

7. Enclosed is an update from the Parks and Recreation Director.
8. Enclosed is the weekly activity report from the Fire Chief.

TRB/jkw
Enclosures



COUNCIL UPDATE

MAY 26, 2017

1. LEGISLATION

- Energy Services Bond Sale (Second Reading). This ordinance provides for the issuance and sale of bonds in the maximum principal amount of \$6,050,000 for the purpose of paying costs of acquiring and installing energy conservation measures in City buildings and facilities.
- Chapter 911 Amendments. This ordinance establishes a Utilities Division and amends Chapter 911 of the Codified Ordinances to eliminate references to the Division of Water and the provision of water services.
- Sewer Rates (First Reading). This ordinance establishes sewer rates for a four year period beginning October 1, 2017.
- Consent Decree (First Reading). A Resolution authorizing the City Manager to enter into a Consent Decree relating to improvement of the environment and the City's sanitary sewer system.
- LGBT Month. A Resolution declaring June 2017, "LGBT Pride Month."
- Bottle House Lease. A Resolution authorizing the City Manager to enter into a lease agreement with Dos Neighbors LLC (dba Bottle House) to expand their outdoor dining at 2050 Lee Road.
- Coventry School LOI. A Resolution authorizing the City Manager to execute a non-binding Letter of Intent with the Cleveland Heights-University Heights City School District concerning a partnership relating to the sale of the Coventry School.
- Community Development Block Grant Funds
 - A Resolution authorizing the City Manager to enter into an agreement with the Cedar Taylor Development Association, a non-profit corporation,

for the use of Community Development Block Grant funds for assistance with the costs of the Association relative to the implementation of streetscape enhancements for the business district; providing compensation therefor.

- A Resolution authorizing the City Manager to enter into an agreement with the Cleveland Tenants Organization, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its telephone information services; 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 to provide funding for assistance with 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
- A Resolution authorizing the City Manager to enter into an agreement with the Heights Community Congress, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with its programs to educate on Diversity in our Community; providing compensation therefor
- 931 Nelaview. A Resolution declaring the property at 931 Nelaview Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.
- 3384 Silsby. A Resolution declaring the property at 3384 Silsby Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.

2. SEWER RATE

- The following table outlines the 2017-2020 rate schedule. Sewer rates cover the daily operations of the Sewer Maintenance Division and the new rates will also fund the projects required in the preliminarily approved EPA Consent Decree

including enhanced maintenance and management of the City’s sanitary sewers and several studies to determine the most cost effective approaches to eliminating sanitary sewer overflows to our watershed.

Effective Date	10/1/2017	10/1/2018	10/1/2019	10/1/2020
Rate per MCF	\$41.03	\$42.24	\$43.45	\$43.45
Average Monthly Bill	\$25.64	\$26.40	\$27.16	\$27.16

- The above rates include operating expenses such as personnel, materials, and equipment; small capital projects; debt service; incremental building of a 25% reserve by 2021 to prepare for major capital expenditures; EPA Consent Decree related projects; and, estimated costs of affordability programs.
- City Council has directed staff to develop affordability programs in order to assist low income residents and seniors, including a homestead rate. Those programs are currently being finalized and will be implemented prior to the effective date of the rate increase.

3. FINANCIAL FORECAST

- We are approaching the start of the budget process which in recent years has commenced in June with a presentation of the financial forecast. Since the first forecast was introduced in 2014, it has grown from a two year forecast to a five forecast of projected revenues across the City’s major operating funds. Given the timing of the start of the new Finance Director, the forecast will be presented this year in conjunction with the Tax Budget process which occurs in July. This will give Director Sabin a few weeks (with assistance from staff) to update the current forecast. I do not anticipate any major setbacks in the schedule as last year’s forecast is in good shape and will just require some fine tuning to incorporate new information.

4. CHECKS BETWEEN \$10,000 - \$50,000

- American Building and Kitchen - \$16,600.00: 3504 Meadowbrook Rd - Deferred Loan Program/Violations
- Bell Equipment Company - \$11,450.53: Parts/Labor to repair #842 Picked up
- Glaus, Pyle, Schomer, Burns - \$12,045.00: Traffic Signal System Inspection Services
- Lykins Oil Company - \$24,213.48: Uls Diesel Clear 15Ppm, #9 Lead Gas w/Ethanol
- Northeast Projections, Inc. - \$22,935.59: Camcorder 3 Sony PXW-Z100 w/4k Package
- Safebuilt Ohio - \$24,160.53: Building Inspection for March, 2017



CLEVELAND HEIGHTS

Committee of the Whole

May 30, 2017

Agenda

1. Mayor and City Council Updates
2. Staff Updates
3. Legislation Overview
4. Executive Session: 1) To consider the appointment of a public official

TO: TANISHA R. BRILEY, CITY MANAGER

FROM: SUSANNA NIERMANN O'NEIL, ASSISTANT CITY MANAGER

RE: COMMUNITY OUTREACH UPDATE

DATE: May 26, 2017

COMMUNITY RELATIONS:

- **Safety Town registration (a joint project with Community Relations and Recreation) on Wednesday night was a success with 43 of the 80 spots filling up in one night. Registration continues in Community Relations. Want to see our future? just meet those families registering their five year olds for Safety Town.**
- **Staff coordinated various races in the City including the annual Roxboro race and the upcoming Shaker nature Center events. There are at least 6 races every year that go thru Forest Hill Park.**
- **The annual Spring barking dogs complaints are coming in and reminder flyers are being sent out to the dog owners.**
- **Relocation packets were made available to realtors.**
- **Potter Village materials were printed and collated. Staff printed and distributed the Senior News to libraries and designated places.**

PUBLIC RELATIONS/SOCIAL MEDIA:

- **The Senior Forum this week on *Welcoming City/Immigration* was taped for Channel 20 and YouTube and will begin running next week**
- **The Charter Review Commission application is posted on the website along with the Resolution and the Council memo. Applicants can either email or mail their application. The deadline is Friday June 23rd .**
- **The draft of the EPA/City consent decree and the You Tube video of the meeting is on the Sewer information page. The page can be accessed by hitting the Sewer information icon on the homepage.**
- **Public Works updated information regarding the Noble and Cedar road projects is posted weekly and can be accessed by the Road project icon on the homepage.**
- **Facebook postings: for retrospect We are Noble; reminder of the Jason West memorial tonight at dusk ; Memorial day ceremony and closings reminder.**
- **E News went out regarding the Memorial Day ceremony and closings.**



MEMORANDUM

TO: Tanisha Briley-City Manager
FROM: Alex Mannarino-Director of Public Works
DATE: May 26, 2017
RE: Weekly Update

Cedar Road Resurfacing/Cedar-Fairmount Streetscape

Work is tentatively scheduled to begin at the bottom of Cedar Glen Parkway for the construction of the detention basin for the multi-purpose path.

Shelly company is scheduled to start work on laying the intermediate course of Asphalt from Westminster to Norfolk. They will start laying the surface course on Wednesday from Taylor Road to Maplewood.

Lee Road Streetscape

No new updates.

Noble Road Resurfacing (Cuyahoga County Project)

The county is continuing with the replacement of the curbs and driveway aprons along Noble Road.

Construction Project Updates

Mayfield Signalization

No new updates.

Dominion East Ohio

Cedar Road Accelerated Pipeline Replacement PIR-2083

Red Dirt Energy has one more connection (which is the Nighttown building) to make and they will be complete on the north side. Work has commenced making the initial connection at the intersection of Harcourt and Cedar on the south side of the road.

Service Department

All operations continued as normal.

Date: May 26, 2017

To: Tanisha Briley, City Manager

From: Collette Clinkscale, Utilities Commissioner

Subject: Utilities Department Weekly Update

Water

- Repaired service connection leak at 3879 Mayfield
- Repaired 6" street valve leaking at 1590 Compton
- Repaired 6" street valve leaking at Medford and Randolph
- Flushed curb boxes and turned off/on water per CWD request
- Normal investigation/inspection operations (investigated estimated and high reads)
- Prepped and cemented road holes Derbyshire, Coleridge, Overlook, Dartmoor, St. Albans and Vineshire
- Turned off CH delinquent accounts that required flushing

Sewer

- Ran sewer machine on Northampton, Inglewood, Meadowbrook, Compton, Parkhill, Queenston (2), Forest Hills Blvd, Clifford, Grandview, and Meadowbrook
- Worked a water detail prepping roadholes at Taylor and Monticello, Taylor and Edison and Coventry and at Avondale and Avondale at Eddington
- Inspected Overflows Routes A,B and C
- Repaired sewer lateral at 3879 Mayfield
- Cleaned sand out of bio-retention basin on Cumberland at Family Dollar (due to prior water main work)

Other

- Met on sewer-related issues

MEMORANDUM

To: Tanisha Briley, City Manager
From: Richard Wong, Planning Director
Date: May 26, 2017
Subject: Weekly Update

Edgehill Buffered Bike Lane

New NOACA Transportation Planner, Andrew Stahlke, presented the graph (below) showing a healthy ridership increase after the buffered bike lane was painted. The increase has remained above pre-bike lane counts. It will be interesting to see if the counts increase again after the intersection is rebuilt with a better design next year.



**ALEX HELPING
INSTALL THE
COUNTER**

EDGEHILL BIKE AND PEDESTRIAN COUNTS



CDBG Program Coordinator

Nancy McLaughlin's last day in the office in June 30. The job opening is posted on the City website and will also be in e-newsletters such as the National Community Development Association and the Ohio Conference of Community Development. Ideally, the new person would benefit from time with Nancy to help understand the City's processes and procedures and HUD's regulations.

Center Mayfield Meeting

Representatives of the neighborhood and Future Heights met with Tim, Brian and me to discuss actions that would guide the development of the now-vacant site toward a use that would be welcomed and beneficial. Bob Brown suggested changes to the zoning code all but one of which had already been accomplished years ago. Staff will carefully evaluate his suggestion to require all Center Mayfield buildings to be at least two stories.

Cleveland Heights
Economic Development



To: City Manager Tanisha Briley
From: Economic Development Director Tim Boland
Subject: Activities Report – May 26, 2017

Activities and Initiatives:

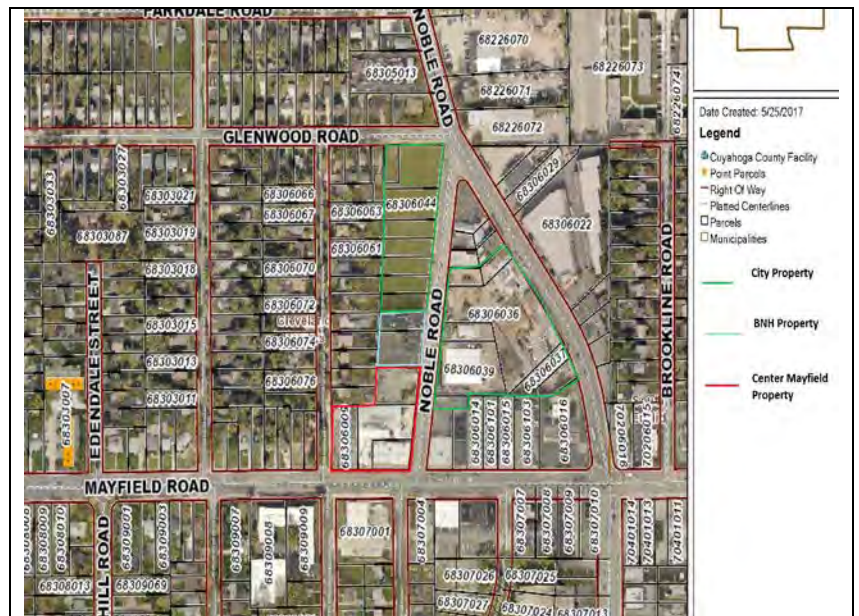
1. Economic Development Event

We will be hosting an Economic Development Breakfast on Thursday, June 22 at 8am at the Community Center. The program will feature a short presentation on economic development activities in the City. Additionally, speakers will be on hand to talk about access to capital and lending trends and programs available to Cleveland Heights businesses. An email invite has gone out to our distribution list.

2. Center Mayfield Planning Meeting

Economic Development staff, Planning Department staff and representatives from Future Heights and Noble Neighbors met on Thursday, May 25 to discuss development goals for the Center Mayfield site and surrounding area.

This meeting was scheduled by staff to follow-up on the charrette held by citizens on March 25.



3. Medical Marijuana

Based on feedback from Council, staff is proceeding with the drafting of legislation to create a medical marijuana license. Economic development staff and the law department continue to research the topic and what has been done by cities in Ohio and other medical marijuana

states. The goal is for staff to make a presentation to Council at the June 26 Committee of the Whole meeting and to have legislation ready for consideration at the July 3 Council Meeting. Buckeye Relief is currently identifying potential real estate options for a dispensary location in the City.

4. Business Retention Expansion Attraction Creation (BREAC) Initiative:

BREAC activity highlights include:

- Met with the owners of the BNH Office Building (2940 Noble Road) to discuss available space. They recently added a new tenant in 121 eCommerce, an e-commerce website developer, that has 10 employees
- Fallas at Severance is closing this weekend. Store employees indicated that this was related to issues with the lease and not the company's decision to close.
- Met with three existing businesses
- Assisted two potential startups
- Updating of listings on Available Properties web-based tool

5. Marketing & Outreach

- Staff attended the Future Heights annual meeting on Wednesday, May 24.
- The Economic Development Newsletter went out earlier this week. A copy is included in your packet.

6. Bottle House Patio Request

Dos Neighbors LLC, dba **The Bottle House** at 2050 Lee Road, has requested a lease/license to use property in the City's public right of way to expand their outdoor dining patio. Consistent with similar per square foot rates for other requests in the Cedar Lee District, staff recommends an annual fee of \$65. Legislation is included in your packet for consideration at the June 5 meeting.



Thank you,

Tim Boland

Economic Development Director

Having trouble viewing this email? [Click here](#)



CLEVELAND HEIGHTS Economic Development

May 2017

City to Pursue Top of the Hill Agreement with Flaherty & Collins

The City of Cleveland Heights' Top of the Hill project is moving ahead in the development process. City Council approved legislation to authorize the City to negotiate a memorandum of understanding with Flaherty & Collins Properties at the Monday, May 15, 2017 Council meeting.

"We are very pleased that Flaherty & Collins is enthusiastically interested in the Top of The Hill development. During the selection process last October, Flaherty & Collins was a strong contender for the project and they continue to be interested in partnering with us to develop the Top of the Hill," said City Manager Tanisha Briley. "We believe that says a lot about the interest and excitement surrounding this site and in new development in Cleveland Heights."



The Top of the Hill development is expected to consist of a mixed-use project incorporating residential, retail, office components, a hotel and a parking garage.

The decision to work with Flaherty & Collins as the development partner on this high profile City-owned property at the top of Cedar Hill comes after the City was unable to reach an agreement with Fairmount Properties. Flaherty & Collins was the other finalist in the RFQ process completed in 2016.

More information regarding the Top of the Hill development can be found on the [City's website](#).

MetroHealth System Announces Expansion at Severance Facility

MetroHealth recently announced a new investment in their Cleveland Heights facility with the addition of a 12-bed community hospital. The project recently received approval from the City to proceed with the expansion into 12,000 square feet of previously unused space at their

Severance Circle facility that they acquired from HealthSpan in 2015. This project is consistent with the goal of MetroHealth System to establish "micro-hospitals" in the suburban areas served by their medical office facilities.

"Patients and their families want to be as close to home as possible when it comes to receiving medical care, especially when it comes to hospitalization. The support the patients receive from their friends and family in a familiar setting, helps their recuperation," said Akram Boutros, MD, FACHE, president and CEO of MetroHealth.

The project is expected to create 25 jobs and \$1.5 million in new payroll. This will increase MetroHealth's employment in Cleveland Heights to approximately 167 employees. The total investment by MetroHealth is estimated at \$25 million. The expansion is expected to be completed this year and open in January of 2018.



City Announces Food Truck Pilot Program

For the 2017 season, food trucks are permitted to operate on private property in conjunction with an approved outdoor dining conditional use permit.

[>>>City Press Release](#)

The City will review data from this initial season to determine any additional changes or alterations to the City's food truck policy for 2018 and beyond.

Food trucks interested in operating under this pilot program are required to obtain a Mobile Food License from the City's Economic Development Department.

[>>>Mobile Food License Application](#)



Tools for Success: Storefront Renovation Program

The Cleveland Heights Storefront Renovation Program is an exterior rehabilitation program that combines financial incentives (rebate and/or loan) with free City design assistance. Eligible rehabilitation costs include: storefront, windows, doors, painting or cleaning treatments, bulkheads, masonry repairs, paving, lighting, awnings and landscaping. Roofing is covered if part

of a larger project in order to protect the investment in the façade. Signage may be included if it is part of a larger comprehensive rehabilitation project. Funding is limited and projects are competitively reviewed.

Rebates of up to \$25,000 and no interest loans of up to \$100,000 are available for properties and projects that qualify.

Please contact Business Development Manager Brian Anderson at 216-291-2617 or banderson@clvhts.com City Planner Kara O'Donnell at 216-291-4885 or kodonnell@clvhts.com for more details.

City of Cleveland Heights
Economic Development
Contact Us

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Memorandum

To: Tanisha Briley, City Manager
From: Joseph P. McRae, Parks and Recreation Director
Subject: Parks and Recreation Department Update
Date: May 26, 2017

Please find a brief summary of the Parks and Recreation Department announcements and activities attached for your review:

General Announcements

- Resident Day at the Cain Park box office will take place from 9am – 5pm this Saturday, May 27. Residents can purchase tickets for the upcoming summer season.
- Summer pool passes for the 90th Anniversary season of Cumberland Pool are on sale at the Community Center. The pool opens on Saturday, June 3.
- The 2017 Cain Park musical production is the Tony-nominated Broadway musical “Rock of Ages”. The show premieres on Thursday, June 8 and runs through Sunday, June 25 at the Alma Theater.
- Construction for the replacement of Turtle Tot Lot playground equipment will start on Monday, June 5. The project will take approximately 5-7 business days to complete. This is a 2017 CIP project.
- The Community Center will be closed on Monday, May 29 for Memorial Day.
- Registration for the Safety Town summer sessions took place on May 24. There are some spots still available. The program teaches traffic safety to kindergarten age kids.

Senior Center

Activities for the week included:

- This year’s Older Americans’ Month Commission on Aging Annual Forum focused on Cleveland Heights as a Welcoming City and looked at immigration in the area.
- The seniors enjoyed the first Salad Bar luncheon of the season.
- The Pickle Ball group moved their play outside to Denison Park for the summer season.



Cleveland Heights Fire Department

Weekly Activity Report

Total Emergency Calls Year To Date	2,528
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Total Emergency Calls for Period	131
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Report Date Period: 05/19/2017 - 05/26/2017

Fire Data

	<u>Current Period</u>	<u>Year to Date</u>	<u>Last Year to Date</u>	<u>Current Year % of Run Count</u>
Emergency Fire Run Count	20	444	436	18.20 %
Emergency Structure Fire Count	1	32	26	
Emergency Non Structure Fire Count	19	409	402	
Emergency Vehicle Fire Count		3	8	

Emergency Medical Data

Total Emergency Run Count	111	2,084	2,015	81.80 %
Emergency Medical Run Count	107	2,028	1,948	
Automobile Accident Run Count	4	56	67	
Advanced Life Support Run Count	37	593	543	
Basic Life Support Run Count	72	1,485	1,463	
Total EMS Transports	75	1,371	1,326	
Total EMS Non Transports	30	619	597	

Mutual Aid Run Count to Date

Mutual aid received	SEFD A - 11 SHFD A - 13 ECFD A - 3 UHFD A - 13
Mutual aid given	SEFD A - 17 SHFD A - 12 ECFD A - 11 UHFD A - 7
Automatic aid received	SEFD A - 2 SHFD A - 5 ECFD A - 2 UHFD A - 3
Automatic aid given	SEFD A - 0 SHFD A - 10 ECFD A - 0 UHFD A - 8

<u>Fire Prevention Bureau</u>	<u>Current Period</u>	<u>Year to Date</u>
Total Completed Fire Inspections	4	725
Company Fire Inspections		38
Fire Prevention Fire Inspections		30
Fire Alarm Test Inspections		3
Kitchen Supression Test Inspections		2
Sprinkler Test Inspections		6
Other Inspections	4	646
Smoke Detectors Distributed		2

Proposed: 5/15/2017

ORDINANCE NO. 52-2017 (F),
Second Reading

By Council Member Ungar

An ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$6,050,000 for the purpose of paying costs of acquiring and installing energy conservation measures in City buildings and facilities, and declaring an emergency.

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 improvement described in Section 2 is at least five years and the estimated maximum maturity of the Bonds described in Section 2 is 20 years;

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

SECTION 1. Definitions and Interpretation. 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 \$5,000 or any whole multiple thereof.

“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 bank or trust company appointed pursuant to Section 4 or in the Certificate of Award as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bond Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 4.

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bond certificates in fully registered form

ORDINANCE NO. 52-2017 (F)

are issued by the City only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository or its agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

“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.

“City Manager” means the City Manager of the City (including, as used in this Ordinance, any Acting City Manager).

“Clerk of Council” means the Clerk of Council of the City (including, as used in this Ordinance, any Acting or Interim Clerk of Council).

“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.

“Continuing Disclosure Agreement” means the Continuing Disclosure Agreement, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 6, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Fiscal Officer” means the Director of Finance of the City (including, as used in this Ordinance, any Acting or Interim Director of Finance).

“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, 2018.

ORDINANCE NO. 52-2017 (F)

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

“Participant” means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

“Principal Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in each of the years from and including 2018 to and including 2037, 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.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

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 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 in one lot in the maximum principal amount of \$6,050,000 (the Bonds) for the purpose of paying costs of acquiring and installing energy conservation measures in City buildings and facilities, together with all incidental work and related appurtenances thereto.

The aggregate principal amount of Bonds to be issued shall not exceed \$6,050,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to 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 (except any premium and accrued interest) 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 representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. 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.

ORDINANCE NO. 52-2017 (F)

(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 in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other such fiscal year and (ii) the true interest cost of the Bonds shall not exceed 6%.

(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 and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Optional Redemption. The Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in whole multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that (i) the earliest optional redemption date shall not be more than 10½ years after the Closing Date and (ii) the redemption price for the earliest optional redemption date shall not be greater than 102%.

(ii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the

ORDINANCE NO. 52-2017 (F)

Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any whole multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iii) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(iv) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to Section 7, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called

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for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

SECTION 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager 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.

U.S. Bank National Association is hereby appointed as the initial Bond Registrar; provided, however, that the Fiscal Officer is authorized to appoint a different Bond Registrar in the Certificate of Award after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The City Manager and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

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; Book Entry System.

(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. Subject to the provisions of Section 6, the person in whose

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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 designated in the Certificate of Award or, if not so designated, then at the principal corporate trust 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 designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated

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agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

SECTION 6. Award and Sale of the Bonds.

(a) To the Original Purchaser. The Bonds shall be sold at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall 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, 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 voted 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 voted 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 Mayor, Vice Mayor, City Manager, Director of Finance, Director of Law, Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

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(b) Primary Offering Disclosure – Official Statement. The City Manager and the Fiscal Officer, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Fiscal Officer are authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Director of Law and/or bond or other qualified independent special counsel selected by the City. The Fiscal Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and

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on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the obtaining of that bond insurance.

The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, to the extent not paid by the Original Purchaser, 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. During the year or years in which the Bonds are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year, to the extent other money is lawfully available for the payment of debt charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of 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, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon 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 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

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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.

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 Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. 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, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

SECTION 12. Retention of Municipal Advisor. The services of Ehlers & Associates, Inc., as municipal advisor, be and are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, 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 municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory 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, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

SECTION 13. 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 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 in order to enable the City to sell the Bonds, which is necessary to enable the City to enter into contracts for the improvement which is needed to reduce energy consumption in City buildings and facilities and related costs; 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.

CHERYL L. STEPHENS, Mayor
President of Council

MITCH MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 6/5/2017

RESOLUTION NO. (CRR)

By Council Member

A Resolution declaring June 2017, “LGBT Pride Month;” and declaring an emergency.

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

WHEREAS, forty (41) years ago, in 1976, this Council committed itself to a Resolution establishing the “Nine-Point Plan” to promote a well-maintained, full-service residential community that is racially, religiously, and ethnically diverse; and

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

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

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

WHEREAS, in 2003, the citizens of Cleveland Heights initiated and passed an ordinance to provide for the establishment of a domestic partner registry; and

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

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

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

RESOLUTION NO. (CRR)

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

WHEREAS, many communities and organizations across the United States will celebrate June 2017 as “LGBT Pride Month” to recognize the significance that LGBT Americans have made throughout our nation’s history.

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

SECTION 1. This Council does hereby (i) proclaim June 2017, “LGBT (lesbian, gay, bisexual, and transgender) Pride Month;” (ii) recognize the LGBT community for its many and varied contributions that have enriched our civic life; (iii) celebrate the progress made in creating a society more inclusive and accepting of the LGBT community; and (iv) affirm continued efforts to break down the walls of fear and prejudice and work to build a bridge to understanding and tolerance, until the members of the LGBT community are afforded the same rights and responsibilities as other Americans.

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 join with other communities in this celebration in a timely manner. Wherefore, provided it received the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take 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. (CRR)

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 6/5/2017

RESOLUTION NO. (PD)

By Council Member

A Resolution authorizing the City Manager to enter into a lease agreement with Dos Neighbors LLC (dba Bottle House) to expand their outdoor dining at 2050 Lee Road; and declaring an emergency.

WHEREAS, Dos Neighbors LLC (dba Bottle House), has indicated its interest in leasing a portion of the City's public right of way to expand their outdoor dining to allow for additional spacing as shown in Exhibit A; and

WHEREAS, the City has determined that said property is not presently used for municipal purposes and does not anticipate that it will be needed for a future municipal purpose; and

WHEREAS, this Council has determined expanding outdoor dining at the Bottle House at 2050 Lee Road is in the best interests of the City and its residents.

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

SECTION 1. The City Manager be, and she is hereby, authorized to execute a lease agreement and all necessary documents with Dos Neighbors LLC (dba Bottle House) for the lease of approximately 30 square feet of city property as shown in the drawing attached hereto as Exhibit A and incorporated herein by reference. The purpose of the lease shall be to expand outdoor dining at 2050 Lee Road and shall be for Six- Five Dollars (\$65) per year for a term of five (5) years. The lease agreement shall contain such other terms as recommended by the City Manager and Director of Law and shall be approved, as to form, by the Director of Law.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet contractual deadlines during the construction season. 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. (PD)

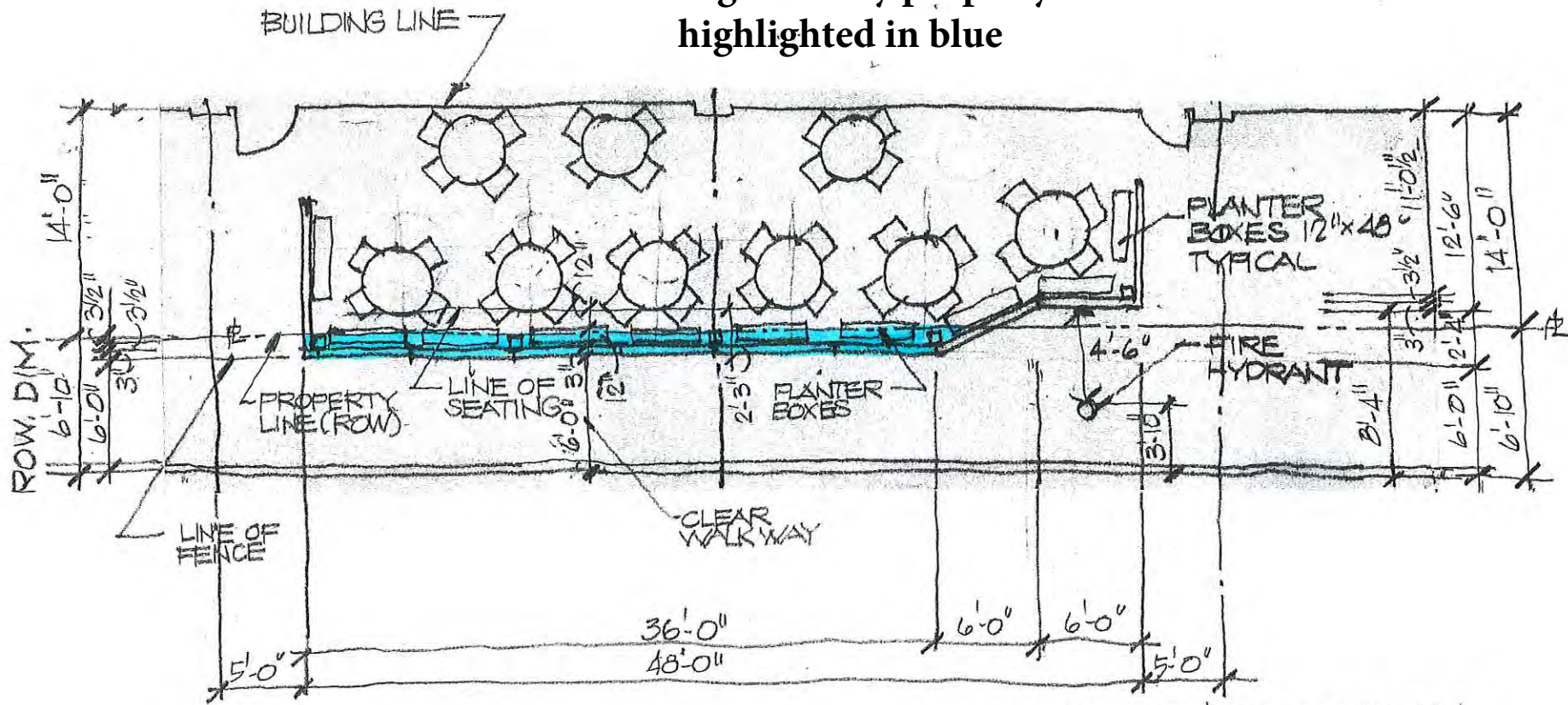
CHERYL L. STEPHENS, Mayor
President of the Council

MITCH MICHALEC
Acting Clerk of Council

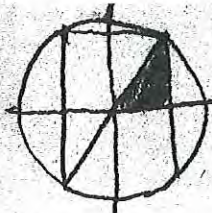
PASSED:

Exhibit A

Right of way property
highlighted in blue



SEATING & ROW PLAN
1/8" = 1'-0"



**CIVITAD
SERVICES, LLC**

COMMUNITY IMAGE + VISION IMPLEMENT
THROUGH ARCHITECTURE & DEVELOPMENT
8951 ORANWOOD ORANGE VILLAGE
BLVD #2100 - 212-468-1875

BOTTLE HOUSE PATIO 2.1 OF 4

LEE ROAD @ WASHINGTON BLVD.
CLEVELAND HTS., OHIO

5/3/17
5/5/17

Proposed: 6/5/2017

RESOLUTION NO. (PSH)

By Council Member

A Resolution declaring the property at 931 Nelaview Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.

WHEREAS, the City Manager has reported to this Council that the residential property known as 931 Nelaview Road, owned by Leroy Burfitt III, is currently vacant, structurally unsound, and hazardous; and

WHEREAS, the City Manager has further reported that the subject property was severely damaged by a fire on January 4, 2015; and

WHEREAS, the City Manager has further reported that the owner of the subject property was cited by the Housing Inspection Department for numerous housing code violations on the property since at least August 2014 and no progress was made toward correction of the violations prior to the fire; and

WHEREAS, the City Manager and Certified Building Official have further reported that the property is a hazard to the health, safety, and welfare of potential occupants, adjoining properties, and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring properties.

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

SECTION 1. This Council hereby finds and determines that the premises known as 931 Nelaview Road, owned by Leroy Burfitt III, is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and hereby declares said property to be a public nuisance pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights.

SECTION 2. The City Manager is authorized and directed to cause the nuisance to be abated in accordance with Chapter 553 of the Codified Ordinances of the City of Cleveland Heights or in any manner determined to be appropriate and in accordance with law.

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

RESOLUTION NO. (PSH)

immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being that the condition of the property is so hazardous that it must be abated at the earliest time permitted by law. 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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 6/5/2017

RESOLUTION NO. (PSH)

By Council Member

A Resolution declaring the property at 3384 Silsby Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance; and declaring an emergency.

WHEREAS, the City Manager has reported to this Council that the residential property known as 3384 Silsby Road, owned by Alfons E. Hulsman, is currently vacant, is in a state of severe disrepair, and hazardous; and

WHEREAS, the City Manager has further reported that the owner of the subject property has been cited by the Housing Inspection Department for numerous housing code violations on the property since at least August 2010 and no progress has been made toward correction of the violations; and

WHEREAS, the City Manager has further reported that the property has deteriorated over the years to the point that it is a hazard to the health, safety, and welfare of potential occupants and the public and is a blighting and deteriorating factor in the neighborhood adversely affecting the value of neighboring property.

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

SECTION 1. This Council hereby finds and determines that the premises known as 3384 Silsby Road, owned by Alfons E. Hulsman, is in a state of disrepair to the extent that it constitutes a health and safety hazard and a blighting influence and hereby declares said property to be a public nuisance pursuant to Chapter 553 of the Codified Ordinances of the City of Cleveland Heights.

SECTION 2. The City Manager is authorized and directed to cause the nuisance to be abated in accordance with Chapter 553 of the Codified Ordinances of the City of Cleveland Heights or in any manner determined to be appropriate and in accordance with law.

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 that the condition of the property is so hazardous that it must be abated at the earliest time permitted by law. Wherefore, provided it

RESOLUTION NO. (PSH)

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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 6/5/2017

RESOLUTION NO. (PD)

By Council Member

A Resolution authorizing the City Manager to execute a non-binding Letter of Intent with the Cleveland Heights-University Heights City School District concerning a partnership relating to the sale of the Coventry School; and declaring an emergency.

WHEREAS, the Board of Education of the Cleveland Heights-University Heights City School District ("School District") wishes to explore the possibility of a sale of the Coventry School Building property located at 2843 Washington Boulevard to the City; and

WHEREAS, School District proposes to sell the Property to the City pursuant to Ohio Revised Code Section 3313.41(C); and

WHEREAS, the School District wishes to execute a non-binding Letter of Intent with the City outlining the agreement to work cooperatively toward the sale of the Coventry School Building property to the City, with the expectation that the School District and the City will enter into a definitive purchase and sale agreement at a later date; and

WHEREAS, this Council has determined it is in the best interest of the City and its residents to consider said sale by authorizing the execution of the Letter of Intent.

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

SECTION 1. The City Manager be, and she is hereby, authorized to execute a non-binding Letter of Intent with the Board of Education of the Cleveland Heights-University Heights City School District ("School District") to explore the possibility of a sale of the Coventry School Building property located at 2843 Washington Boulevard (hereafter referred to as the "Property") to the City. Said letter shall evidence the intent of the School District and the City to work cooperatively toward the sale of the Property to the City, with the expectation that the School District and the City may enter into a definitive purchase and sale agreement at a later date. Any such purchase and sale agreement shall be subject to final approval by the School District and this Council. Said Letter of Intent shall be substantively similar to letter on file with the Clerk of Council and approved as to form by the Director of Law.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the

RESOLUTION NO. (PD)

inhabitants of the City of Cleveland Heights, such emergency being the need to search for developers and continue negotiations with the School District in good faith. 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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 6/5/2017

RESOLUTION NO. (F)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Cedar Taylor Development Association, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the costs of the Association relative to the implementation of streetscape enhancements for the business district; providing compensation therefor; and declaring an emergency.

WHEREAS, the Cedar Taylor Development Association will be implementing streetscape enhancements that would benefit the district and the City; and

WHEREAS, it would be in the best interest of the City and its residents to provide partial funding for these activities; and

WHEREAS, there are monies available for such purpose from Year 43 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 with the Cedar Taylor Development Association, a non-profit corporation, for financial assistance with costs relative to the implementation of streetscape enhancements for the business district. The agreement shall provide for funding in the amount of up to Ten Thousand Dollars (\$10,000). All monies shall be from Year 43 Community Development Block Grant funds. The services to be performed by the Cedar Taylor Business Association are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a one year period commencing July 1, 2017, and terminating June 30, 2018, and shall be subject to the 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.

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

RESOLUTION NO. (F)

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

RESOLUTION NO. (F)

EXHIBIT A
STATEMENT OF WORK

CEDAR TAYLOR BUSINESS ASSOCIATION

The Cedar Taylor Business Association is a voluntary not-for-profit organization dedicated to the continued growth of the Cedar Taylor business district. There are approximately 30 businesses in the district.

The Business Association strives to improve the economic viability of the Cedar Taylor district through routine streetscape management, neighborhood marketing and promotion of the business district. CDBG funds will assist with the implementation of streetscape enhancements.

Proposed: 6/5/2017

RESOLUTION NO. (F)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Cleveland Tenants Organization, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its telephone information services; providing compensation therefor; and declaring an emergency.

WHEREAS, the Cleveland Tenants Organization, a non-profit corporation, provides advice and assistance to tenants and landlords in the greater Cleveland area regarding housing matters; and

WHEREAS, the City has previously entered into agreements with the Cleveland Tenants Organization for partial funding of its telephone information services which provide information about the Ohio Landlord-Tenant laws and Fair Housing laws to low and moderate income residents of the City; and

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

WHEREAS, there are monies available for such purpose from Year 43 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 with the Cleveland Tenants Organization, a non-profit corporation, for assistance with telephone information services for tenants and landlords. The agreement shall provide for funding in the amount of up to Seven Thousand Dollars (\$7,000) from Year 43 Community Development Block Grant funds. The services to be performed by the Cleveland Tenants Organization are set forth in the Work Program attached hereto as Exhibit A and incorporated herein. The agreement shall be for a one year period commencing July 1, 2017, and terminating June 30, 2018, and 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

RESOLUTION NO. (F)

inhabitants of the City of Cleveland Heights, such emergency being the need to allow the Cleveland Tenants Organization to continue to provide these necessary services 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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

RESOLUTION NO. (F)

EXHIBIT A
STATEMENT OF WORK

CLEVELAND TENANTS ORGANIZATION

Cleveland Tenants Organization will continue to provide landlord-tenant counseling through their telephone information service. Cleveland Heights' tenants and landlords with questions about their rights, responsibilities or remedies under local, state and Federal landlord tenant laws will be assisted. CDBG funds will assist with personnel costs.

Proposed: 6/5/2017

RESOLUTION NO. (F)

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 to provide funding for assistance with its Family School Connections Program; providing compensation therefor; and declaring an emergency.

WHEREAS, Family Connections of Northeast Ohio is a non-profit corporation with the mission to strengthen families and promote the healthy development of children by providing parent educations, 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 43 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 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 (\$20,000) from Year 43 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 for a twelve month period commencing July 1, 2017, and terminating June 30, 2018, and shall be reviewed as to form by the Director of Law.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to allow the services of the 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

RESOLUTION NO. (F)

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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

RESOLUTION NO. (F)

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 200 families. CDBG funds will contribute towards personnel expenses. The program will be offered at all Cleveland Heights Elementary Schools.

Proposed: 6/5/2017

RESOLUTION NO. (F)

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 and University Heights through innovative ideas and civic engagement; and

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

WHEREAS, there are monies available for such purpose from Year 43 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 with FutureHeights, a non-profit corporation, for assistance with its Community Capacity Building Program. The agreement shall provide for funding in the amount of up to Thirty Thousand Dollars (\$30,000) from Year 43 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 for a period commencing July 1, 2017, and terminating June 30, 2018, and 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 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.

RESOLUTION NO. (F)

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

RESOLUTION NO. (F)

EXHIBIT A
STATEMENT OF WORK

FUTUREHEIGHTS

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

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

1. Resident Engagement and Recruitment for Leadership Program
2. Developing a neighborhood leadership workshop series
3. Ongoing community building work in neighborhoods, including staff support and mini-grants.

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

Proposed: 6/5/2017

RESOLUTION NO.

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 access much needed 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 43 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 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 Five Thousand Dollars (\$5,000) from Year 43 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 for a one year period commencing July 1, 2017, and terminating June 30, 2018, and 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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

RESOLUTION NO.

EXHIBIT A
STATEMENT OF WORK

GESHER

Gesher is an initiative of Agudath Israel Midwest Region 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.

Proposed: 6/5/2017

RESOLUTION NO.

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Heights Community Congress, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with its programs to educate on Diversity in our Community; providing compensation therefor; and declaring an emergency.

WHEREAS, the City has previously entered into agreements with the Heights Community Congress ("HCC") under which the City has provided partial funding for HCC's educational and investigative programs to educate on Diversity in our Community; and

WHEREAS, the City and its residents benefit from HCC's programs that promote a high-quality, integrated community and it would be in their best interest to provide partial funding for the agency's programming; and

WHEREAS, there are monies available for such purpose from Year 43 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 with the Heights Community Congress, a non-profit corporation, for a grant of up to Six Thousand Dollars (\$6,000) from 43rd year Community Development Block Grant funds for assistance in HCC's educational programs on Diversity in our Community. The services to be performed by the Heights Community Congress are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. This agreement shall be for a one-year period commencing July 1, 2017 and terminating June 30, 2018, and shall be in a form approved by 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.

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 continue the services of the Heights Community Congress 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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

RESOLUTION NO.

EXHIBIT A
STATEMENT OF WORK

HEIGHTS COMMUNITY CONGRESS

Heights Community Congress (“HCC”) operates fair housing programs that promote an integrated community. Its purpose is two-fold: encouraging an open, balanced housing market throughout Cleveland Heights and the eastern suburbs resulting in integrated communities and neighborhoods; and instilling a sense of community and spirit of involvement among residents of all races, cultures, ethnic heritages and socio-economic levels. HCC will provide diversity programming including adult discussion groups on diversity related topics and sponsoring activities that highlight the racial and cultural diversity of Cleveland Heights. CDBG funds will assist with personnel expenses.

Proposed: 6/5/2017

RESOLUTION NO. (MS), *First Reading*

By Council Member

A Resolution authorizing the City Manager to enter into a Consent Decree relating to improvement of the environment and the City's sanitary sewer system; and declaring an emergency.

WHEREAS, the City of Cleveland Heights ("City") is committed to responsible environmental stewardship; and

WHEREAS, the efficient management, operation, and maintenance of the City's sanitary sewer system will directly benefit the quality of water in the City and the entering Lake Erie watershed; and

WHEREAS, the City intends to comply with the Clean Water Act with regard to discharge from the sanitary sewer system; and

WHEREAS, the City's sanitary and storm sewer systems were designed and built over one hundred (100) years ago under accepted engineering practice for the time; and

WHEREAS, over the years, the sewer system has developed the need for improvement and compliance with current engineering practices; and

WHEREAS, the proposed Consent Decree reflects the agreement among the City, the United States Environmental Protection Agency, and the Ohio Environmental Protection Agency; and

WHEREAS, the proposed Consent Decree will lead to enhanced management, operation, and maintenance of the sanitary sewer system and will lead to a plan for capital improvement, to be negotiated in a second consent decree.

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

SECTION 1. The City Manager shall be and is hereby authorized to enter into an agreement in the form of a Consent Decree with the United States Environmental Protection Agency and the Ohio Environmental Protection Agency. Said decree shall be substantially similar to the negotiated draft dated on or about May 17, 2017, a copy of which is available from the Clerk of Council, and shall be approved as to 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. (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 to begin implementing improvements of the sewer system and maintaining compliance with EPA mandates. 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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

Proposed: 6/5/2017

ORDINANCE NO. (MS)

By Council Member

An Ordinance establishing a Utilities Division and amending Chapter 911, “Water and Sewer Rates and Regulations,” of the Codified Ordinances of Cleveland Heights; and declaring an emergency.

WHEREAS, the City of Cleveland Heights moved from a Master Meter community to a Direct Service community with Cleveland Water which eliminates the need for a Division of Water; and

WHEREAS, the City remains responsible for the maintenance of sanitary sewage and storm water drainage collection systems in Cleveland Heights; and

WHEREAS, Chapter 911, “Water and Sewer Rates and Regulations,” of the Codified Ordinances of Cleveland Heights establishes water and sewer rates and related functions; and

WHEREAS, Ohio Revised Code Section 729.49 authorizes Council to set a schedule for sewerage rates and does not require that said rates be codified; and

WHEREAS, the City is committed to developing affordability programs including a homestead sewer rate for eligible seniors and seeks flexibility in developing programs and lowering sewer rates whenever feasible; and

WHEREAS, this Council has determined that in light of the above, it is in the best interests of the City and its residents that a “Division of Utilities” be established and that Chapter 911, “Water and Sewer Rates and Regulations,” of the Codified Ordinances of Cleveland Heights be renamed “Sewer Rates and Regulations,” and further amended to reflect the needed changes in operation concerning the City’s utilities.

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

SECTION 1. A “Division of Utilities” is hereby established and shall be charged with the duty to manage and maintain the sanitary sewage and storm water drainage collection systems throughout the City.

SECTION 2. Chapter 911, “Water and Sewer Rates and Regulations,” of the Codified Ordinances of Cleveland Heights shall be, and is hereby, renamed “Sewer Rates and Regulations” and shall be enacted and adopted in its entirety to read as Exhibit A attached hereto and incorporated herein. A complete copy of Exhibit A is also on file with the Clerk of Council.

SECTION 3. The existing Chapter 911 shall be, and is hereby, repealed in its entirety.

ORDINANCE NO. (MS)

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

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to implement said changes as soon as possible to assure that there is no confusion concerning water or sewer rates. 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.

CHERYL L. STEPHENS, Mayor
President of the Council

MITCHELL MICHALEC
Acting Clerk of Council

PASSED:

**CHAPTER 911
SEWER RATES AND REGULATIONS**

911.01 LOCAL SEWAGE CHARGES ESTABLISHED; COMPUTATION AND BILLING OF LOCAL AND SEWER DISTRICT CHARGES.

To provide the necessary funds for the service and maintenance of the sanitary sewage and storm water drainage collection systems within the City, there is hereby levied against each consumer in the City a local sewer charge equal to the sum and method established by Council through passage of a resolution.

911.02 FLUSHING CLOGGED BUILDING SEWER; SERVICE FEE.

(a) Upon request of a property owner of the City when a building sewer between the building drain and the public sewer has become clogged and provided a cleanout or other accessible entry is reasonably available, the Department of Public Service is authorized to flush such sewer with water or remove the blockage in order to open the same.

(b) This service includes the flushing of sewers and the use of the City sewer equipment only, and does not include or require City employees to excavate, make repairs or do other work for the property owner which may be necessary in order to perform the service.

(c) The work shall be done by City employees provided the property owner agrees to pay a service fee of one hundred dollars (\$100.00) if the work is done during regular City business hours and two hundred dollars (\$200.00) if the work is done at any time other than regular City business hours.

(d) The homestead service fee for flushing clogged sewers shall be fifty dollars (\$50.00) if the work is done during regular City business hours and one hundred dollars (\$100.00) if the work is done at any time other than regular City business hours. This lower rate shall be available to those low/moderate income elderly and disabled homeowners who receive the homestead rate for sewage treatment services.

(e) The fee for televising sewers shall be the sum of one hundred dollars (\$100.00).

911.03 CONSTRUCTION OF SEWERAGE IMPROVEMENTS.

The City hereby approves and adopts the Uniform Standards for Sewerage Improvements, as formulated by the Committee on Uniform Standards. A copy of such Uniform Rules, Regulations and Standards is on file in the Office of the Utilities Commissioner.

911.04 CHARGES A LIEN; RECOVERY OF UNPAID CHARGES; NOTICE.

(a) The charges for sewage treatment, maintenance, and disposal provided for by this Chapter shall constitute a lien upon the property so served, as shown by the records of the Department of Public Service, and if not timely paid may be certified to the County Fiscal Officer for collection as other taxes and assessments are collected or the City may seek recovery of such costs by civil action against the property owner involved.

ORDINANCE NO. (MS)

(b) Prior to said certification, the City shall serve the property owner with notice of the lien and an explanation of the hearing process set forth in Section 911.10 herein. The notice shall additionally state that failure to timely pay or timely request a hearing shall result in the charge being certified to the County Fiscal Officer for collection as other taxes and assessments are collected.

911.04 SERVICE OF NOTICES

Unless otherwise noted, all notices issued pursuant to this Chapter shall be served by delivering it personally to the property owner or by posting it in a conspicuous place on the real estate, building, or structure involved, or by first-class mail to the last known address of the property owner, or by publishing it once in a newspaper of general circulation within the City if it cannot be served in any of the other ways above mentioned.

911.05 UTILITIES REVIEW BOARD.

(a) There is hereby created a Utilities Review Board consisting of the City Manager or designee, the Director of Housing or designee, and the Director of Public Works or designee.

(b) The Utilities Review Board shall conduct hearings concerning liens issued pursuant to this Chapter. The Board shall have the power to approve, amend, modify, reverse or vary any liens issued pursuant to this Chapter.

(c) The presence of two (2) members shall constitute a quorum. Any action of the Board shall require two (2) affirmative votes.

911.10 HEARING BEFORE THE UTILITIES REVIEW BOARD

(a) Any person issued a lien notice pursuant to this Chapter may by request a hearing before the Utilities Review Board.

(b) A hearing request must be made in writing and received by the Director of Law within fourteen (14) calendar days of the date of the service of the notice, except first-class mail class service must be received within seventeen (17) calendar days of the date of mailing.

(c) The hearing shall be held within a reasonable time from receipt of the request to appeal. The appellant shall be given at least fourteen (14) calendar days' notice of the date, time, and location of the hearing and shall have the opportunity to present evidence to the Board and cross examine any sworn witnesses presented by the City. The hearing shall proceed in a manner prescribed by the Board.

(d) After said hearing, the Board shall render a written decision affirming, modifying, or rejecting the lien and may include payment of costs. The Board shall notify the property owner of its decision by first-class mail. If the determination includes payment of costs, the decision should include an order to pay said costs within thirty (30) calendar days and statement that failure to timely pay will result in certification of the costs to the County Fiscal Officer for collection as other taxes and assessments are collected.

ORDINANCE NO. (MS)

(f) If within thirty (30) calendar days after the mailing of the Board's order, costs are not paid, said costs shall be certified to the County Fiscal Officer for collection as other taxes and assessments are collected.

Proposed: 6/5/2017

RESOLUTION NO. (MS), *First Reading*

By Council Member

A Resolution establishing sewer rates pursuant to Cleveland Heights Codified Ordinance Section 911.01, effective October 1, 2017; and declaring an emergency.

WHEREAS, it is necessary to make significant improvements to the City's sanitary sewage and storm water drainage collection systems; and

WHEREAS, the current revenue is inadequate to fund said improvements necessitating an increase in rates as set forth herein; and

WHEREAS, Council is authorized under Ohio Revised Code Section 729.49 and Section 911.01 of the Codified Ordinances of the City of Cleveland Heights to establish sewer rates;

WHEREAS, the City is committed to developing affordability programs including a homestead sewer rate for eligible seniors and shall establish such programs prior to October 1, 2017.

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

SECTION 1. The following sewer rates are hereby established:

Effective October 1, 2017	\$41.03 per 1,000 cubic feet of water consumed
Effective October 1, 2018	\$42.24 per 1,000 cubic feet of water consumed
Effective October 1, 2019	\$43.45 per 1,000 cubic feet of water consumed
Effective October 1, 2020	\$43.45 per 1,000 cubic feet of water consumed.

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 generate adequate funding to remediate the City's sanitary sewage and storm water drainage collection systems. 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. (MS)

CHERYL L. STEPHENS, Mayor
President of the Council

MICHELL MICHELAC
Acting Clerk of Council

PASSED: