance	<u><u>\$12,042,482</u></u>	<u><u>\$20,577,530</u></u>		



## MEMORANDUM

**To:** Susanna Niermann O'Neil, City Manager

**From:** Eric Zamft, Planning Director

**Date:** June 17, 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. A second stakeholder meeting with the Landmark Commission and Architectural Board of Review (ABR) was held on June 8<sup>th</sup>, with the Landmark Commission and ABR providing numerous comments. A public presentation and meeting has been scheduled for July 13, 2021 at 6 PM. Details about the meeting, including if it is virtual or in-person, will be finalized, advertised, and included in the next bi-weekly Planning Department report.

### COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME ADMINISTRATION

Staff has submitted 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 for Year 48 CDBG funding began on June 3<sup>rd</sup> and end on July 15<sup>th</sup>, with the Citizens Advisory Committee (CAC) review to follow (the application can be accessed here: <https://www.clevelandheights.com/CDBG>). An informational meeting was held on June 8<sup>th</sup>. New applicants should contact Brian Iorio 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 will be meeting with merchants from the Noble neighborhood on June 21<sup>st</sup>.

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 during the week of June 21<sup>st</sup>.

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 June 7, 2021 during Committee of the Whole, the Planning Director presented proposed legislation to amend the Zoning Code with regards to garages and other ancillary changes. Council referred the matter to the Planning Commission that evening for review and recommendation. The Planning Commission will discuss the matter at a special meeting on June 29<sup>th</sup> and again at its regular meeting on July 14<sup>th</sup>. The public is encouraged to participate and comment. 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 will be led by the County Planning Commission. 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. Staff is coordinating with the Building and Housing departments to respond to an information survey from the Planning Commission.

## **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). Based upon discussion at the TAC, staff provided comments on NOACA's Long Range Plan – eNEO2050.

Cleveland Heights, along with the City of University Heights, obtained a Transportation for Livable Communities (TLCI) planning grant from NOACA to identify ways to make Taylor Road safer and more desirable for people biking and walking. The final report is now available from NOACA and a project page has been added to the City's website: <https://www.clevelandheights.com/1431/Taylor-Road-Corridor-Study>. Staff will now work with NOACA and the neighborhood to implement the recommendations of the Study.

### **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. The Northeast Ohio Regional Sewer District (NEORSD) has presented their Regional Stormwater Management Program (RSMP) on Horseshoe Lake, Lower Lake, and their dams at the June 14<sup>th</sup> joint meeting with Cleveland Heights and Shaker Heights and a June 15<sup>th</sup> public meeting. Planning staff will coordinate with Shaker Heights, DBWP, and NEORSD as this discussion continues.

### **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. Start Right CDC appeared before the Architectural Board of Review (ABR) for a preliminary review of a proposed model home to be constructed on 961 Nelaview Road, see ABR agenda link below.
- *Cedar-Lee-Meadowbrook Redevelopment* – Planning staff is working with Economic Development on the Memorandum of Understanding (MOU) process, including reviewing the zoning of the redevelopment site, the scope of the traffic and parking studies (both site-specific and for the study area), 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. A third-party parking consultant will be engaged to assist with the potential availability and impacts to public parking.

- *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.

**Note that, as of the date of this Report, the Governor's executive orders related to Open Meetings and allowing virtual meetings are set to expire on June 30, 2021. Therefore, the City is proceeding with reverting to in-person ABR, BZA, Landmark Commission, Planning Commission, CAC, and TAC meetings starting in July.**

### **ARCHITECTURAL BOARD OF REVIEW (ABR) – 1<sup>st</sup> and 3<sup>rd</sup> Tuesday**

At the June 1, 2021 and June 15, 2021 ABR meetings, the following applications were discussed and approved:

Address	Case #	Project Description
<b><i>June 1, 2021</i></b>		
3510 Severn Road	ABR 2021-118	Request to build a two-car, detached garage and add a two-story addition to the rear of the home
3331 Cedarbrook Road	ABR 2021-128	Request to construct a two-car, detached garage
826 Caledonia Avenue	ABR 2021-129	Request to construct a two-car, detached garage
3665 Monticello Boulevard	ABR 2021-130	Request to install new signage
3656 Blanche Avenue	ABR 2020-131	Request to remove and replace a 2-story deck
3767 Bendemeer Road	ABR 2021-132	Request to construct a two-story addition and a deck
3232 Berkeley Road	ABR 2021-134	Request to alter/add windows and doors, install new siding, and construct a deck and two-car, detached garage
3933 East Derbyshire Road	ABR 2021-135	Request to install new windows

14437 Superior Road	ABR 2021-136	Request to install new windows
2176 North St. James Parkway	ABR 2021-137	Request to install a two-car, detached garage
2186 Middlefield Road	ABR 2021-138	Request to install a two-car, detached garage
3090 Fairmont Boulevard	ABR 2021-139	Request to install new windows
2260 Harcourt Drive	ABR 2021-140	Request to construct a covered and uncovered patio
2973 Hampshire Road	ABR 2021-141	Request to install new windows and doors
3077 Mayfield Road	ABR 2021-142	Request to install signage for Momma's Bowl
3040 Lincoln Boulevard	ABR 2021-143	Request to add a deck addition to an existing porch and remove three-season windows

***June 15, 2021***

859 Selwyn Road	ABR 2021-144	Request to install a two-car, detached garage
3378 Spangler Road	ABR 2021-145	Request to install new siding on the garage and home
3085 Scarborough Road	ABR 2021-146	Request to install new siding on the home
2613 Wellington Road	ABR 2021-147	Request to install a pool, patio, and walkway
2638 Queenston Road	ABR 2021-148	Request to install new windows
3786 Bainbridge Road	ABR 2021-149	Request to install a two-car, detached garage
3293 Washington Boulevard	ABR 2021-150	Request to install new siding, trim, gutters, and downspouts
3516 Northcliffe Road	ABR 2021-151	Request to install a two-car, detached garage
2624 Wellington Road	ABR 2021-152	Request to install solar panels on the roof of the home
3164 East Overlook Road	ABR 2021-153	Request to install new windows
1566 Kew Road	ABR 2021-154	Request to install new windows
1975 Lee Road	ABR 2021-155	Request to install new signage for Rising Starr Coffee

The following application was before the ABR for preliminary review and was provided with comments on the design:

Address	Case #	Project Description
961 Nelaview Road	ABR 2021-156	Request to construct a single-family home (this is a Start Right CDC infill housing model home)

The following application was before the ABR for preliminary review and was requested to provide more detailed plans for consideration of approval at a future meeting:

Address	Case #	Project Description
3791 Northhampton Road	ABR 2021-133	Request to construct a two-story deck

The next ABR meeting will be held on July 6, 2021 in person. A link to the agenda will be provided and 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) – 3<sup>rd</sup> Wednesday**

The June 16, 2021 was cancelled due to a lack of a quorum. The next BZA meeting will be held on July 21, 2021 in person. A link to the agenda will be provided and a summary of the meeting will be provided in a future Planning Department report.

#### **LANDMARK COMMISSION – 1<sup>st</sup> Tuesday of Odd Numbered Months**

The Landmark Commission has been discussing a number of initiatives with City staff. These have included 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. Staff anticipates that the Landmark Commission will be transmitting correspondence to Council specific to the Cinder Path at an upcoming meeting.

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 – 2<sup>nd</sup> Wednesday**

A special meeting of the Planning Commission has been scheduled for June 29, 2021. A link to the agenda will be provided and a summary of the meeting will be provided in the next bi-weekly Planning Department report.

#### **CITIZENS ADVISORY COMMITTEE (CAC) – 3<sup>rd</sup> Tuesday**

At the June 15, 2021 CAC meeting community engagement, CAC diversity, and subcommittees were discussed. A link to the agenda is provided as follows: <https://www.clevelandheights.com/DocumentCenter/View/9396>. There will be no July CAC meeting, so as to prepare for the receipt of Year 48 CDBG applications and the public hearings to occur in August. More information on the August CAC/CDBG public hearings will be provided at a future Planning Department report.

**TRANSPORTATION ADVISORY COMMITTEE (TAC) – 4<sup>th</sup> Wednesday**

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. Staff is working closely with the TAC members on the implementation of the City's Green and Complete Streets Policy, including preparing a checklist for City departments to utilize.



To: Susanna Niermann O'Neil, City Manager  
From: Collette Clinkscale, Director of Public Works  
Date: June 16, 2021  
Re: Public Works Weekly Update

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### **#20-06 – Delamere Drive Basement Flooding Relief**

Work continues on Delamere Drive without any set-backs.

### **#21-01 – Shannon Road Resurfacing & Waterline Replacement**

Work continues with the installation of the new water main between Maple Road and Staunton Rd. The contractor has not experienced any issues.

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

Pavement planning and the leveling course of asphalt have been completed on all the 2021 project streets. The contractor is currently working on manhole and catch basin casting replacements and adjustments.

### **#21-03 – 2021 Surface Treating Program**

Work is anticipated to begin sometime during the beginning of July.

### **Refuse Automation**

This project is currently on track with no set-backs. Post cards will be mailed to seniors this week that participate in the homestead exemption program offering options to select a smaller refuse and/or recycling cart based on customer feedback.



### **Sewer Maintenance Division**

Sewer maintenance crews repaired catch basins on Redwood, Bluestone and Westminster @ Essex. A crew repaired a 12" storm main at the intersection of Lee & Superior. A crew is inspecting catch basins in various locations throughout the city. Assigned an employee to assist with yard waste collection.

## **Street Maintenance Division**

Street maintenance crews are out in full force this week, hauling, repairing Cleveland Water cut-outs, and pot-hole patching and asphalting. Due to staffing shortages in the Refuse & Recycling division last week, the street maintenance division assisted with yard waste collection. Additional crews were also out last week making asphalt repairs.

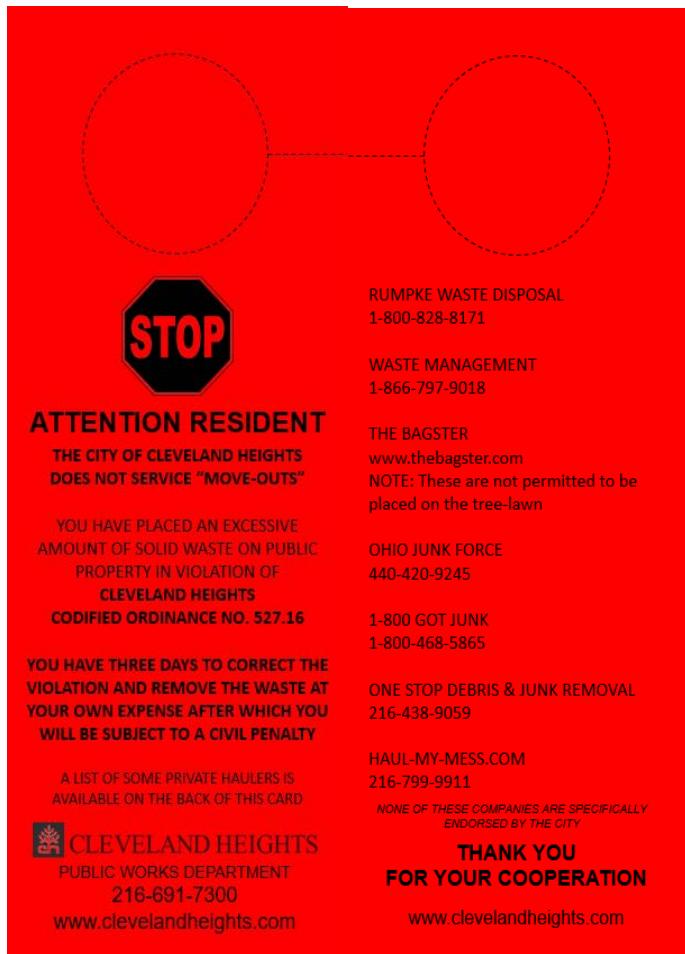
## **Forestry Division**

Forestry crews are out performing tree pruning and removals.

## **Refuse & Recycling**

Last week was bulk collection week, and we had a great deal of resident participation in the monthly collection program. Due to the high volume of garbage and staffing shortages there was a delay with some of the bulk items being picked up on the scheduled collection day.

We have been receiving a number of complaints about residential units placing move outs on the tree lawns. The City discontinued picking-up these types of stops last August due to the excessive amount of trash that is placed at the curb and the amount of time and effort it takes to collect it. The refuse division does place a red tag on the door for the property owner providing a few resources for how to dispose of these stops. Additionally, all the information is provided on the city's website under the bulk refuse frequently asked questions.





**CLEVELAND  
HEIGHTS**

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**2022 Tax Budget Public Hearing**

**June 21, 2021**

**6:30 p.m.**

**Agenda**

**Online Only**

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

1. 2022 Tax Budget Public Hearing



**CLEVELAND  
HEIGHTS**

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**Committee of the Whole**

**June 21, 2021**

**7:00 p.m.**

**Agenda**

**Online Only**

**[http://www.youtube.com/cityofclevelandheights/live](https://www.youtube.com/cityofclevelandheights/live)**

1. Legislation
2. Executive Session
  - a. To consider the terms of purchase of real property for public purposes
  - b. To consider the sale or lease of City-owned real property



## CLEVELAND HEIGHTS

### AGENDA (tentative) – CLEVELAND HEIGHTS CITY COUNCIL MEETING

**Monday, June 21, 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 24, 2021**
- 5) Personal communications received from citizens (via electronic mail)**
- 6) Report of the City Manager**
- 7) Report of the Chief of Police**
- 8) Report of the Clerk of Council**
- 9) Committee Reports**
  - a.) COMMUNITY RELATIONS AND RECREATION COMMITTEE**
  - b.) FINANCE COMMITTEE**

**ORDINANCE NO. 67-2021 (F), Second Reading.** 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), Second Reading.** A Resolution approving the adoption of the 2022 Tax Budget

Introduced by Council Member \_\_\_\_\_

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

**ORDINANCE NO. 76-2021 (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 \_\_\_\_\_

**ORDINANCE NO. 92-2021 (F), First Reading.** An Ordinance authorizing all actions necessary for initial uses of funds received pursuant to the American Rescue Plan Act

Introduced by Council Member \_\_\_\_\_

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

**c.) MUNICIPAL SERVICES COMMITTEE**

**RESOLUTION NO. 77-2021 (MS).** A Resolution opposing provisions of the Ohio Senate Omnibus Budget Amendment which would effectively prohibit in the State of Ohio the new construction of public-owned broadband networks and negatively impact the ongoing provision of broadband services provided by public-owned networks, thereby harming the ability of Ohio's residents and businesses to participate in the 21st century digital economy

Introduced by Council Member \_\_\_\_\_

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

**d.) PLANNING AND DEVELOPMENT COMMITTEE**

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

**ORDINANCE NO. 78-2021 (PSH), *First Reading*.** An Ordinance enacting and adopting Chapter 522, “Lead Hazards,” of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights; repealing Chapter 1347, “Certificate of Occupancy,” of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 1347, “Certificate of Occupancy”; and amending Section 1345.99, “Penalty,” of Chapter 1345, “Enforcement and Penalty,” of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights.

Introduced by Council Member \_\_\_\_\_

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

**f.) ADMINISTRATIVE SERVICES COMMITTEE**

**ORDINANCE NO. 79-2021 (AS), *First Reading*.** An Ordinance enacting and adopting Chapter \_\_\_, “Tenant’s Right to Pay to Stay,” of the Codified Ordinances of the City of Cleveland Heights

Introduced by Council Member \_\_\_\_\_  
Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_ No. Reading \_\_\_\_\_

**10) 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. 80-2021 (MS).** A Resolution authorizing the City Manager to enter into an agreement with GPD Group for professional design services relating to the City's Sanitary Sewer Overflow Control project and the EPA Consent Decree; providing compensation therefor

**RESOLUTION NO. 81-2021 (CRR).** A Resolution proclaiming July 2021 to be National Parks and Recreation Month in the City of Cleveland Heights

**RESOLUTION NO. 82-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Bhutanese Community of Greater Cleveland, a non-profit corporation, for the use of Community Development Block Grant funds in connection with its Refugee Assistance programming; providing compensation therefor

**RESOLUTION NO. 83-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio, a non-profit corporation, for the use of Community Development Block Grant funds in support of its Family School Connections Program; providing compensation therefor

**RESOLUTION NO. 84-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with FutureHeights, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Community Capacity Building Program; providing compensation therefor

**RESOLUTION NO. 85-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with Gesher, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefor

**RESOLUTION NO. 86-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating and capital improvement expenses; providing compensation therefor

**RESOLUTION NO. 87-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Home Repair Resource Center ("HRRC"), a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC's housing counseling, home-repair and home-improvement programs; providing compensation therefor

**RESOLUTION NO. 88-2021.** 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 funds to provide support for the organization's Ink Spot After School Program; providing compensation therefor

**RESOLUTION NO. 89-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of Community Development Block Grant funds to support the organization's Year-round Academic and Enrichment Programming for Disadvantaged Middle School Youth and the Pathways to Independence Program at Cleveland Heights High School; providing compensation therefor

**RESOLUTION NO. 90-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Severance Tower Local Advisory Council, a non-profit corporation, for the use of Community Development Block Grant funds in support of its Accessible Community Garden Project; providing compensation therefor

**RESOLUTION NO. 91-2021 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Start Right Community Development Corporation, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for its Food Bank Program; 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 \_\_\_\_\_

**11) Council President's Report**

Motion for July recess

**12) Adjournment**

**NEXT MEETING OF COUNCIL: MONDAY, AUGUST 2, 2021**

Proposed: 06/07/2021

ORDINANCE NO. 67-2021 (F), *Second Reading*

By Council Member Hart

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), *Second Reading*

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), *Second Reading*

“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

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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

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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 15<sup>th</sup> 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,

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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

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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 15<sup>th</sup> 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

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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

ORDINANCE NO. 67-2021 (F), *Second Reading*

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), *Second Reading*

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.

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JASON S. STEIN  
President of Council

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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

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Director of Finance  
City of Cleveland Heights, Ohio

# Memo

To: Susanna Niermann-O'Neil, City Manager

From: Amy Himmeltein, Finance Director

Date: May 28, 2021

Re: Annual Tax Budget Legislation

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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 15<sup>th</sup> 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), *Second Reading*

By Council Member Hart

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 21, 2021** at **6:30 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), *Second Reading*

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JASON S. STEIN  
President of the Council

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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 Fund	II Purpose	III Authorized By Voters On MM/DD/YY	IV Levy Type	V Number Of Years Levy To Run	VI Tax Year Begins/ Ends	VII Collection Year Begins/ Ends	VIII Maximum Rate Authorized	IX \$ 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-NEORSD 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	
<b>Totals</b>			<b>\$18,809,000.00</b>	<b>\$1,463,278.00</b>	

Proposed: 6/21/2021

ORDINANCE NO. 76-2021 (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.

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JASON STEIN  
President of the Council

ORDINANCE NO. 76-2021 (F)

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AMY HIMMELEIN  
Clerk of Council

PASSED:

## Exhibit 1

Fund	Department	Object	Reason	Previously Approved Budget	Requested Change	Revised Budget
101 - General	2108 - General Operations	Personal Services	Transfer for physicals and license recertification.	7,129,018.00	(9,550.00)	7,119,468.00
		O.T.P.S.	Transfer for physicals and license recertification.	1,382,895.00	9,350.00	1,392,245.00
	8201 - Public Prop/Park Maint	Personal Services	Transfer salary for position reclassification.	3,614,648.52	(34,574.45)	3,580,074.07
	2101 - City Manager	O.T.P.S.	Transfer for physicals and license recertification.	19,300.00	200.00	19,500.00
	2106 - Civil Service Commission	O.T.P.S.	Increase for civil service testing within the Fire Department.	21,500.00	16,000.00	37,500.00
	6207 - Vehicle Maintenance	Personal Services	Transfer salary for position reclassification.	2,625,813.00	34,574.45	2,660,387.45
231 - Tree	8801 - Forestry	O.T.P.S.	Increase due to receipt of a Healthy Urban Tree Canopy grant.	360,702.00	30,000.00	390,702.00
			Transfer for repairs to Forestry fleet vehicles.	360,702.00	14,500.00	375,202.00
		Capital	Transfer for repairs to Forestry fleet vehicles.	47,000.00	(14,500.00)	32,500.00
402 - Financed Capital Projects	3101 - Finance	Capital	Transfer for purchase of a vehicle for the Public Works Department.	170,640.31	(16,969.00)	153,671.31
	6208 - Street Maintenance	Capital	Transfer for purchase of a vehicle for the Public Works Department.	172,233.29	16,969.00	189,202.29
<b>Total</b>				<b>15,904,452.12</b>	<b>46,000.00</b>	<b>15,950,452.12</b>

Proposed: 6/21/2021

ORDINANCE NO. 92-2021 (F), *First Reading*

By Council Member Russell

An Ordinance authorizing all actions necessary for initial uses of funds received pursuant to the American Rescue Plan Act, and declaring an emergency.

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

WHEREAS, the intended purpose of the direct aid payments to state and local governmental entities under the ARPA is to alleviate the effects of funding shortfalls, invest in state and local economic development, and provide relief from the economic and societal hardships sustained during the onset of the Coronavirus Pandemic and COVID-19 illness.

WHEREAS, the City of Cleveland Heights will receive approximately THIRTY EIGHT MILLION EIGHT HUNDRED THOUSAND DOLLARS (U.S. \$38.8 Million) in direct payments from the enactment of the ARPA.

WHEREAS, employees of the City of Cleveland Heights in the service departments of sanitation, street maintenance, utilities, parks and recreation, and secretaries/clerical staff (including Department Heads, Managers, and City Administrators) throughout the City have been furloughed or had work hours reduced.

WHEREAS, front line employees in the Police, Fire, and EMS service departments have not been furloughed or sustained reductions in hours of work.

WHEREAS, certain neighborhoods in the City of Cleveland Heights, bounded by Taylor and Noble Roads, specifically being the South Taylor District from Cedar Road to Euclid Heights Boulevard and the Noble Road Corridor from Mayfield Road north to the City of East Cleveland, have been in urgent need of economic development assistance and business, residential, and infrastructure rehabilitation, which need for such funding has increased during the economic disruptions occasioned by the Coronavirus Pandemic and COVID-19 illness;

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

**SECTION 1.** No monies received from the proceeds of the ARPA shall be expended for any other purpose by the City of Cleveland Heights until both of the following have occurred:

- A.** All City employees in the service departments of sanitation, street maintenance, utilities, parks and recreation, and secretaries/clerical staff (including Department Heads, Managers, and City Administrators) throughout the City who have been furloughed or had work hours reduced shall be made whole for wages and benefits lost on account of the Coronavirus Pandemic and/or COVID-19 illness. It is the intent of this legislation that City employees be made whole for lost income, and therefore monies recouped from other sources, such as unemployment or working other jobs while on furlough, are offsets mitigating any payouts under this provision; and,
- B.** Council directs and funds economic development assistance and business, residential and infrastructure rehabilitation assistance as permitted by ARPA in the amount of not less than **FIVE MILLION DOLLARS** (U.S. \$5,000,000.00) for the following City neighborhoods:
  - a.** **TWO MILLION DOLLARS** (U.S. \$2,000,000.00) for the Noble Road Corridor north of Mayfield Road to the City of East Cleveland; and,
  - b.** **TWO MILLION DOLLARS** (U.S. \$2,000,000.00) for the South Taylor District from Cedar Road to Euclid Heights Boulevard;
  - c.** **ONE MILLION DOLLARS** (U.S. \$1,000,000.00) to be spent in other districts in the City as the needs exist.

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

**SECTION 3.** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely appropriate funding received from the ARPA, to make whole those City employees who have lost wages and benefits on account of being furloughed or reduced in work hours due to the Coronavirus Pandemic or COVID-19 illness, and to address the economic conditions of the neighborhoods bounded by Taylor and Noble

Ordinance No. 92-2021

Roads north of Mayfield Road in the City of Cleveland Heights which were particularly hard-hit by pandemic related economic conditions. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of the Council

PASSED: \_\_\_\_\_, 2021

Proposed: 6/21/2021

RESOLUTION NO. 77-2021 (MS)

By Council Member

A Resolution opposing provisions of the Ohio Senate Omnibus Budget Amendment which would effectively prohibit in the State of Ohio the new construction of public-owned broadband networks and negatively impact the ongoing provision of broadband services provided by public-owned networks, thereby harming the ability of Ohio's residents and businesses to participate in the 21<sup>st</sup> century digital economy; and declaring an emergency.

WHEREAS, the COVID-19 pandemic has clearly shown that broadband is an essential service for Ohioans in the 21st century, and is needed to support online school and work, access healthcare and medical information, conduct efficient business operations, and ensure that safety forces can communicate with one another for the protection of the public; and

WHEREAS, the Ohio Senate Omnibus Budget Amendment includes language that would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) (the "Public-owned Broadband Restriction Amendment") to prevent political subdivisions, including municipalities that currently operate broadband networks, from offering broadband service except to areas that do not have service of 10 Mbps download/1Mbps upload, which is akin to dial-up service; and

WHEREAS, the United States Federal Communications Commission (FCC) is the federal agency responsible for defining minimum broadband service, and the FCC has established that the minimum broadband service standard is 25 megabits per second download (25 Mbps) and three megabits per second (3 Mbps) upload; and

WHEREAS, while many Ohioans lack access to the minimum broadband standard established by the FCC, it is estimated that 98.28% of Ohio households have access to service at the threshold definition used in the Public-owned Broadband Restriction Amendment, leaving only 1.72% of Ohio's population "unserved" under that definition; and

WHEREAS, as a result of the overly restrictive definition of "unserved" in the Public-owned Broadband Restriction Amendment, political subdivisions would effectively be prohibited from operating public-owned broadband networks resulting in local governments being banned from providing service even to those Ohioans that fall below the FCC's minimum broadband service standard; and

WHEREAS, given the massive migration over the last fifteen months of Ohioans to high-speed broadband for educational, employment, medical, and other essential purposes, many experts argue that even the FCC's standard for minimum broadband service is antiquated, and that a 21st century digital economy demands much higher broadband speeds; and

RESOLUTION NO. 77-2021 (MS)

WHEREAS, the Public-owned Broadband Restriction Amendment monopolizes an essential service in the hands of a small number of private companies, who have failed or refused to adequately provide affordable, reliable, and sufficient broadband service to many of Ohio's residents and business; and

WHEREAS, publicly-owned, high-speed, reliable broadband networks may be critical to ensure that Ohio's residents and businesses can receive affordable, reliable and sufficient broadband service to be able to fairly compete and prosper in today's economy, providing for: critical communication between public safety forces, including advanced-911 systems; the ability to attract and retain business and employment opportunities in our State; access to meaningful educational opportunities for all Ohioans; a level playing field where Ohioans from all socio-economic backgrounds can obtain the tools they need to succeed; enhanced security for the personal and business data of Ohioans is secure; access to high-quality medical services from anywhere; and advances in new technologies that will enable Ohio to become an active player in the global economy, particularly in areas like autonomous transportation, enhanced security protections and medical advancements; and

WHEREAS, certain existing and already capitalized multi-jurisdiction/agency combined networks being used throughout Ohio for public safety, remote health care, regional economic development, and transportation initiatives would be required to cease operation as a result of the Public-Owned Broadband Restriction Amendment; and

WHEREAS, Ohio schools, port authorities, and other entities falling under the sweeping definition of political subdivisions used in the Public-Owned Broadband Restriction Amendment would also be prohibited from ongoing or future participation in the provision of broadband service to meet the needs of their users; and

WHEREAS, the Public-Owned Broadband Restriction Amendment infringes upon the home rule authority of municipalities that use such authority to provide for the health, safety, and welfare of their residents; and

WHEREAS, the Public-Owned Broadband Restriction Amendment further prohibits political subdivisions, including those with already-established networks, from utilizing federal funds, including the funds being received by political subdivisions in Ohio under the American Rescue Plan, for public-owned broadband systems; and

WHEREAS, the Public-Owned Broadband Restriction Amendment was added to the Ohio Senate Omnibus Budget Amendment with no public discussion or debate and at the last minute, in an attempt to place the profits of a handful of companies ahead of the health, education, safety, and welfare of Ohioans; and

WHEREAS, the health, education, safety, and welfare of the residents of City of Cleveland Heights require the unfettered ability to provide affordable, reliable, and sufficient broadband services at levels that ensure the needs of its residents and businesses can participate in the 21st century digital economy and beyond; and

**RESOLUTION NO. 77-2021 (MS)**

WHEREAS, this Council has determined that it is in the best interests of the City of its resident to oppose the Public-Owned Broadband Restriction Amendment contained in the Ohio Senate Omnibus Budget Amendment to the extent that it would restrict public- owned broadband networks.

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

**SECTION 1.** This Council opposes the passage of the Omnibus Budget Amendment to the extent that it would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) to restrict publicly-owned broadband networks and services.

**SECTION 2.** The Clerk of Council is hereby authorized and directed to forward a copy of this Resolution to the Governor of Ohio, to the members of the Ohio House and Senate Conference Committee negotiating the State of Ohio's Biennial Budget.

**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 opposition to the Public-Owned Broadband Restriction Amendment. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Proposed: 6/21/2021

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

By Council Member Seren

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

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

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

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

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

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

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

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

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

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

**1345.99 PENALTY.**

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

SECTION 5. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 6. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

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JASON STEIN  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:



## EXHIBIT A

### CHAPTER 522

#### Lead Hazards

##### 522.01 Definitions

##### 522.02 Lead Hazards Are A Nuisance

##### 522.03 Prohibitions

##### 522.04 Secondary Prevention

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

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

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

##### 522.08 Notice Requirements

##### 522.09 Enforcement

##### 522.99 Penalties

#### 522.01 Definitions

As used in this chapter:

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

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

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

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

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

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

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

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

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

## EXHIBIT A

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

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

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

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

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

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

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

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

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

### 522.02 Lead Hazards Are A Nuisance

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

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

### 522.03 Prohibitions

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

(1) Violate any provision of RC Chapter 3742, as may be applicable, or the rules adopted pursuant to it;

(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child day-care facility, or school, unless the Ohio director of health has determined by rule under RC 3742.45 that no suitable substitute exists;

(3) Interfere with an investigation conducted in accordance with this chapter or RC 3742.35 or by the Commissioner or the Commissioner's designee, any lead inspector or risk assessor.

(b) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child day-care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under RC 3742.05.

(c) No person shall do any of the following when a residential unit, child day-care facility, or school is involved:

(1) Perform a lead inspection without a valid lead inspector license issued under RC 3742.05;

(2) Perform a lead risk assessment without a valid lead risk assessor license issued under RC 3742.05, or provide professional advice regarding lead abatement without a valid lead risk assessor, lead abatement contractor, or lead abatement project designer license issued under RC 3742.05;

(3) Act as a lead abatement contractor without a valid lead abatement contractor's license issued under RC 3742.05;

(4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under RC 3742.05;

(5) Perform lead abatement without a valid lead abatement worker license issued under RC 3742.05;

(6) Perform a clearance examination without a valid clearance technician license issued under RC 3742.05, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;

(7) Perform lead training for the licensing purposes of RC Chapter 3742 without a valid approval from the director of health under RC 3742.08.

(8) Perform interim controls without complying with 24 C.F.R. Part 35.

(9) Perform lead-safe maintenance practices without complying with RC 3742.41 and 3742.42.

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

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

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

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

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

### 522.04 Secondary Prevention

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

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

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

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

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

### 522.05 Lead Abatement and Lead Hazard Control

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

## EXHIBIT A

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

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

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

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

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

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

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

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

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

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

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

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

## EXHIBIT A

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

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

(b) **Penalties for Violations.**

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

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

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

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

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

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

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

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

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

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### 522.08 Notice Requirements

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

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

### 522.09 Enforcement

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

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

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

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

## EXHIBIT A

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

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

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

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

### 522.99 Penalties

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

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

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

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### CHAPTER 1347

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

##### 1347.01 Definitions.

- 1347.0~~24~~ Certificate of occupancy required.
- 1347.0~~32~~ Certificate issuance, contents, term and revocation.
- 1347.0~~43~~ Failure to apply for certificate; renewals.
- 1347.0~~54~~ Posting and availability of certificate.
- 1347.0~~65~~ Fees for original certificate.
- 1347.0~~76~~ Changes; new certificate of occupancy; fees.

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

##### 1347.09 INTERNAL REVIEW

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

##### 1347.11 LEAD-SAFE ADVISORY BOARD

##### 1347.12 RECORDS KEPT BY DEPARTMENT

##### 1347.13 INSPECTIONS, RIGHT OF ENTRY

### CROSS REFERENCES

Certificate of compliance required - see BLDG. 1311.02

#### 1347.01 DEFINITIONS

For purposes of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1347.012 -CERTIFICATE OF OCCUPANCY REQUIRED.

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

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

1347.023 CERTIFICATE ISSUANCE, CONTENTS, TERM AND REVOCATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 1347.045 POSTING AND AVAILABILITY OF CERTIFICATE.

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

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

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

### 1347.056 FEES FOR ORIGINAL CERTIFICATE.

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

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

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

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

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

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

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

## EXHIBIT B

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

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

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

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

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

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

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

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

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

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

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

## EXHIBIT B

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

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

### 1347.09 INTERNAL REVIEW

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

### 1347.10 IMPACT OF LEAD-SAFE CERTIFICATION REQUIREMENT

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

### 1347.11 LEAD-SAFE ADVISORY BOARD; RESPONSIBILITIES

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

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

## EXHIBIT B

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

### 1347.12 RECORDS KEPT BY DEPARTMENT

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

### 1347.13 INSPECTIONS; RIGHT OF ENTRY

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

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

Proposed: 6/21/2021

ORDINANCE NO. 79-2021 (AS), *First Reading*

By Council Member

An Ordinance enacting and adopting Chapter \_\_\_, "Tenant's Right to Pay to Stay," of the Codified Ordinances of the City of Cleveland Heights.

WHEREAS, the public health crisis from the COVID-19 pandemic has had substantial and continuing negative impacts on residents and the economy, internationally and nationally, including within the State of Ohio, Cuyahoga County, and the City of Cleveland Heights; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many residents and businesses in the City experienced and will likely continue to experience material loss of income; and

WHEREAS, the public health crisis has caused multiple adverse economic impacts for numerous people including loss of employment, reduction in income and loss of health care coverage, leading for many to the inability to pay for housing and basic needs, and placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further adverse economic impacts are anticipated, leaving residential tenants vulnerable to eviction; and

WHEREAS, notwithstanding COVID-19 and its deleterious effects, it is essential at all times to avoid unnecessary housing displacement/evictions to protect the City's housing stock and to prevent housed individuals from falling into homelessness; and

WHEREAS, although unemployment compensation, rental assistance, and other programs have been made available to Ohioans so they can meet their basic needs, the City wishes to provide additional safeguards to residents and tenants concerning their ability to pay to stay in rental properties located within the City.

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

SECTION 1. That until December 31, 2022, in any eviction action for non-payment of rent due under a residential lease, the following shall apply:

SECTION 2. Chapter \_\_\_ of the Codified Ordinances of Cleveland Heights shall be, and is hereby, enacted and adopted to read as follows:

**Chapter \_\_\_\_ Tenant's Right to Pay to Stay**

- \_\_\_\_.01      Definition**
- \_\_\_\_.02      Tenant's affirmative defense after tendering rent prior to the filing of an eviction action (Complaint for Forcible Entry and Detainer)**
- \_\_\_\_.03      Tenant's affirmative defense after tendering rent prior to an eviction judgment (Judgment for Restitution)**
- \_\_\_\_.04      Rent receipt required**
- \_\_\_\_.05      Other Causes for Eviction**
- \_\_\_\_.06      Reasonable Fees**
- \_\_\_\_.07      Severability**

**\_\_\_\_.01      Definition**

For the purposes of this Chapter, "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

For the purposes of this Chapter, "Tender" means an offer of payment.

**\_\_\_\_.02      Tenant's right to pay to stay prior to the filing prior to the filing of an eviction action for non-payment of rent (Complaint for Forcible Entry and Detainer)**

(a) At any time prior to the filing of an action under Ohio Revised Code 1923 for nonpayment of rent by a landlord, a tenant shall have the right to pay the landlord all past due rent with reasonable late fees to avoid the filing of such action for the restitution of the lands or tenements.

If the tenant tenders all past due rent and reasonable late fees to the landlord, the landlord shall accept the tendered payment and allow the tenant to maintain the tenancy.

(b) If the tenant tenders all past due rent with reasonable late fees to the landlord prior to the filing of an action under Ohio Revised Code 1923 and the landlord refuses the tender, the tenant's tender of all past due rent with reasonable late fees shall be an affirmative defense to any action filed by the landlord against the tenant for nonpayment of rent.

**\_\_\_\_.03      Tenant's right to pay to stay prior to an eviction judgment (Judgment for Restitution)**

(a) After the filing of an action under Ohio Revised Code 1923 for nonpayment of rent but prior to a judgment, the tenant shall have the right to pay the landlord all past due rent, reasonable late fees and court costs so that the tenant may maintain the tenancy. If the tenant tenders all past due rent amounts, including late fees and court costs, the landlord must accept the payment. Upon receipt of the payment, the landlord shall dismiss the action against the tenant.

(b) If the tenant tenders all past due rent with reasonable late fees and court costs to the landlord prior to a judgment and the landlord refuses the tender, the tenant's tender of all past due rent, reasonable late fees and court costs shall be an affirmative defense to the eviction action filed by the landlord against the tenant for nonpayment of rent.

**\_\_\_\_.04      Rent receipt required**

The landlord shall provide the tenant with a signed receipt for the security deposit and all rental payments except for payments made by personal check of the tenant, at the time the security deposit or rental payments are made.

**\_\_\_\_.05      Reasonable Late Fees**

No landlord may charge a tenant late fees that are not reasonable late fees. If a rental agreement includes a provision that authorizes the landlord to assess the tenant a fee for late payment of the monthly rent, to be considered "reasonable late fees" the total amount of that late payment fee for any month may not exceed the larger of: (i) twenty-five dollars (\$25.00); or (ii) five percent (5%) of the monthly contract rent.

**\_\_\_\_.06      Other Causes for Eviction**

This Chapter in no way limits the ability of a landlord to initiate an eviction action for reasons other than solely for non-payment of rent.

**\_\_\_\_.07      Severability**

If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. Cleveland Heights City Council hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable

ORDINANCE NO. 79-2021 (AS), *First Reading*

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

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

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Proposed: 6/21/2021

RESOLUTION NO. 80-2021 (MS)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with GPD Group for professional design services relating to the City's Sanitary Sewer Overflow Control project and the EPA Consent Decree; providing compensation therefor; and declaring an emergency.

WHEREAS, in 2017, pursuant to Resolution 66-2017, the City entered into a partial consent decree with the United States of America, the U.S. Environmental Protection Agency (EPA), and the State of Ohio related to alleged violations of the Clean Water Act; and

WHEREAS, by way of Resolution 64-2021, and in accordance with Section V (F) of the partial consent decree, this Council approved and authorized the submission of an Integrated Overflow Control Master Plan (IOCMP) for EPA review and approval; and

WHEREAS, the City requires professional services of a design consultant concerning the Cedar Glen Parkway Replacement/Rehabilitation Project, the CH-12 SSO Modifications, and the CH-35, CH-45, CH-49 SSO Modifications Project, in furtherance of the City's compliance efforts pursuant to the partial consent decree

WHEREAS, the City Manager and Director of Public Works have recommended that the services offered by GPD Group best meets the City's needs; 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 enter into an agreement and any related documents with GPD Group for design services associated with the Cedar Glen Parkway Replacement/Rehabilitation Project, the CH-12 SSO Modifications, and the CH-35, CH-45, CH-49 SSO Modifications Project, in furtherance of the City's compliance efforts pursuant to the partial consent decree. The agreement shall be in accordance with the terms and conditions set forth in the proposed agreement for professional services submitted by GPD Group, a copy of which is on file with the Clerk of Council. Compensation for the services detailed therein shall not exceed One Hundred Eleven Thousand Dollars (\$110,000). All agreements hereunder shall be approved as to form and subject to the final approval of the Director of Law.

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

RESOLUTION NO. 20-2021 (MS)

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 commence the above-described improvements at the earliest possible time to timely meet and effectuate partial consent decree requirements. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:



April 23, 2021

Collette Clinkscale  
Director of Public Works  
40 Severance Circle  
Cleveland Heights, OH 44118

## City of Cleveland Heights Cedar Glen and SSO Control

Dear Ms. Collette Clinkscale,

Thank you for the opportunity to provide the City of Cleveland Heights (City) with design services for the Cedar Glen Parkway Replacement/Rehabilitation Project, the CH-12 SSO Modifications, and the CH-35, CH-45, CH-49 SSO Modifications Project. The enclosed proposal is based on our understanding of the project scope based on our meeting with the City and Wade Trim on April 6, 2021.

### Project Understanding

The city is seeking to accelerate the design of various projects that address sewer overflows within the City's system. The following is a summary of the anticipated project scope:

- a. Area 1 – Cedar Glen Parkway Project
  - i. 775-LF of 18-inch Sewer
- b. Area 2 – CH-12
  - i. Bulkhead upstream manhole
  - ii. 300-LF of 18-inch Sewer
- c. Area 3 – CH-35, -45, and -49
  - i. Modify/Bulkhead SSO (CH-35, CH-45)
  - ii. 493-LF of 8 to 10-inch Sewer
  - iii. Modify District shaft to accept connection from new sewer

GPD will perform a preliminary layout of the proposed sewers/modifications for concurrence by the City prior to performing detailed design.

### Assumptions

The following is our assumptions for the development of our scope:

- The SSO control projects are to be designed to control the overflows for the 5-year or 10-year, 1-hr design storm. GPD understands that the design rainfall is under review as part of the Consent Decree Master Plan. All final pipe diameters and required modifications (bulkhead, raise weirs, etc.) to the SSO structures will be provided by the City.
- This project will begin immediately.
- The City will provide any existing drawings if available. For example, the bike path along Cedar Glen Parkway was recently constructed.
- The City shall designate a representative authorized to act on its behalf with respect to the project. All direction and authorization shall be by or through such representative.
- The City shall examine documents submitted by GPD and shall render decisions promptly, to avoid unreasonable delay in the progress of GPD's services.

### Basic Scope of Services

#### Task 1 – Project Management

GPD's Project Manager will attend and schedule the kickoff and review meetings and assist with coordinating the design team. GPD will provide Project Management services throughout the design phase of the project.

- **Kickoff Meeting.** We will initiate the project by meeting with the project team to set goals for the project with the City of Brooklyn.
- **Review Meetings.** We will meet with the project team monthly to discuss the work that has been performed, review upcoming work, and discuss schedule and budget. GPD assumes ten review meetings.

## Task 2 – Pre-Design

### *Task 2A – Survey and Mapping*

GPD will provide the surveying and base mapping services to include the following:

- Baseline of Survey - Establish horizontal control points with permanent markers as necessary to provide control for use in the design surveys and future construction layout.
- Topographic Surveying - Perform detailed topographic surveying to cover the property limits and the stream alignment for the area as shown in yellow in the graphic on the first page of this letter proposal:
  - Location of trees (outline of wooded areas)
  - Location of bridges, walls, visible utilities, culverts, drain pipes, etc.
- Base Mapping – The information gathered in the above tasks will be mapped in an AutoCAD Civil 3D drawing file format.

GPD will not provide the following:

- A property boundary, easement exhibits and legal descriptions are not included.
- Development of permanent and/or temporary easements.
- Title/easement/property research and/or review.
- Staking of any kind.

### *Task 2B – Geotechnical*

- Field Investigation

- We will advance seven (7) borings to support the new sewer design (assumed to be a maximum of 20 feet or auger refusal on bedrock). Bedrock coring is not anticipated at any of these locations and is not included in this fee. Maintenance of traffic will involve select lane closures with cones and signs, and a local police officer present. The boring locations will be field located by GPD personnel. We are relying that underground utilities will be cleared through our Ohio One call and a private utility locate GPD will perform. Standard penetration sampling will be performed in accordance with current A.S.T.M. standards, and under the direction of our geotechnical engineer in charge of the project. The soil samples will be visually classified in the field and delivered to our laboratory. Following taking water level readings and hole depth sounding, the test holes will be backfilled, and pavement patched.

- Geotechnical Data Report
  - The collected soil samples will be examined by one of our geotechnical engineers or geologists, and final test boring logs will be prepared. Laboratory testing will likely consist of basic index tests to assist in identification and evaluation of soil properties.
  - Following our analysis, a written report of findings and recommendations will be prepared by a GPD Group Engineer; including, but not limited to test boring logs and location plan, discussion of soil profile and subsurface conditions, and recommendations regarding installation and support of the proposed culvert and headwalls.

*Task 2C – Permit(s)*

GPD will prepare permit support documents, limited to include the following:

- If more than one (1) acre is planned to be disturbed, GPD shall prepare the SWPPP and supporting documents, as may be required. Prepare a draft SWPPP using GPD's standard template outline, to obtain a NOI permit from the Ohio EPA.
- Permit Fees to be paid by Others and is not included in the overall fee.

*Task 2D – Preliminary Design Report*

Based on input from the review meetings, existing data, survey, geotechnical, and feedback from the design team GPD will prepare a preliminary design report (PDR). The PDR will include the following sections:

- Executive Summary
- Introduction
- Existing Document Review and Summary
- Approach
- Permits and Easement
- MOT with adjacent parking lots (lost parking spaces, revised traffic flow, etc.)
- Engineer's Opinion of Probable Construction Cost

### **Task 3: Design**

GPD shall develop Contract Documents suitable for competitive bidding purposes to produce a quality, cost-effective project. The drawings will indicate the layout, plans, sections, and details of the project. All Design task deliverables shall be submitted in electronic PDF format.

#### *50% Design*

The 50% design submittal, based on the Pre-Design and resulting review comments, will serve as the initial layout and orientation of recommended improvements for review. At the 50% design stage, the design will incorporate major design concepts, reflect decisions made to-date, and facilitate advancement of the design through the remaining design stages.

Working with data collected and analyzed in the Pre-Design task, GPD will develop a 50% design. The 50% design primarily consists of preparation of detailed design calculations, project layout and grading plan, stream structure details, geotechnical details, and erosion control plans.

GPD will prepare a hydrology and hydraulic model of the selected proposed alternative from Pre-Design to estimate the velocities and shear stresses associated with the evaluated design storm events.

Results of the hydraulic model will be used as design criteria for design of the stream restoration as well as the geotechnical and hydraulic bank stabilization practices.

The 50% submittal shall include, at a minimum, the following:

1. Drawings

- a) Title Sheet
- b) Civil/site, and overall site plans sufficiently complete to show proposed locations of major items. Drawings shall also include dimensions, clearances, and working space necessary for operation and maintenance
- c) Preliminary alignment plan view and profile sheets depicting existing and proposed stream bed profile. Sheets not to include construction notes.
- d) Existing conditions survey site plan.
- e) Proposed grading plan.
- f) Proposed stream cross sections at 50 ft intervals and all other necessary locations.
- g) Typical stream channel grading and stabilization cross sections.
- h) Typical stream restoration details.
- i) MOT of adjacent parking lots.
- j) SWPPP and details.
- k) Landscape and site restoration plan and details.

2. Specifications

- a) Draft list of Bid Items.
- b) Draft technical specifications tailored to Project.
- c) Draft measurement and payment section.
- d) Draft constraints section.
- e) Any draft special specifications.

3. Engineer's Opinion of Probable Construction Cost (EOPCC): Prepare a Class 3 construction cost estimate in accordance with the Association for the Advancement of Cost Engineering (AACE) International Recommended Practice 18R-97.

4. Construction Schedule

5. Design Progress Review Meeting:

- a) GPD will organize and lead a 50% Design Review Meeting to present the design and to receive and discuss comments regarding the design. City staff, the GPD's Project Manager, and key design team staff representing the various disciplines shall be in attendance for the review.

#### *90% Design*

The 90% design incorporates plan and permitting requirements pertaining to regulatory items discovered during the 50% milestone period, including erosion and sediment control, waterway impact subject to USACE Nationwide Permit, and infrastructure impact subject to local applicable permit(s).

The 90% submittal shall include, at a minimum, the requirements of all previous design submittals and the following:

1. Complete set of Contract Drawings including bid book documents and Bridge Plans (ODOT Stage 3 level of completion).
2. Final versions of all technical specifications.
3. Updates to permit support documents, and plans.
4. Engineer's Opinion of Probable Construction Cost (EOPCC): Prepare a Class 2 Construction Cost Estimate in accordance with the Association for the Advancement of Cost Engineering (AACE) International Recommended Practice 18R-97.
5. 90% Design Progress Review meeting
  - a) GPD will organize and lead a 90% Design Review Meeting to present the design and to receive and discuss comments regarding the design. City staff, the GPD's Project Manager, and key design team staff representing the various disciplines shall be in attendance for the review.

#### *Final Design*

The Final design will be represented in the documents to be used for bidding purposes. This includes final drawings, specifications, cost estimates, and project schedules. The following provides more details relative to the final design submission requirements.

The Final design submittal will incorporate all corrections and shall be complete and suitable for bid purposes. If significant detailed design delivery issues are discovered during the 90% review, a final design review meeting may be held, at the City's discretion. If the final design review meeting is held, GPD shall prepare agenda, meeting minutes and attend the meeting and revise the drawings and specifications as necessary based on the outcome of the final review meeting as part of the base scope of services.

Prior to submitting the Final Design Submittal, GPD shall meet with the City to review the final design contract documents. GPD shall provide detailed meeting notes of City's comments within 2 days of review meeting.

The Final design submittal shall include, at a minimum, the following:

1. All drawings.
2. All technical specifications
3. Final Engineer's Opinion of Probable Construction Cost
4. Summary of all permits and approvals for the Project

## 5. Bidding documents

### Compensation

GPD Group proposes to complete the above Scope of Services for the lump sum fee of one hundred and eleven thousand (\$111,000.00). Reimbursable expenses include, but are not limited to flow metering, mileage, and printing and mailing. Reimbursable expenses will be passed through at actual cost without mark up. Work will be billed on a monthly basis for the percentage of work completed that month. The following table provides a breakdown of major activities and their anticipated costs:

### Schedule

We will work with Cleveland Heights on schedule, our fee assumes the schedule be approximately 10 months.

Thank you again for the opportunity to provide this proposal. Please contact me at 216-927-8698 or via email at [jgranja@gpdgroup.com](mailto:jgranja@gpdgroup.com) with any questions or comments regarding our proposal.

Sincerely,

GPD Group  
  
Dave Neumeyer, PE  
Project Principal

Juan Granja, PE  
Project Manager

Proposed: 6/21/2021

RESOLUTION NO. 81-2021 (CRR)

By Council Member

A Resolution proclaiming July 2021 to be National Parks and Recreation Month in the City of Cleveland Heights; and declaring an emergency.

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the City of Cleveland Heights; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of Cleveland Heights is honored to take part in the annual observance of National Parks and Recreation Month to distinguish Cleveland Heights as an attractive and desirable community to live, work, play, and visit.

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

SECTION 1. This Council hereby proclaims July 2021 to be National Parks and Recreation Month in the City of Cleveland Heights and encourages residents to take advantage

RESOLUTION NO. 81-2021 (CRR)

of the many opportunities to participate in parks and recreation programs and to enjoy the over 140 acres of parkland, multiuse paths, trails and playgrounds available throughout the City.

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

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JASON S. STEIN  
President of the Council

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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 Legislation

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10 pieces of legislation are being requested to be approved as an emergency in order to allow us to contract with the City's CDBG partners without causing any undue hardship to their programs and projects. The legislative items are listed in the below table:

Subrecipient	Source of Funds	Amount	Purpose
Bhutanese Community of Greater Cleveland	Year 47 CDBG	\$10,000	Community Center/Job Training
Family Connections of Northeast Ohio	Year 47 CDBG	\$25,000	Family School Connections Program
FutureHeights	Year 47 CDBG	\$105,000	Community Capacity Building Program (\$50,000), Cedar Lee Mini Park (\$30,000) and Small Business Outreach/Technical Assistance (\$25,000)
Gesher	Year 47 CDBG	\$10,000	Benefits Counseling Program
Heights Emergency Food Center	Year 47 CDBG	\$28,000	Food Pantry
Home Repair Resource Center	Year 47 CDBG	\$189,000	Housing Counseling, Financial Assistance Programs, Program Delivery
Lake Erie Ink	Year 47 CDBG	\$12,000	Ink Spot After School Program
Open Doors Academy	Year 47 CDBG	\$30,000	Year-round Academic and Enrichment Programming for Disadvantaged Middle School Youth (\$15,000) and Pathways to

			Independence Programming at Cleveland Heights High School (\$15,000)
Severance Tower Local Advisory Council	Year 46 CDBG & Year 47 CDBG	\$26,400	Accessible Community Garden Project (Phase II & III)
Start Right CDC	Year 47 CDBG	\$10,000	Food Pantry

All of these subrecipients and the associated contract amounts have been previously approved by City Council through the passage of the 2021 Annual Action Plan submittal on March 1, 2021.

Of course, additional details regarding any of these activities are available to anyone that may like additional information.

Proposed: 6/21/2021

RESOLUTION NO. 82-2021 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Bhutanese Community of Greater Cleveland, a non-profit corporation, for the use of Community Development Block Grant funds in connection with its Refugee Assistance programming; providing compensation therefor; and declaring an emergency.

WHEREAS, the Bhutanese Community of Greater Cleveland is a non-profit corporation that was founded in response to the needs of the Bhutanese refugee community in Cleveland; and

WHEREAS, the Bhutanese Community of Greater Cleveland offers a refugee assistance program to assist participants with English as a second language, interpretation services, citizenship classes, driving education, and other classes aimed at building skills to support refugees in Cleveland Heights; and

WHEREAS, the Bhutanese Community of Greater Cleveland serves all people, irrespective of ethnic origin, in need of such services throughout Cleveland Heights; and

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

WHEREAS, there are monies available for such purpose from Year 47 Community Development Block Grant Funds.

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 and any related documents with the Bhutanese Community of Greater Cleveland, a non-profit corporation, for support with its Refugee Assistance programming. The agreement shall provide for funding in the amount of up to Ten Thousand Dollars (\$10,000) from Year 47 Community Development Block Grant funds. The services to be performed by the Bhutanese Community of Greater Cleveland are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be subject to the approval 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

RESOLUTION NO. 82-2021 (PD)

of the City of Cleveland Heights, such emergency being the need to allow the Refugee Assistance programming of the Bhutanese Community of Greater Cleveland to continue without interruption. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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Jason Stein  
President of the Council

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Amy Himmlein  
Clerk of Council

PASSED:

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

**THE BHUTANESE COMMUNITY OF GREATER CLEVELAND**

The Bhutanese Community of Greater Cleveland is a non-profit 501 (c)(3) group that was founded in response to the needs of the Bhutanese refugee community in Cleveland. They wish to serve all needy people, irrespective of ethnic origin, in need of services throughout Cleveland. Their mission statement is: Unity in Diversity is the Strength of Humanity.

The Bhutanese Community of Greater Cleveland operates a community center where they conduct various classes in order to support refugees. The community center assists participants with English as a second language, interpretation services, citizenship classes, driving education, and other classes aimed at building skills for refugees in Cleveland Heights.

The program will serve 200 individuals in 2021-2022. CDBG funds will contribute towards personnel and operating expenses. The program will be established at their Community Center located on Noble Road.

Proposed: 6/21/2021

RESOLUTION NO. 83-2021 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio, a non-profit corporation, for the use of Community Development Block Grant funds in support of its Family School Connections Program; providing compensation therefor; and declaring an emergency.

WHEREAS, Family Connections of Northeast Ohio is a non-profit corporation, the mission of which is to strengthen families and promote the healthy development of children by providing parent education, parent support and activities for families with children from birth to age ten; and

WHEREAS, Family Connections of Northeast Ohio has established a Family School Connections Program to provide support to parents and youth; and

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

WHEREAS, there are monies available for such purpose from Year 47 Community Development Block Grant Funds.

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 and any related documents with Family Connections of Northeast Ohio, a non-profit corporation, for assistance with its Family School Connections Program. The agreement shall provide for funding in the amount of up to Twenty Thousand Dollars (\$25,000) from Year 47 Community Development Block Grant funds. The services to be performed by Family Connections of Northeast Ohio are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be subject to the approval 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

RESOLUTION NO. 83-2021

of the City of Cleveland Heights, such emergency being the need to allow the services of the Family Connections of Northeast Ohio to continue without interruption. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

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

**FAMILY CONNECTIONS**

Family Connections has established the Family School Connections Program to assist parents of preschool and elementary students. The program is designed to enhance parents 'involvement in their children's education by providing school and neighborhood-based activities that focus on academic skills as well as social and recreational interests. Family support, parent education, and access to community resources are incorporated into the literacy program.

The program will serve approximately 100 families. CDBG funds will contribute towards personnel expenses. The program will be offered at Oxford, Noble and Boulevard Elementary Schools or online if necessary. Programming at Gearity Elementary School will be offered through other funding sources.

Proposed: 6/21/2021

**RESOLUTION NO. 84-2021 (PD)**

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with FutureHeights, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Community Capacity Building Program; providing compensation therefor; and declaring an emergency.

WHEREAS, FutureHeights is a non-profit corporation, which promotes a vibrant and sustainable future for Cleveland Heights through innovative ideas and civic engagement; and

WHEREAS, FutureHeights operates programs and projects that promote Cleveland Heights' CDBG Program and assist low- and moderate-income people and neighborhoods through the Community Capacity Building program, Cedar Lee Mini-Park project and the Small Business Outreach Program' and

WHEREAS, it would be in the City's best interest to provide partial funding for said programs and projects; and

WHEREAS, there are monies available for such purpose from Year 47 Community Development Block Grant funds.

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 and any related documents with FutureHeights, a non-profit corporation, for assistance with its Community Capacity Building Program, Cedar Lee Mini-Park Project, and Small Business Outreach Program. The agreement shall provide for funding in the amount of up to One Hundred and Five Thousand Dollars (\$105,000) from Year 47 Community Development Block Grant funds. The services to be performed by FutureHeights are set forth in the Work Program attached hereto as Exhibit A and incorporated herein. The agreement shall be subject to the approval 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 FutureHeights to begin to provide

RESOLUTION NO. 84-2021

these necessary services. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

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

**FUTUREHEIGHTS – COMMUNITY CAPACITY BUILDING (\$50,000)**

FutureHeights is a not-for-profit organization whose mission is to promote a vibrant and sustainable future for Cleveland Heights through innovative ideas and civic engagement.

FutureHeights Community Capacity Building Program will consist of the following components:

1. Furthering the Community Development Block Grant Program throughout the Community
2. Resident Engagement and Recruitment for Leadership Program
3. Developing a neighborhood leadership workshop series
4. Ongoing community building work in neighborhoods

If necessary, programming may take place online. CDBG funds will assist with personnel costs for the program manager and operating costs.

**FUTUREHEIGHTS – CEDAR LEE MINI-PARK PLACEMAKING PROJECT (\$30,000)**

FutureHeights is a not-for-profit organization whose mission is to promote a vibrant and sustainable future for Cleveland Heights through innovative ideas and civic engagement.

FutureHeights 'Cedar Lee Mini-Park Placemaking Project seeks to revitalize the mini-park through programming and infrastructure investments that may include lighting, public seating, security cameras, sound/PA system, stage, paving, plantings and trash receptacles.

CDBG funds will assist with capital improvement costs for the project.

**FUTUREHEIGHTS – SMALL BUSINESS OUTREACH PROGRAM**

FutureHeights is a not-for-profit organization whose mission is to promote a vibrant and sustainable future for Cleveland Heights through innovative ideas and civic engagement.

FutureHeights will employ a Small and Minority Business Outreach Support manager to serve the businesses and business districts in need, with a focus on the business districts in the Noble, Taylor, and Mayfield Lee neighborhoods. The person in this role will build relationships through consistent outreach and work with business owners to address their individual needs, which could include technical assistance for marketing, operations, storefront, signage, merchandising, financing, and more. In addition, he/she would assist them in accessing existing city, county and state programs. The specific coaching and mentoring approach will not only help with individual

## RESOLUTION NO. 84-2021

business performance, but will also serve the immediate neighborhood. By becoming a highly functioning business, more people in the neighborhood will choose to patronize the business, increasing activity and foot traffic in the business districts and improving overall quality of life. This will bring a renewed sense of pride and vibrancy to the districts and surrounding neighborhoods.

Additionally, as a long-term goal, the business support person will help develop merchants associations in these districts to facilitate a cohesive voice and vision for the district, as well as small improvements that can lead to larger investment in the neighborhood.

Finally, the support person will connect businesses with local and regional resources, such as the Minority Business Assistance Center, which provides access to funds, low-interest loans, and bidding and project opportunities.

CDBG funds will assist with personnel costs for the program manager and operating costs.

Proposed: 6/21/2021

RESOLUTION NO. 85-2021 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Gesher, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefor; and declaring an emergency.

WHEREAS, Gesher offers a benefits referral program to help local families faced with financial hardship access much needed local, state, and federal support; and

WHEREAS, Gesher is in need of funding for operating expenses; and

WHEREAS, it would be in the best interest of the City and its residents to provide partial funding for the agency's programming; and

WHEREAS, there are monies available for such purpose from Year 47 Community Development Block Grant Funds.

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 and any related documents with Gesher a non-profit corporation, for assistance with the operating expenses of the Gesher Benefits Referral Program. The agreement shall provide for total funding in the amount of up to Ten Thousand Dollars (\$10,000) from Year 47 Community Development Block Grant funds. The services to be performed by Gesher are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be subject to the approval 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 necessary services of Gesher to continue uninterrupted. 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. 85-2021

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. 85-2021

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

**GESHER**

Gesher is an initiative of Agudath Israel of Ohio which helps eliminate cultural barriers in accessing and applying for assistance programs and whose staff helps families meet the challenges of financial hardship. Their trained benefits counselors advise clients about the local, state and federal benefits for which they are eligible.

The Gesher service area includes the suburbs of Cleveland Heights, South Euclid and University Heights. CDBG funds will assist with the administrative costs of Gesher associated with assisting at least 51% low- and moderate-income Cleveland Heights households. Gesher will assist approximately 385 households in 2021-2022.

Proposed: 6/21/2021

RESOLUTION NO. 86-2021 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating and capital improvement expenses; providing compensation therefor; and declaring an emergency.

WHEREAS, since 1981, the Heights Emergency Food Center (“HEFC”) has provided emergency food supplies to needy families and individuals; and

WHEREAS, HEFC is in need of funding for operating and capital improvement expenses; and

WHEREAS, there are monies available for such purpose from Year 47 Community Development Block Grant funds.

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 and any related documents with the Heights Emergency Food Center (“HEFC”), a non-profit corporation, for assistance with the operating expenses of HEFC’s emergency food programs. The agreement shall provide for total funding in the amount of up to Twenty-Eight Thousand Dollars (\$28,000) from Year 47 Community Development Block Grant funds. The services to be performed by the Heights Emergency Food Center are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be subject to the approval 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 necessary services of the Heights Emergency Food Center to continue uninterrupted. 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. 86-2021

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. 86-2021

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

**HEIGHTS EMERGENCY FOOD CENTER**

Heights Emergency Food Center was opened in 1981 as part of the Hunger Task Force. Located at 3663 Mayfield Road, Heights Emergency Food Center will serve approximately 4,000 individuals in 2021-2022. Heights Emergency Food Center provides each eligible family a three-day supply of food once a month.

The Heights Emergency Food Center service area includes the suburbs of Cleveland Heights, Lyndhurst, South Euclid and University Heights. CDBG funds will assist with administrative and capital costs of the Heights Emergency Food Center.

Proposed: 6/21/2021

**RESOLUTION NO. 87-2021 (PD)**

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Home Repair Resource Center (“HRRC”), a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC’s housing counseling, home-repair and home-improvement programs; providing compensation therefor; and declaring an emergency.

WHEREAS, the City has previously entered into agreements with the Home Repair Resource Center (“HRRC”) under which the City has assisted with the funding for various HRRC housing counseling, home-repair and home-improvement programs; and

WHEREAS, in the past the City has also provided funding to assist with the operating expenses of such programs; and

WHEREAS, it would be in the City’s best interest to continue to provide funding to HRRC to aid in its efforts to prevent deterioration and blight in the City’s housing stock, encourage and enable residents to make necessary repairs, and support the City’s code enforcement efforts; and

WHEREAS, there are monies available for such purpose from Year 47 Community Development Block Grant Funds.

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 and related documents with the Home Repair Resource Center (“HRRC”) to provide funding from Year 47 Community Development Block Grant funds for HRRC’s programs and operating expenses up to the amounts as listed here: One Hundred Thirty-Nine Thousand Dollars (\$139,000) for HRRC Program Delivery Expenses; Fifteen Thousand Dollars (\$15,000) for Assist Incentive Grants; Five Thousand Dollars (\$5,000) for Deferred Loan Match; Four Thousand Five Hundred Dollars (\$4,500) for the Senior Home Stability Grant, Five Hundred Dollars (\$500) for the Assist 0% Benefit Program and Twenty-Five Thousand Dollars (\$25,000) for Housing Counseling; for a total grant of up to One Hundred and Eighty-Nine Thousand Dollars (\$189,000).

**SECTION 2.** The services to be performed by HRRC shall be as set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. All documents shall be in a form approved by the Director of Law.

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

RESOLUTION NO. 87-2021

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 allow the services of HRRC to continue without interruption. 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.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

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

**HOME REPAIR RESOURCE CENTER**

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

HRRC has several components that receive CDBG funding. The first is HRRC’s operating expenses. This includes personnel and administrative costs associated with programs that benefit low- and moderate-income persons. Home Repair Resource Center will provide comprehensive budget and credit counseling services to residents of Cleveland Heights through the Housing Counseling Program. Services will be provided through classroom and individual counseling.

Rollover and new CDBG funds support several of HRRC’s programs. The Assist Benefit program includes the Assist 0%, Deferred Loan Match and Assist Incentive programs. The Assist 0% benefit helps recipients borrow funds for repairs. It reduces the principal financed so that the total repaid to the bank is equivalent to a no-interest loan. The Assist Incentive grant provides a grant of up to \$1000 to complete a major improvement (roof and gutters, major plumbing, major wiring, new heating systems). The grant is increased to \$1500 for seniors who are replacing a roof or furnace. The Deferred Loan Match program enables recipients to defer payment of half the cost (to a maximum of \$3000) of replacing major systems of a home (roof, heating, plumbing or electrical). The Senior Home Stability Grant program provides grants of up to \$1000 to assist homeowners with the repairs to their home which will allow them to age in place. All programs assist low- and moderate-income owner-occupied households as defined by the Department of Housing and Urban Development.

HRRC will serve approximately 100 households through their Financial Assistance Programs and 322 households through their Housing Counseling Program.

Proposed: 6/21/2021

**RESOLUTION NO. 88-2021**

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 funds to provide support for the organization's Ink Spot After School Program; providing compensation therefor; and declaring an emergency.

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

WHEREAS, it would be in the best interest of the City and its residents to provide partial funding for the agency's programming; and

WHEREAS, there are monies available for such purpose from Year 47 Community Development Block Grant Funds.

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 and any related documents with Lake Erie Ink, a non-profit corporation, to provide for funding in the amount of up to Twelve Thousand Dollars (\$12,000) from Year 47 Community Development Block Grant 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 subject to the approval 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 necessary services of Lake Erie Ink to continue uninterrupted. 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. 88-2021

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. 88-2021

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

**LAKE ERIE INK**

Lake Erie Ink provides creative expression opportunities and academic support to youth in the community. Their Ink Spot After-School Program provides literacy enrichment, creative expression opportunities and academic support to youth, ages 8-12.

CDBG funds will assist Lake Erie Ink to serve 40 youth in their enrichment programming, with a minimum of 51% being from low-and moderate-income households. Programming will be offered at Noble Elementary School and at their Coventry Peace Campus location, Cleveland Heights, OH. If necessary, programming will be conducted online. Community Development Block Grant funds will assist with program delivery costs.

Proposed: 6/21/2021

**RESOLUTION NO. 89-2021 (PD)**

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of Community Development Block Grant funds to support the organization's Year-round Academic and Enrichment Programming for Disadvantaged Middle School Youth and the Pathways to Independence Program at Cleveland Heights High School; providing compensation therefor; and declaring an emergency.

WHEREAS, the Open Doors Academy is a non-profit corporation, the mission of which is to protect, inspire, nurture, and challenge youth to reach their full potential; and

WHEREAS, it would be in the best interest of the City and its residents to provide partial funding for the agency's programming; and

WHEREAS, there are monies available for such purpose from Year 47 Community Development Block Grant Funds.

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 and any related documents with the Open Doors Academy, a non-profit corporation, to provide for funding in the amount of up to Thirty Thousand Dollars (\$30,000) from Year 47 Community Development Block Grant funds. The services to be performed by the Open Doors Academy are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement 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 necessary services of the Open Doors Academy to continue uninterrupted. 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. 89-2021

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

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

**OPEN DOORS ACADEMY - YEAR-ROUND ACADEMIC AND ENRICHMENT  
PROGRAMMING FOR DISADVANTAGED MIDDLE SCHOOL YOUTH (\$15,000)**

Open Doors Academy exists to protect, inspire, nurture, and challenge adolescents to reach their full potential through the provision of meaningful out-of-school enrichment programming in a safe and structured environment.

Open Doors Academy will serve 60 youths in their enrichment programming, with a minimum of 51% being from low-and moderate-income households. Programming will be offered at Monticello Middle School and Roxboro Middle School. If necessary, programming may take place online. Community Development Block Grant funds will assist with personnel costs.

**OPEN DOORS ACADEMY - PATHWAYS TO INDEPENDENCE PROGRAM AT  
CLEVELAND HEIGHTS HIGH SCHOOL (\$15,000)**

Open Doors Academy exists to protect, inspire, nurture, and challenge adolescents to reach their full potential through the provision of meaningful out-of-school enrichment programming in safe and structured environment.

Open Doors Academy will serve 40 youths in their enrichment programming, with a minimum of 51% being from low-and moderate-income households. Programming will be offered at Cleveland Heights High School or online, if necessary. Community Development Block Grant funds will assist with personnel costs.

Proposed: 6/21/2021

**RESOLUTION NO. 90-2021**

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Severance Tower Local Advisory Council, a non-profit corporation, for the use of Community Development Block Grant funds in support of its Accessible Community Garden Project; providing compensation therefor; and declaring an emergency.

WHEREAS, the Severance Tower Local Advisory Council is a non-profit corporation that was founded in order to organize and facilitate the feedback of the residents of the project-based Section 8 Severance Tower apartment complex; and

WHEREAS, Severance Tower is a Cleveland Metropolitan Housing Authority apartment complex that houses elderly and permanently disabled residents; and

WHEREAS, the Severance Tower Local Advisory Council is seeking to replace its current community garden with an accessible community garden and community space that will facilitate the involvement of the disabled residents of the building and provide healthy food for those same residents; and

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

WHEREAS, there are monies available for such purpose from Year 46 and 47 Community Development Block Grant Funds.

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 and any related documents with the Severance Tower Local Advisory Council, a non-profit corporation, for assistance with its Accessible Community Garden. The agreement shall provide for funding in the amount of up to Twelve Thousand Dollars (\$12,000) from Year 46 Community Development Block Grant funds and up to Fourteen Thousand, Four Hundred Dollars (\$14,400) from Year 47 Community Development Block Grant funds. The services to be performed by the Severance Tower Local Advisory Council are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be subject to the approval 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.

RESOLUTION NO. 90-2021

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 Family Connections of Northeast Ohio to continue without interruption. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. 90-2021

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

**SEVERANCE TOWER LOCAL ADVISORY COUNCIL**

The Severance Tower Local Advisory Council is a non-profit corporation founded in order to both organize the residents of the Severance Tower apartment complex and to serve as a channel to provide feedback to the Cleveland Metropolitan Housing Authority. Severance Tower is a project-based Section 8 building that serves elderly and permanently disabled low-income residents.

The Severance Tower Local Advisory Council will be replacing their traditional community garden with an accessible garden and community space in order to facilitate the inclusion of disabled residents into the community garden program and to provide healthy food for residents of the building.

The project will benefit approximately 200 households. CDBG funds will contribute towards design and capital improvement expenses. The project is located at Severance Tower, 25 Severance Circle, Cleveland Heights, Ohio 44118.

Proposed: 6/21/2021

**RESOLUTION NO. 91-2021 (PD)**

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Start Right Community Development Corporation, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for its Food Bank Program; providing compensation therefor; and declaring an emergency.

WHEREAS, the Start Right Community Development Corporation's Food Bank provides emergency food supplies to needy families and individuals; and

WHEREAS, Start Right Community Development Corporation's Food Bank needs funding for operating expenses; and

WHEREAS, it would be in the best interest of the City and its residents to provide partial funding for the agency's programming; and

WHEREAS, there are monies available for such purpose from Year 47 Community Development Block Grant Funds.

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 and any related documents with the Start Right Community Development Corporation, a non-profit corporation, for assistance with the operating expenses of its emergency food program. The agreement shall provide for total funding in the amount of up to Ten Thousand Dollars (\$10,000) from Year 47 Community Development Block Grant funds. The services to be performed by the Start Right Community Development Corporation's Food Bank are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be subject to the approval 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 necessary services of the Start Right Community Development Corporation's Food Bank to continue uninterrupted. 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;

RESOLUTION NO. 91-2021

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

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. 91-2021

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

**START RIGHT COMMUNITY DEVELOPMENT CORPORATION'S FOOD BANK**

Start Right Community Development Corporation's Food Bank was opened in 2011 as part of the Cleveland Food Bank. Located at 977 Caledonia Avenue, Start Right Community Development Corporation's Food Bank will serve approximately 850 households. Start Right Community Development Corporation's Food Bank provides each eligible family a three-day supply of food once a month.

The Start Right Community Development Corporation's Food Bank service area includes the suburbs of Cleveland Heights and East Cleveland. CDBG funds will assist with the program delivery costs of the Start Right Community Development Corporation's Food Bank.



## CLEVELAND HEIGHTS

**Monday, May 24, 2021 Minutes**

### **COMMITTEE OF THE WHOLE**

6:40 – 7:45 p.m.

Mayor Stein presiding

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

Staff present: Anderson, Freeman, Hanna, Himmelein, Lambdin, Mecklenburg, Niermann O’Neil, Smith, Zamft

### **Executive Session**

6:41 – 7:45 p.m.

Council Member Hart 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; and 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. The motion was seconded by Council Member Cobb.

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

### **Motion Passed**

Council Member Dunbar made a motion to end Executive Session which was seconded by Council Member Hart.

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

### **Motion Passed**

### **CITY COUNCIL**

7:45 – 7:51 p.m.

Mayor 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.

## ADMINISTRATIVE SERVICES COMMITTEE

**ORDINANCE NO. 61-2021 (AS), Second 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, Seconded by Council Member Hart

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

**Legislation Passed**

## MUNICIPAL SERVICES COMMITTEE

**RESOLUTION NO. 64-2021 (MS), Second 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, Seconded by Council Member Hart

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

**Legislation Passed**

**NEXT MEETING OF COUNCIL: MONDAY, JUNE 7, 2021**

Respectfully submitted,

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Jason S. Stein, Mayor

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Amy Himmlein, Clerk of Council  
/jkc