



## COUNCIL UPDATE

June 2, 2020

### MEETINGS & REMINDERS

Please note meetings are being held as webinars and conference calls. Information for residents to participate may be found on the [clevelandheights.com](http://clevelandheights.com) calendar.

|                    |   |           |   |                                    |
|--------------------|---|-----------|---|------------------------------------|
| Monday, June 8     | - | 5:00 p.m. | - | Planning and Development Committee |
| Wednesday, June 10 | - | 7:00 p.m. | - | Planning Commission                |
| Thursday, June 11  | - | 6:00 p.m. | - | Administrative Services Committee  |
| Monday, June 15    | - | 6:30 p.m. | - | Committee of the Whole             |
|                    | - | 7:30 p.m. | - | City Council                       |

### LEGISLATION

- **Recusal Process, Second Reading.** An Ordinance amending Section 111.21, "Voting," of Chapter 111, Council, of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights to allow Council members to recuse themselves from voting due to a conflict of interest
- **Chapter 943, Second Reading.** An Ordinance amending Chapter 943, "Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures," of Part Nine, Streets, Utilities and Public Services Code of the Codified Ordinances of Cleveland Heights
- **Revenge Porn Victim Protection, Third Reading.** An Ordinance amending Chapter 749, "Fair Practices" to include the nonconsensual dissemination of a person's private sexual images as a prohibited, discriminatory rationale for the purposes of fair employment, education, and housing practices.
- **Note Ordinance - Refunding.** An Ordinance providing for the issuance and sale of \$1,105,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying

costs of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, (iii) acquiring motorized equipment and appurtenances thereto, (iv) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division, (v) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division and (vi) acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment

- **CDBG Legislation**

- A Resolution authorizing the City Manager to enter into an agreement with the **Bhutanese Community of Greater Cleveland**, a non-profit corporation, for the use of Community Development Block Grant CV funds to provide additional assistance to their Refugee Assistance Program needed as a result of the COVID-19 Pandemic; 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 **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 Parent Café 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 **FutureHeights**, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Cedar Lee Mini-Park Placemaking Project; 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 FutureHomes Project; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with

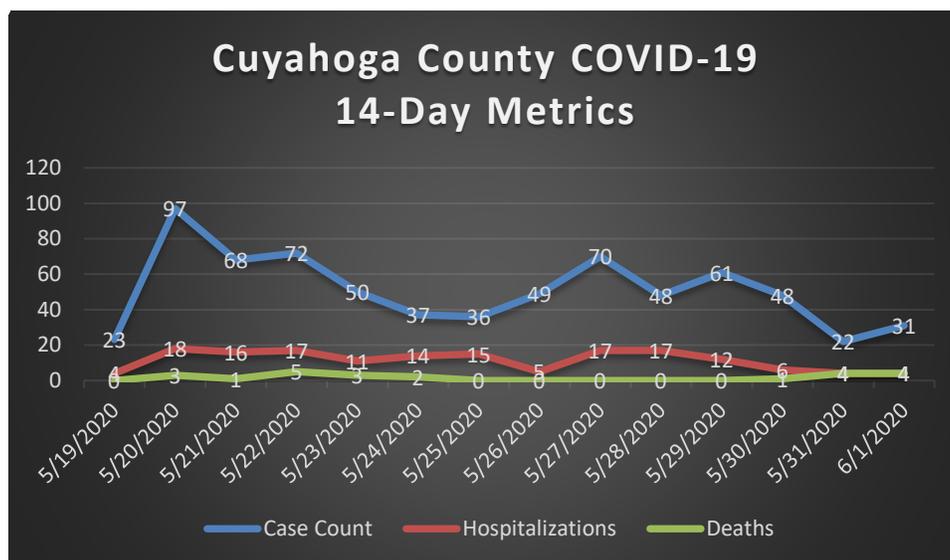
**FutureHeights**, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Noble Road Corridor Early Action Project; providing compensation therefor

- A Resolution authorizing the City Manager to enter into an agreement with **Gesher**, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with **Gesher**, a non-profit corporation, for the use of Community Development Block Grant CV funds due to increased demand for their Benefits Referral Program due to the COVID-19 Pandemic; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Heights Emergency Food Center**, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating and capital improvement expenses; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Heights Emergency Food Center**, a non-profit corporation, for the use of Community Development Block Grant CV funds for the payment of increased operating and capital improvement expenses due to the COVID-19 Pandemic; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Home Repair Resource Center (“HRRC”)**, a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC’s housing counseling, home-repair and home-improvement programs; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Home Repair Resource Center (“HRRC”)**, a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC’s Housing Counseling Program’s increased demand due to the COVID-19 Pandemic; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with **Lake Erie Ink**, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization’s Ink Spot After School Program; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Open Doors Academy**, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization’s Year-round Academic and Enrichment Programming for Disadvantaged Middle School Youth

- A Resolution authorizing the City Manager to enter into an agreement with the **Open Doors Academy**, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization’s Pathways to Independence Program at Cleveland Heights High School; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Severance Tower Local Advisory Council**, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Accessible Community Garden Project; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Start Right Community Development Corporation**, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for their Food Bank Program; providing compensation therefor
- A Resolution authorizing the City Manager to enter into an agreement with the **Start Right Community Development Corporation**, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for their expanded Food Bank Program resulting from the COVID-19 Pandemic; providing compensation therefor

**CORONAVIRUS UPDATE**

As of this writing, Ohio has 36,350 total cases of COVID-19, 6,176 hospitalizations, and 2,258 deaths. Cuyahoga County has 4,581 cases and 245 confirmed deaths. The 14-day trend for Cuyahoga County is included below:



Proposed: 06/15/2020

ORDINANCE NO. 51-2020 (AS), *Second Reading*

By Council Member Seren

An Ordinance amending Section 111.21, "Voting," of Chapter 111, *Council*, of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights to allow Council members to recuse themselves from voting due to a conflict of interest.

WHEREAS, the current Section 111.21, "Voting," of Chapter 111, *Council*, of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights requires unanimous consent of other present Council members in order for a Council member to recuse himself or herself from voting on any question; and

WHEREAS, such unanimous consent should not be required where a Council member has a personal or financial interest in the matter under consideration or when the Council member reasonably believes that voting on a matter could constitute a violation of his or her ethical obligations under the law.

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

SECTION 1. Section 111.21, "Voting," of Chapter 111, *Council*, of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

Every member present shall vote on any question on the call for ~~the "ayes" and "nays"~~ a voice or roll call vote unless ~~excused by the unanimous consent of the other members present, and any member not being so excused who fails or refuses to vote on any question when the "ayes" and "nays" are being taken shall be counted as voting in the affirmative.~~ the member recuses themselves. Whenever a member has a personal or financial interest in any matter under consideration or believes that voting on the matter could for any reason constitute a violation of an ethics law, the member shall disclose the interest or ethical concern and recuse themselves from voting. Any member present, not recusing themselves from voting, who fails or refuses to vote on any question when the voice or roll call vote is being taken shall be counted as voting in the affirmative.

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

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

ORDINANCE NO. 51-2020 (AS)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

TO: Tanisha R. Briley, City Manager  
FROM: William R. Hanna, Director of Law  
Joe Kickel, Capital Projects Manager  
RE: Summary of New Revisions to Small Cell Regulations (Chapter 943)  
DATE: May 6, 2020

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On September 27, 2018, the Federal Communications Commission (FCC) issued an order that limited and revised state and local authority to manage and regulate certain small cell wireless installations within public rights-of-way nationwide. It came on the heels of revisions to Ohio Revised Code Chapter 4939, effective August 1, 2018, to codify small cell wireless rules related to municipal right of way and addressed, among other things, small cell installation-related fees, application processing times and local aesthetic regulations. The FCC's order took effect on January 14, 2019, and Chapter 943 was revised in May 2019 to reflect it. As applications for small cell facilities have been received in Cleveland Heights and elsewhere – a modest number to date – we have identified the need to update the City's small cell application form to clarify fees, facility types and consolidated application issues. The proposed amendments to Chapter 943 are for the same purpose, in advance of what we anticipate will be a large number of applications to install small cell wireless facilities in the public right of way in the coming months and years.

Proposed: 06/15/2020

ORDINANCE NO. 54-2020 (MS), *Second Reading*

By Council Member Dunbar

An Ordinance amending Chapter 943, “Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures,” of Part Nine, *Streets, Utilities and Public Services Code* of the Codified Ordinances of Cleveland Heights; and declaring an emergency.

WHEREAS, Substitute House Bill 478 (Sub. H.B. 478) took effect on August 1, 2018 and amended ORC Chapter 4939 with regard to the authority of municipalities to regulate the installation of small cell wireless facilities in the public right-of-way, including on utility poles and street lights, including municipally-owned facilities, and to construct, maintain, modify, operate, or replace wireless support structures in the right-of-way; and

WHEREAS, this Council on July 16, 2018 adopted Ordinance No. 82-2018 creating a new Chapter 943 of the Codified Ordinances of the City of Cleveland Heights to regulate the use and occupancy of the public rights of way within the City for small cell wireless facilities and support structures as well as enacting design guidelines applicable to small cell wireless facilities and support structures pursuant to Sub. H.B. 478; and

WHEREAS, on September 26, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Order known as the “Small Cell Order,” that limited and revised state and local regulatory authority concerning certain small cell wireless installations within public rights-of-way nationwide; and

WHEREAS, this Council on May 6, 2019, adopted Ordinance No. 29-2019 amending Chapter 943, “Use of Public Ways for Small Cell Wireless Support Structures,” of Part Nine, *Streets, Utilities and Public Services Code* of the Codified Ordinances of Cleveland Heights to lawfully exercise municipal authority on this subject in a manner that is consistent with Ohio Revised Code Chapter 4939 and the FCC’s Small Cell Order.; and

WHEREAS, this Council herein determines to further amend Chapter 943 to be consistent with the City’s Small Cell Facilities Use Permit Application, recently further updated in order to reflect the FCC Small Cell Order.

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

SECTION 1. Chapter 943, “Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures” of Part Nine, *Streets, Utilities and Public Services Code* of the Codified Ordinances of Cleveland Heights shall be, and is hereby, enacted and adopted in its entirety to read as set forth in Exhibit A, attached hereto and fully incorporated herein. A complete copy of Exhibit A is also on file with the Clerk of Council.

ORDINANCE NO. 54-2020 (MS)

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

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to take immediate action to accommodate requests for Facilities permits filed pursuant to the FCC's Small Cell Order. 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 passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

# Exhibit A

## CHAPTER 943 USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES

### 943.01 OVERVIEW AND PURPOSE; DEFINITIONS; EFFECTIVE DATE

- (a) The purpose of this Chapter is to:
- (1) Protect the health, safety, and welfare of the residents of the City;
  - (2) Provide standards for the construction, installation, modification, operation, and removal of Facilities and Wireless Support Structures in the City's Right-of-Way to protect the health, safety, and welfare of the citizens of the City;
  - (3) Preserve the existing or intended character of the City, including the City's residential neighborhoods, commercial districts, other business districts and historic districts;
  - (4) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically pleasing installation of Facilities and Wireless Support Structures; and
  - (5) Comply with, and not conflict with or preempt, all applicable state and federal law; and
  - (6) Facilitate deployment of small cell Facilities and advanced wireless communications within the City in a manner that complies with the requirements of this Chapter and does not materially inhibit such deployment or the provision or availability of advanced wireless communications.

(b) For the purpose of this Chapter, and the interpretation and enforcement hereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

- (1) "Applicant" means any person or entity who submits an Application pursuant to this Chapter.
- (2) "Application" means all necessary documentation submitted by an Applicant to obtain a Small Cell Use Permit from the City to Collocate a Small Cell Facility and/or to construct, maintain, modify, operate, or replace a Wireless Support Structure.

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- (3) “Accessory Equipment” means equipment used in conjunction with a Small Cell Facility and generally at the same location of the Small Cell Facility, including, but not limited to, electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs and other appurtenances.
- (4) “City” means the City of Cleveland Heights.
- (5) “Collocation” or “Collocate” means to install, mount, maintain, modify, operate, or replace wireless Facilities on a Wireless Support Structure.
- (6) “Design Guidelines” means standards applicable to Small Cell Equipment and Wireless Support Structures in the Right-of-Way, established in Sections 943.21 et seq. herein.
- (7) “Eligible Facilities Request” means any request for modification of an existing support structure or base station that does not substantially change the physical dimension of such support structure involving Collocation of new Facilities; removal of Facilities; or replacement of Facilities. A substantial change means:
  - (i) A modification that changes the physical dimension of a Wireless Support Structure by increasing the height of the Wireless Support Structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater; and/or by adding an appurtenance to the body of the Wireless Support Structure that would protrude from the edge of the Wireless Support Structure by more than six (6) feet;
  - (ii) The installation of more than the standard number of equipment cabinets for the technology involved or the installation of more than (4) cabinets, whichever is less;
  - (iii) The installation for any new ground-mounted equipment cabinets if there are not existing ground-mounted equipment cabinets;
  - (iv) Any excavation or deployment outside of the current site of the Facility;
  - (v) Removal of any concealment elements of the Facilities or the Wireless Support Structure; or
  - (vi) Any change that does not comply with this Chapter, including but not limited to the Design Guidelines set forth in Sections 943.21 et seq. herein, or state or federal law and regulations.

The threshold for measuring increases that may constitute a substantial change are cumulative, measured from the Facilities as originally permitted (including any modifications that were reviewed and approved by the City prior to the enactment of the Spectrum Act on February 22, 2012).

- (8) “Facilities” means Small Cell Facilities, Accessory Equipment, and Wireless Support Structures.
- (9) “Facilities Operator” means the person or entity responsible for the installation, operation, maintenance, replacement, and modification of Facilities. Facilities Operator includes:
  - (i) Operators;
  - (ii) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to Ohio R.C. Section 4939.031(E) and who have obtained a Small Cell Use Permit; and
  - (iii) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to Ohio R.C. Section 4939.033 and who have obtained a Small Cell Use Permit.
- (10) “Historic District” means a building, property, or site, or group of buildings, properties, or sites that are either of the following:
  - (i) Listed in the national register of historic places or formally determined eligible for listing by the keeper of the national register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the national register, in accordance with section VI.D.1.a.i-v of the nationwide programmatic agreement codified at 47 C.F.R. part 1, Appendix C;
  - (ii) A registered historic district as defined in section 149.311 of the Revised Code.
- (11) “Operator” means a wireless service provider, cable Operator, or a video service provider that operates a Small Cell Facility and provides wireless service, including a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.
- (12) “Public Way” or “Right-of-Way” means the surface of, and the space within, through, on, across, above or below, any public street, public road, public highway, public freeway, public lane, public path, public alley,

public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the City or other public entity or political subdivision.

- (13) “Small Cell Facility” means a wireless facility:
- (i) That meets both of the following requirements:
    - (1) Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than six (6) cubic feet in volume; and
    - (2) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services; and
  - (ii) That includes a “Small Wireless Facility,” which is a type of Small Cell Facility (i) in which each antenna is located within an enclosure of not more than three (3) cubic feet in volume or, in the case of an antenna with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than three (3) cubic feet in volume, (ii) where such antenna is associated with a structure (a) 50 feet or less in height, including the antenna, or (b) that is not more than 10 percent taller than adjacent structures, or (c) is not extended by more than 10 percent or to a height exceeding 50 feet, whichever is greater, and (iii) that also otherwise satisfies the definition of “Small Wireless Facilities” found in the Federal Communication Commission’s September 26, 2018 Small Cell Order, FCC 18-133.
- (14) “Small Cell Equipment” means a Small Cell Facility and all Accessory Equipment.
- (15) “Small Cell Use Permit” means the permit granted by the City authorizing the Applicant to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way.
- (16) “Underground Area” means an area in the Right-of-Way where existing electric utilities, cable facilities, telecommunications facilities and other

facilities, other than structures and facilities owned by the City or a transit authority, are located underground.

- (17) “Wireless Support Structure” means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen (15) feet or taller sign pole, or utility pole capable of supporting Small Cell Facilities. As used in this Chapter, “Wireless Support Structure” excludes the following except in connection with a Small Wireless Facility, in which case the following are not excluded:
- (i) A utility pole or other facility owned or operated by a municipal electric utility; and
  - (ii) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

~~(c) The effective date of this Chapter shall be \_\_\_\_\_, 2019.~~

#### **943.02 CONSENT REQUIRED**

(a) Any person or entity seeking to Collocate a Small Cell Facility in the Right-of-Way, or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way, shall first file a written Application for a Small Cell Use Permit with the City Manager or designee in accordance with the requirements in this Chapter, including, but not limited to the Design Guidelines set forth in Sections 943.21 et seq. herein, Ohio R.C. Chapter 4939, and all applicable state and federal laws and regulations.

(b) Applicants are strongly encouraged to contact the City Manager or designee and request a pre-Application conference. This meeting will provide an opportunity for early coordination regarding proposed Facilities, locations, design, Application submittal, and the approval process in order to avoid any potential delays in the processing of an Application and deployment of Facilities in the City.

(c) A Small Cell Use Permit granted under this Chapter shall not convey any right, title or interest in the Right-of-Way, but shall be deemed a permit only to use and occupy the Public Ways for the limited purposes and term stated in the permit, this Chapter, and the Design Guidelines set forth in Sections 943.21 et seq. herein. Further, no Small Cell Use Permit shall be construed as any warranty of title.

#### **943.03 PERMIT APPLICATION TYPES**

Applicants shall classify their Application as one of the following types:

- (a) Type 1: Eligible Facilities Requests.
- (b) Type 2: Application for Collocation of Small Cell Equipment on a Wireless Support Structure that ~~does is~~ not ~~constitute~~ an Eligible Facilities Request.

- (c) Type 3: New Wireless Support Structure. Such applications will address construction, modification, replacement, or removal of a Wireless Support Structure within the Right-of-Way. At the time of Application, Applicants shall certify that Small Cell Equipment will be placed on the Wireless Support Structure within 180 days from the date the Small Cell Use Permit is issued.
- (d) For Type 2 and Type 3 Applications, Applicants shall indicate whether the Application ~~is or is not for~~ does or does not include or relate to a Small Wireless Facility.
  - (1) If an application involves a Small Wireless Facility, any related required permits will be issued within the designated review period set forth below, if complete applications for such permits are filed no later than the application for the Small Cell Facilities Use Permit.

#### **943.04 CONSOLIDATED CONSENT APPLICATIONS**

(a) Pursuant to Ohio R.C. Section 4939.0312, an Applicant may file one consolidated application for up to thirty (30) individual ~~small-cell~~ Small Cell Facilities or thirty (30) individual Wireless Support Structures as long as the facilities or structures for which consent is requested are substantially similar.

- (1) Small Cell Facilities shall be considered substantially similar when the Small Cell Equipment is identical in type, size, appearance and function.
- (2) Wireless Support Structures shall be considered substantially similar when the Wireless Support Structures are identical in type, size, appearance and function and are to be located in a similar location.
- (3) Applications for Small Cell Facilities ~~and cannot be combined with applications for~~ Wireless Support Structures cannot be commingled, unless the Small Cell Facility involved is a Small Wireless Facility as defined in Section 943(b)(13).
- (4) Applications for Small Wireless Facilities cannot be combined with applications for Small Cell Facilities and Equipment, or Wireless Support Structures, that do not involve Small Wireless Facilities.
- (5) If an application for a new Wireless Support Structure is related to an application for Small Wireless Facility antenna to be collocated thereupon, those applications may be filed on a consolidated basis but will be considered separate applications subject to separate application fees.

(b) The City may, at its discretion, require separate Applications for any Small Cell Facilities or Wireless Support Structures that are not substantially similar.

(c) Although applications ~~for involving~~ Small Wireless Facilities may be filed on a consolidated basis, such applications ~~involving Small Wireless Facilities~~ may not be commingled

with applications for ~~other Small Cell Facilities or collocation, or new~~ Wireless Support Structures, that do not involve a Small Wireless Facility. The limit on the number of applications that may be filed in a consolidated application pursuant to Section 943.04(a) shall not apply to applications for Small Wireless Facilities.

(1) There is no limit on the number of Small Wireless Facilities applications that may be consolidated.

**943.05 APPLICATION FEE**

(a) The fee for each application is Two Hundred Fifty Dollars (\$250.00). The City shall adjust the fee by ten percent (10%) every five (5) years, rounded to the nearest Five (5) Dollars, beginning in the year 2023.

(b) An Application shall not be deemed complete until the fee is paid.

(c) If Applications are consolidated, then the fee shall be the sum resulting from the fee set forth in subsection (a) multiplied by the total number of Facilities or Wireless Support Structures included in the consolidated Application. This provision also applies when an application for a new Wireless Support Structure is related to an application for a Small Wireless Facility to be collocated thereupon; that is, this situation requires two applications, with each application subject to the fee provided in Section 943.05(a).

**943.06 ATTACHMENT FEE**

(a) In addition to the Application Fee, an annual fee of Two Hundred Dollars (\$200.00) shall be paid to the City for each Small Cell Facility attached to a municipally-owned Wireless Support. The City shall adjust the attachment fee by ten percent (10%) every five years, rounded to the nearest five (5) dollars, beginning in the year 2023.

(b) The first-year attachment fee shall be paid when the collocation is complete, and no later than January 1 each year thereafter. The first-year attachment fee shall not be prorated, regardless of the date that the collocation is complete.

**943.07 REQUIRED APPLICATION MATERIALS**

The Applicant must submit the following documentation with each Application.

(a) Completed Application form including the identity, legal status and federal tax identification number of the Applicant, as well as all affiliates and agents of the Applicant that will use or be, in any way, responsible for the Facilities.

(b) The name, address, and telephone number of the local officer, agent, or employee responsible for the accuracy of the application to be notified in case of emergency.

(c) Fully dimensional scaled site plan (scale no smaller than one inch equals forty (40) feet). The site plan must include:

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- (1) The exact proposed location of the Facilities within the Right-of-Way by GPS coordinates and/or in degrees, minutes and seconds (“DMS”);
- (2) All existing Facilities with all existing transmission equipment;
- (3) The location of all overhead and underground public utilities, telecommunications, cable, water, sanitary sewer, and storm water drainage utilities in the Public Way within one hundred (100) feet surrounding the proposed Facilities;
- (4) The legal property boundaries within one hundred (100) feet surrounding the proposed Facilities;
- (5) Indication of distance between the Facilities and existing curbs, driveways, sidewalks, trees, utilities, other poles, and existing buildings within one hundred (100) feet surrounding the proposed Facilities; and
- (6) Access and utility easements within one hundred (100) feet surrounding the proposed Facilities.

(d) Elevation drawings (scale no smaller than one inch equals ten (10) feet) of the proposed Facilities.

(e) Evidence that the Applicant provided notice by mail to all property owners within three hundred (300) feet of the proposed Facilities prior to submitting the Application. The notice shall include:

- (1) Name of the Applicant;
- (2) Estimated date Applicant intends to submit the Application;
- (3) Detailed description of the proposed Facilities and the proposed location; and
- (4) Accurate, to-scale color photo simulation of the proposed Facilities. Scale shall be no smaller than one inch equals forty (40) feet and shall depict surrounding area within one hundred (100) feet of the proposed Facilities.

(h) A preliminary installation/construction schedule and completion date.

(i) Structural calculations prepared, stamped and signed by an engineer licensed and registered by the State of Ohio showing that the Wireless Support Structure can accommodate the weight of the proposed small cell equipment.

(j) Analysis demonstrating that the proposed Facilities do not interfere with the City’s public safety radio system, traffic and emergency signal light system, or other City safety communications components. It shall be the responsibility of the Applicant to evaluate, prior to

making the Application for a Small Cell Use Permit, the compatibility between the existing City infrastructure and Applicant's proposed Facilities.

- (k) A landscape plan that demonstrates screening of proposed small cell equipment.
- (l) Detailed and/or shop drawings of the proposed Facilities. For all equipment depicted, the Applicant must also include, if applicable:
  - (1) The manufacturer's name and model number;
  - (2) Physical dimensions, including, without limitation, height, width, depth and weight with mounts and other necessary hardware; and
  - (3) The noise level generated by the equipment, if any.
- (m) If the Applicant is not an Operator, then the Applicant must provide proof that the Applicant has been engaged by a wireless service provider who will be the end-user of the Facilities.

**943.08 APPLICATION REVIEW**

- (a) Applications shall be evaluated in the timeframes as follows:
  - (1) Type 1 Applications 60 days
  - (2) Type 2 Applications 90 days, except that for Small Wireless Facilities, that are not to be collocated upon a new Wireless Support Structure, the timeframe for a Type 2 Application shall be 60 days.
  - (3) Type 3 Applications 120 days, except that for new Wireless Support Structures upon which a Small Wireless Facility is to be mounted, the timeframe for a Type 3 Application shall be 90 days.
- (b) Applications shall be reviewed for completeness. If the Application is incomplete, then the Applicant shall be notified of the insufficiency, and the timeframes set forth in subsection (a) shall be tolled until the Application is made complete, as described below:
  - (1) To toll the time period for incompleteness, the City must provide written notice to the Applicant, specifically identifying all missing documents or information, within thirty (30) days after receiving the Application; except that where an Applicant has indicated that the Application is for a Small Wireless Facility, or a Wireless Support Structure upon which a Small Wireless Facility is to be mounted, the written notice shall be provided within ten (10) days after receiving the Application.
    - (A) In the case of a proper and timely initial written notice of incompleteness provided concerning an Application involving a Small Wireless Facility pursuant to subsection (b)(1), the time

period set forth in subsection (a) shall be deemed never to have started running at all until the Applicant provides a supplemental submission.

- (2) The time period set forth in subsection (a) will begin to run again when the Applicant provides a supplemental submission in response to the City's notice of incompleteness pursuant to subsection (b)(1), but may be tolled again if the City notifies the Applicant in writing, within ten (10) days of receiving a supplemental submission, that the Application remains incomplete and identifies which items specified in the original notice of incompleteness are still missing. Timely notice by the City of the deficiencies in a supplemental submission tolls the time period set forth in subsection (a) until the Applicant supplies the specified information

(c) The timeframes set out in subsection (a) may be tolled by mutual agreement between the Applicant and the City. The timeframes in subsections (a)(2) and (a)(3) may also be tolled as follows, except that where an Applicant has indicated that the Application is for a Small Wireless Facility, the provisions of subsections (c)(1) and (c)(2) below do not apply:

- (1) If the City receives between twenty-five (25) and forty (40) applications in a thirty (30) day period, then the City may toll for an additional twenty-one (21) days beginning with the twenty-sixth (26th) application.
- (2) If the City receives more than forty (40) applications in a thirty (30) day period, then the City may toll for an additional fifteen (15) days for every additional fifteen (15) applications received, up to a maximum tolling period of ninety (90) days, as indicated below:
  - (A) Applications 41-55: 36 additional days
  - (B) Applications 56-70: 51 additional days
  - (C) Applications 71-85: 66 additional days
  - (D) Applications 86-100: 81 additional days
  - (E) Applications 101+: 90 additional days.
- (3) When an Applicant submits an underground area waiver pursuant to Section 943.32(d) herein, in which case the City may toll for an additional fourteen (14) days.

(d) If two Applicants request to Collocate on the same Wireless Support Structure or two Wireless Support Structures are proposed within a distance that would violate the spacing requirements set forth in Section 943.16 here, then the City Manager or designee may resolve the conflict in any reasonable and nondiscriminatory manner.

(e) If a request for Small Cell Use Permit is denied, the City shall provide, in writing, its reasons for denying the request, supported by substantial, competent evidence. The denial of consent shall not unreasonably discriminate against the Applicant. Grounds for denying an Application may include, but are not limited to:

- (1) Failure to provide information required under Section 943.07;
- (2) Failure to comply with Design Guidelines set forth in set forth in Sections 943.21 et seq. herein;
- (3) Failure to provide financial surety pursuant to Section 943.15;
- (4) Failure to remove abandoned Facilities as required under Section 943.12;
- (5) Conflict with the historic nature or character of the surrounding area;
- (6) Conflict with planned future improvements in the Right-of-Way; and
- (7) Failure to comply with generally applicable health, safety, and welfare requirements.

**943.09 PERMITTING PROCESS, DURATION, AND TERMINATION**

(a) Upon approval of its Application, an Applicant shall receive a Small Cell Use Permit indicating that the City has granted the Applicant consent to occupy the Right-of-Way.

(b) A Small Cell Use Permit issued to an Operator shall have duration of ten (10) years. Permits may be renewed for five year terms.

(c) A Small Cell Use Permit issued to a Facilities Operator who is not an Operator shall have a term of ten (10) years or the duration of the Facilities Operator's agreement with a wireless service provider provided pursuant to Section 943.07(k), whichever is shorter.

(d) A Small Cell Use Permit shall not be renewed if the Facilities Operator or the Facilities are not in compliance with each and every applicable law and regulation.

(e) Pursuant to Ohio R.C. Section 4939.0314(E), a Small Cell Use Permit shall be deemed terminated if the Facilities Operator has not completed construction of the Facilities or has failed to attach Small Cell Equipment to a Wireless Support Structure within one hundred eighty (180) days of issuance of the permit, unless the delay is caused by:

- (1) Make-ready work for a municipally-owned Wireless Support Structure; or
- (2) Due to the lack of commercial power or backhaul availability at the site, provided that the Operator has made a request for commercial power or backhaul services within sixty (60) days after the Small Cell Use Permit was granted.

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If the additional time to complete the installation exceeds three hundred sixty days (360) after the issuance of the permit, then the permit shall be deemed terminated regardless of the cause of the delay.

(f) A Small Cell Use Permit for a new Wireless Support Structure shall be deemed terminated if the Facilities Operator fails to attach Small Cell Equipment to the new Wireless Support Structure within one hundred eighty (180) days of issuance of the Small Cell Use Permit.

(g) If the Facilities Operator fails to remit the annual attachment fee required pursuant to Section 943.06, then the Small Cell Use Permit will expire on the ninetieth (90th) day from the date the annual attachment fee was due.

(h) If the Facilities Operator fails to remit the annual registration required pursuant to Section 943.10, then the Small Cell Use Permit will expire on the ninetieth (90th) day from the date the annual registration was due.

(i) A Small Cell Use Permit may be terminated by the Facilities Operator at any time upon service of 60-days written notice to the City.

(j) Upon termination of a Small Cell Use Permit, the Facilities Operator shall restore and rehabilitate all City-owned Wireless Support Structures and the Right-of-Way to their former condition and utility.

(k) The City shall not issue any refunds for any amounts paid by the Facilities Operator upon termination of the permit.

**943.10 ANNUAL REGISTRATION**

Facilities Operators shall comply with the annual registration requirements set forth in Section 941.03 of Chapter 941, "Use of Public Ways by Service Providers."

**943.11 NONCONFORMING FACILITIES**

(a) Facilities in the Right-of-Way that are legally in existence on the date of the adoption of this Chapter but that do not comply with the requirements of this Chapter may remain in the Right-of-Way but shall be considered a Nonconforming Facility.

(b) Any person or entity who owns or operates a Nonconforming Facility shall register such facility pursuant to Section 941.03 by no later than November 1, 2018.

(c) If a Nonconforming Facility is damaged or destroyed beyond repair, any replacement facility must be designed in accordance with all provisions of this Chapter, the Design Guidelines established in Sections 943.21 et seq. herein, and state and federal law and regulations.

**943.12 ABANDONED AND DAMAGED FACILITIES**

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(a) A Facilities Operator shall provide written notice to the City of its intent to discontinue use of any Facilities. The notice shall include the date the use will be discontinued. If Facilities are not removed within three hundred sixty five (365) days from the date the use was discontinued, the City may remove the Facilities at the expense of the Facilities Operator after providing thirty (30) days written notice to the Facilities Operator of its intent to do so.

(b) In the event that Facilities are damaged, the Facilities Operator shall promptly repair the damaged Facilities. Damaged Facilities shall be repaired no later than thirty (30) days after obtaining written notice that the Facilities were damaged. If the damaged Facilities are not repaired within thirty (30) days, then the City may repair or remove the damaged Facilities at the expense of the Facilities Operator after providing thirty (30) days written notice to the Facilities Operator of its intent to do so.

**943.13 INSURANCE REQUIREMENTS**

Facilities Operators shall comply with the insurance requirements set forth in Subsection 941.02(e).

**943.14 INDEMNIFICATION**

A Facilities Operator shall indemnify, protect, defend, and hold the City and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failure to act or misconduct of the Operator who owns or operates Small Cell Facilities and wireless service in the Right-of-Way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the Operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining Facilities in the Right-of-Way.

**943.15 FINANCIAL SURETY**

(a) Each Facilities Operator must procure and provide to the City a bond, escrow, deposit, letter of credit, or other financial surety to ensure compliance with this Chapter and Ohio R.C. Chapter 4939. The financial surety shall be in compliance with Subsection 941.02(g) or as otherwise determined reasonable by the City Manager or designee, such as being an amount sufficient to cover the cost of removal of all Facilities owned or operated by Facilities Operator.

(b) The City may, in its sole discretion, draw on the financial surety to remove abandoned, unused, or unsafe Facilities, remove or repair damaged Facilities, or to repair damage to any City property caused by the Facilities Operator or its agent. In such event, the Facilities Operator shall cause the financial surety be replenished to its prior amount within ten (10) business days after City notifies the Facilities Operator that it has drawn on the financial surety.

**943.16 RESERVED SPACE**

The City reserves the right to install, and permit others to install, Facilities in the Right-of-Way. The City may reserve space in the Right-of-Way and on Wireless Support Structures for future utility, safety, or transportation uses. Such space may be reserved in an ordinance or plan approved by the City Manager, City Council, Building Commissioner, or Planning Commission.

**943.17 REMOVAL OR RELOCATION OF FACILITIES**

(a) Consistent with R.C. 4939.08, the City may require a Facilities Operator to remove or relocate Facilities to accomplish construction and maintenance activities. The Facilities Operator shall remove or relocate the Facilities at no cost to the City. If the Facilities Operator fails to remove or relocate the Facilities within ninety (90) days of receiving a request to do so from the City, then the City may remove the Facilities at Facilities Operator's sole cost and expense, without further notice to the Facilities Operator.

(b) If the Facilities are placed in a location other than the location approved by the City, the Facilities Operator shall relocate the Facilities within thirty (30) days of receiving notice that the Facilities are located improperly.

**943.18 NOTICE OF WORK**

A Facilities Operator shall notify the City Manager or designee of all nonemergency work within ten (10) calendar days prior to performing any upgrades or maintenance on any Facilities, regardless of whether the work requires any permit or consent from the City.

**943.19 CONSTRUCTION PERMIT**

Facilities Operators are required to obtain a construction permit pursuant to Section 941.07 including, but not limited, to the construction bond set forth in Subsection 941.07(g), prior to commencing any of the following activities:

- (1) Collocation of small cell equipment on a Wireless Support Structure;
- (2) Replacement, modification, repair, or maintenance of small cell equipment;
- (3) Construction, replacement, modification, repair, or maintenance of a Wireless Support Structure associated with a small cell facility; and
- (4) Any excavation of the Right-of-Way in connection with the activities described in this Section.

**943.20 EXCAVATION PERMIT.**

If a Facilities Operator must construct, reconstruct, alter, repair, remove or replace any culvert, sidewalk or driveway in any public street or road Right-of-Way, then the Facilities Operator shall obtain the required permit pursuant to Section 941.07 including, but not limited, to the construction bond set forth in Subsection 941.07(g).

**943.21 GENERAL DESIGN STANDARDS**

(a) Facilities shall not be installed unless the Facilities are compliant with the Design Guidelines, set forth in Sections 943.21 et seq. herein, and any Application requirements, and all applicable local, state, and federal laws. Applicant shall have the burden to demonstrate by substantial and competent evidence that all Design Guidelines have been met.

(b) A Facilities Operator shall not construct, maintain, modify, operate, or replace any Facilities not clearly depicted in an Application for a Small Cell Use Permit.

(c) A Facilities Operator shall not construct, modify, or replace any Facilities without a construction permit pursuant to Section 941.07.

(d) All work shall be performed in a professional manner consistent with the highest standards of workmanship.

(e) Facilities shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

(f) Facilities shall not be installed in any location that causes any interference with the City's public safety radio system, traffic and emergency signal light system, or other City safety communications systems or system components.

(g) The City may propose an alternative location for proposed Facilities up to one hundred (100) feet from the proposed location or within a distance that is equivalent to the width of the Public Way, whichever is greater. The Facilities Operator shall utilize the alternative location unless the Facilities Operator shows that the alternative location is not technically feasible or would materially inhibit the provision of wireless services by the Facilities Operator within the City.

(h) Facilities shall not interfere with existing or planned City-owned trees.

(i) Signage shall be mounted on all new Facilities providing the Facilities Operator's name, an emergency contact phone number, an informational contact number, and all other information required by law. Unless otherwise prohibited by law, signage shall be discreet in color and shall match the Facilities and surrounding area and font size used on the sign shall be no smaller than 9 point font and no larger than 14 point font.

(j) Unless otherwise required by law, all manufacturer stickers and decals shall be removed from Facilities.

(k) A landscape plan, approved by the Director of Planning, shall be required for each Application. Facilities shall be camouflaged using existing land forms, vegetation, and structures to screen the Facilities from view and to blend in with the surrounding built and natural environment.

(l) The City may require the Facilities Operator to incorporate additional concealment elements before approving an Application. Concealment elements may include, but

shall not be limited to, fencing, public art, strategic placement, and placement within existing or replacement street furniture.

(m) Facilities shall not have any flashing lights, sirens or regular noise other than a cooling fan that may run intermittently.

(n) All hardware, including antenna mounting brackets and hardware, antenna mounting posts, cables, shrouds and other equipment mounted shall be painted in a color designated by the City, and the color shall match the Facilities. The City may require the Facilities Operator use a different, non-matching color on a case-by-case basis when the City determines a non-matching color would better fulfill the purposes of these Design Guidelines or match the surrounding area.

(o) A Facilities Operator shall remove or paint over any graffiti on the Facilities at Facility Operator's sole expense as soon as practicable, but no later than thirty (30) days from the date the Facilities Operator receives notice of the graffiti. The City shall remove graffiti at the expense of the Facilities Operator after the thirty (30) days expires.

#### **943.22 DESIGN SPECIFICATIONS FOR COLLOCATION**

(a) Small Cell Equipment shall not interfere with the primary purpose of a Wireless Support Structure.

(b) Small Cell Equipment to be attached to a Wireless Support Structure shall be attached at least eight (8) feet above ground level. If Small Cell Equipment is projecting toward the street then the Small Cell Equipment shall be installed no less than sixteen (16) feet above ground level.

#### **943.23 DESIGN SPECIFICATIONS FOR ANTENNAS**

(a) Antennas ~~and Accessory Equipment~~ must be capable of fitting within an enclosure not larger than six (6) cubic feet in volume.

(b) Antennas and Accessory Equipment shall not increase the overall height of an existing Wireless Support Structure by more than five (5) feet; provided, however, that the permissible increase in height resulting from collocation or installation of a Small Wireless Facility on a Wireless Support Structure shall be as provided in Section 943.01(b)(13).

(c) Antennas mounted on a Wireless Support Structure shall be enclosed inside the Wireless Support Structure whenever possible and otherwise within a canister or other shroud. All Accessory Equipment associated with the antenna shall be concealed and shall not visibly protrude from the shroud or canister.

(d) The width of the canister or other shroud encasing the antenna and Accessory Equipment shall not exceed the width of the narrowest portion of the Wireless Support Structure.

(e) The enclosure or shroud shall be painted to match or complement the Wireless Support Structure.

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(f) Antennas shall be installed in a manner that minimizes the visual impact to the general public.

(g) Antennas shall not impair light or substantially obstruct views from nearby window(s).

(h) Antennas located on the exterior of a Wireless Support Structure shall be top-mounted on a Wireless Support Structure. The City may approve a side-mounted antenna if, in the City's discretion, the side-mounted antenna would be more appropriate given the built environment, neighborhood character, overall site appearance or would otherwise promote the purposes in these Design Guidelines.

**943.24 DESIGN SPECIFICATIONS FOR WIRELESS SUPPORT STRUCTURE-MOUNTED EQUIPMENT**

(a) All Wireless Support Structure-mounted Small Cell Equipment other than the antenna(s) and electric meter must be concealed within an equipment cabinet.

(b) Equipment cabinets shall be mounted flush to the Wireless Support Structure.

(c) Equipment cabinets shall be stacked together on the same side of the Wireless Support Structure and oriented away from any windows and doorways to minimize visual impacts thereupon. The cabinet width shall not exceed the Wireless Support Structure's width unless technologically infeasible.

(d) The equipment cabinets must be non-reflective and painted, wrapped or otherwise colored to match the Wireless Support Structure.

**943.25 DESIGN SPECIFICATIONS FOR GROUND-MOUNTED SMALL CELL EQUIPMENT**

(a) The City shall not approve the proposed location of ground-mounted Small Cell Equipment unless the Applicant (1) proposes the ground-mounted equipment in connection with a Collocation, and (2) shows that the equipment cannot be feasibly placed on the Wireless Support Structure or in an underground vault.

(b) If technically feasible, Small Cell Equipment should be located in a vault buried underground rather than being ground-mounted. If underground placement is not technically feasible, ground-mounted Small Cell Equipment shall be contained in a shroud or cabinet.

(c) All ground-mounted Small Cell Equipment shall be installed in a manner that minimizes the visual and ingress/egress impact to the general public.

(d) Ground-mounted Small Cell Equipment shall be placed as far as practicable from pedestrian sidewalks and shall neither block nor be placed within the sidewalk in any way. The Small Cell Equipment's height, width, length and placement should be as inconspicuous and as visually compatible with its context as practicable.

**943.26 DESIGN SPECIFICATIONS FOR CABLES**

(a) All cables, conduit and wiring shall be located inside conduit and inside the Wireless Support Structure or an equipment cabinet.

(b) Excess cables and wiring shall not be spooled, coiled or otherwise stored on the exterior of the Wireless Support Structure unless within an enclosure. Cables shall not be externally visible.

**943.27 DESIGN SPECIFICATIONS FOR ELECTRICAL METERS**

(a) Facilities Operators shall use flat-rate electric service when available in order to eliminate the need for a meter.

(b) If a meter is required, then Facilities Operators shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the electric meter shall be painted to match the Wireless Support Structure.

**943.28 DESIGN SPECIFICATIONS FOR UTILITY LINES**

Service lines shall be underground to avoid additional overhead lines. The underground cables and wires must transition directly into the Wireless Support Structure base without any external junction box.

**943.29 DESIGN SPECIFICATIONS FOR REPLACEMENT OF WIRELESS SUPPORT STRUCTURES**

(a) Unless otherwise determined by City Manager or designee, a Facilities Operator shall be required to replace an existing Wireless Support Structure in the following circumstances:

- (1) The Wireless Support Structure upon which the Applicant has proposed to Collocate Small Cell Equipment is deemed incapable of bearing the added weight of the Small Cell Equipment; or
- (2) An existing Wireless Support Structure is located within one hundred (100) feet of the proposed site of a new Wireless Support Structure but the existing Wireless Support Structure is incapable of bearing the additional weight of the Small Cell Equipment.

(b) Designs for replacement of Wireless Support Structures shall be as architecturally similar as possible to the existing Wireless Support Structure to be replaced unless otherwise approved by the City.

- (1) All luminaire mast arms shall be the same length, arch, and style as the original luminaire arm, unless otherwise specified by the City.

- (2) The City may require the Facilities Operator to install a new metal Wireless Support Structure rather than a new wood support structure.

(c) Except in AA and A Single-Family Residential Districts, B Two-Family Residential Districts, and MF-1 Multiple-Family Residential District zoning districts, the overall height of a replacement Wireless Support Structure, including proposed Collocated antenna, shall not be more than forty (40) feet in height above ground level; provided, however, that the height of a Wireless Support Structure upon which a Small Wireless Facility is to be mounted shall be as provided in Section 943.01(b)(13). The overall height of a replacement Wireless Support Structure, including proposed Collocated antenna, shall not be more than thirty-five (35) feet in height above ground level in AA and A Single-Family Residential Districts, B Two-Family Residential Districts, and MF-1 Multiple-Family Residential District zoning districts so long as there is no Wireless Support Structure or utility pole taller than thirty feet located within three-hundred (300) feet of the location of the proposed replacement Wireless Support Structure. Unless technologically infeasible, all Small Cell Equipment, except for antennas and radios, shall be encapsulated within the Wireless Support Structure.

(d) All existing signs, traffic signals, emergency signal detection units, video detection cameras, video cameras, crosswalk service buttons, crosswalk signals, and any other pedestrian or traffic devices shall be reinstalled or replaced with new units by the Facilities Operator at no cost to the City.

(e) The concrete Wireless Support Structure foundation for the original Wireless Support Structure shall be removed either partially or completely by the Facilities Operator as instructed by the City.

- (1) If partially removed, the original Wireless Support Structure foundation shall be removed to a level that is twelve (12) inches below the existing grade and covered with four (4) inches of one-half ( $\frac{1}{2}$ ) inch to three-quarter ( $\frac{3}{4}$ ) inch rocks. The remaining eight (8) inches shall be topsoil.
- (2) If the entire original Wireless Support Structure foundation must be removed, then all foundation materials (concrete, rebar, metals, bolts, etc.) shall be removed. The Director of Planning shall determine the appropriate type of backfill material and compaction required in landscaped areas.

**943.30 DESIGN SPECIFICATIONS FOR NEW WIRELESS SUPPORT STRUCTURES**

(a) New Wireless Support Structures shall be designed and constructed to accommodate at least two sets of Small Cell Equipment on the same Wireless Support Structure.

(b) New Wireless Support Structures shall maintain a distance of three hundred (300) feet from existing monopoles, or utility poles unless otherwise determined by the City Manager or designee.

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(c) Unless technologically infeasible, all Small Cell Equipment, except for antennas and radios, shall be encapsulated within the Wireless Support Structure.

(d) In residential zoning districts, new Wireless Support Structures shall be located at the shared property line between two residential parcels near where the parcels intersect the Right-of-Way when available.

(e) In commercial zoning districts, new Wireless Support Structures shall be located between tenant spaces, storefront bays, or adjoining properties at the shared property lines near where the parcels intersect the Right-of-Way.

(f) In park zoning districts, new Wireless Support Structures shall be located in the least visible location practicable, as determined by the City Manager or designee.

(g) New Wireless Support Structures shall not interfere with any metered parking space.

(h) A new Wireless Support Structure shall not be located in front of a building entrance or exit.

(i) Except in the AA and A Single-Family Residential Districts, B Two-Family Residential Districts, and MF-1 Multiple-Family Residential District zoning districts, the overall height of a new Wireless Support Structure, including proposed Collocated antenna, shall not be more than forty (40) feet in height above ground level; provided, however, that the height of a Wireless Support Structure upon which a Small Wireless Facility is to be mounted shall be as provided in Section 943.01(b)(13). The overall height of a new Wireless Support Structure, including proposed Collocated antenna, shall not be more than thirty-five (35) feet in height above ground level in the AA and A Single-Family Residential Districts, B Two-Family Residential Districts, and MF-1 Multiple-Family Residential District zoning districts so long as there is no Wireless Support Structure or utility pole taller than thirty feet located within three-hundred (300) feet of the location of the proposed new Wireless Support Structure.

(j) The City may require the Facilities Operator to install a metal Wireless Support Structure rather than a wood Wireless Support Structure. Unless otherwise specified by the City, new wood Wireless Support Structures are prohibited in the following zoning districts:

(1) All residential zoning districts; and

(2) All commercial zoning districts.

(k) Facilities Operators shall be discouraged from installing a new Wireless Support Structure within one hundred (100) feet of a building designated to be of historic importance under local, state or federal laws.

**943.31 HISTORIC DISTRICT DESIGN GUIDELINE REGULATIONS**

Except antennas, all Small Cell Equipment to be located in the Right-of-Way in a Historic District including, but not limited to, Ambler Heights Historic District, Euclid Golf

Historic District, Euclid Heights Historic District, Fairhill Road Village Historic District, Fairmount Boulevard Historic District, Forest Hill Historic District, Herrick Mews (Overlook Road Carriage House) Historic District, Inglewood Historic District, Mayfield Heights Historic District, Shaker Farm Historic District, and Shaker Village Historic District, Nela Park Historic District, shall be located in an underground vault or shall be subject to such reasonable, technologically feasible, and non-discriminatory design or concealment measures as the City may specify, as long as such measures do not have the effect of prohibiting or materially inhibiting the Facilities Operator's provision of service. Such measures are not considered part of the small cell facility for purposes of facility size restrictions in this Chapter. A waiver submitted pursuant to Section 943.32(d) will be considered if such measures are shown to be technologically infeasible.

**943.32 UNDERGROUND AREA DESIGN GUIDELINE REGULATIONS**

(a) Subject to subsection (b), a Facilities Operator shall locate its Facilities underground in an Underground Area.

(b) A Facilities Operator may replace an existing Wireless Support Structure or Collocate Small Cell Facilities on an Existing Wireless Support Structure even if the Wireless Support Structure is located in an Underground Area.

(c) A Facilities Operator shall not install a new Wireless Support Structure in an Underground Area.

(d) An Operator may apply to the City Manager or designee for a waiver of the underground placement requirement if the Operator is unable to achieve its service objective under the following circumstances:

- (1) From a location in the public Right-of-Way where the prohibition does not apply;
- (2) From a utility easement the service provider has the right to access; and
- (3) From other suitable locations or structures made available by the City at reasonable rates, fees, and terms.

(e) Submission of a waiver pursuant to Subsection (d) herein is subject to the Facilities Operator's agreement to toll the timeframes set forth in Subsection 943.08(a) of the Codified Ordinances by fourteen (14) days.

**943.33 DISCRETIONARY WAIVER**

It is within the City Manager's reasonable discretion to waive a portion or portions of this Chapter, as permitted or warranted under state and federal law, where such requirements, in the City Manager's judgment, are not necessary and/or appropriate to protect the City's interests and/or not consistent with the purposes and intent of this Chapter.

**943.99 PENALTIES; EQUITABLE REMEDIES.**

(a) Criminal Penalties. Any Applicant of Operator or other Person acting as the agent of an Applicant or Operator who is found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor of the fourth (4th) degree. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.

(b) Civil Violations and Forfeiture.

- (1) In lieu of the criminal penalties set forth above, the City Manager may make an initial finding of a civil violation by the Service Provider for violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter.
- (2) The Civil Forfeiture shall be in an amount payable to the City of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.
- (3) An action for civil forfeiture shall be commenced by providing the Service Provider with written notice describing in reasonable detail the Service Provider's alleged violation of one or more provisions of this Chapter and the amount of the penalty that will be assessed against it.
- (4) The Service Provider shall have fifteen (15) days subsequent to receipt of the notice of violation in which to correct the violation before the City may assess penalties against the Service Provider. The time in which to cure the violation may be extended by the City if additional time is required to correct the violation; provided that the Service Provider commences corrective action within seven (7) days of the notice of violation and proceeds with reasonable diligence.
- (5) The Service Provider may dispute the alleged violation by providing the City with written notice within five (5) days of receipt of the notice of violation, setting forth in reasonable detail the reasons for its dispute. The City shall set a date for hearing of the alleged violation no sooner than thirty (30) days and no later than sixty (60) days from receipt of the notice of dispute.
- (6) The City shall issue a written decision on the Service Provider's alleged violation within thirty (30) days of the hearing, which decision shall be final and subject to the administrative appeal procedures under Ohio law. If the City finds after hearing that the alleged violation(s) did occur, the penalty shall be assessed starting fifteen (15) days from the notice of violation and shall continue until the violation has been corrected.

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(c) Other Remedies. Nothing in this Chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter.

Proposed: 06/15/2020

ORDINANCE NO. 108-2019 (AS), *Third Reading*

By Council Member Seren

An Ordinance amending Chapter 749, “Fair Practices” to include the nonconsensual dissemination of a person’s private sexual images as a prohibited, discriminatory rationale for the purposes of fair employment, education, and housing practices.

WHEREAS, the proposed changes to Chapter 749 will align Cleveland Heights’ fair practices policies with current technologies and social trends; and

WHEREAS, the Council has determined that these proposed amendments to Chapter 749 are in the best interest of the City, its residents, and the general goal of fair practices and the protection of civil rights.

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

SECTION 1. Section 749.03(n), of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(n) The terms ‘Discriminate,’ ‘Discriminating,’ or ‘Discrimination,’ mean any act, policy, or practice that, regardless of intent, has or had the effect of subjecting any individual to different treatment as a result of that individual’s Age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or the nonconsensual dissemination of that individual’s private sexual images, except as otherwise set forth in this Chapter, and except that Age may be the basis of different treatment concerning Housing Practices (see Section 749.07) and/or Education Practices (see Section 749.14).

SECTION 2. Section 749.12(b), of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(b) To establish, announce, or follow a policy of denying or limiting the employment or employment opportunities of any individual or group of individuals because of race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation, ~~or~~ Gender Identity or Expression, or the nonconsensual dissemination of that individual’s or group of individuals’ private sexual images;

SECTION 3. Section 749.12(c), of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(c) Publish or cause to be published any notice or advertisement relating to employment or employment opportunities which contains any specification or limitation as to race, color, religion,

ORDINANCE NO. 108-2019 (AS)

Sex, Familial Status, national origin, Disability, Sexual Orientation,~~or~~ Gender Identity or Expression, or the nonconsensual dissemination of an individual's private sexual images;

SECTION 4. Section 749.12(d), of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(d) Require of any applicant as a condition of employment or employment opportunities any information concerning the applicant's age, race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation,~~or~~ Gender Identity or Expression, or the nonconsensual dissemination of that individual's private sexual images; or

SECTION 5. Section 749.13(a), of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

(a) For any Educational Institution to deny, restrict, abridge, or condition the use of or access to any educational facilities or educational services to any individual who is otherwise qualified on account of race, color, religion, Sex, Familial Status, national origin, Disability, Sexual Orientation,~~or~~ Gender Identity or Expression, or the nonconsensual dissemination of that individual's private sexual images;

SECTION 6. 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 7. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Proposed: 06/15/2020

ORDINANCE NO. \_\_\_\_-2020 (F), *First Reading*

By Council Member \_\_\_\_\_

An Ordinance providing for the issuance and sale of \$1,105,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, (iii) acquiring motorized equipment and appurtenances thereto, (iv) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division, (v) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division and (vi) acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment, and declaring an emergency.

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

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

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

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

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

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

the 2013 Refunding Notes, the 2013 Notes) in anticipation of bonds for the purpose stated in clause (iii) of Section 1 and other purposes, as part of the consolidated issue of \$2,378,000 Various Purpose Notes, Series 2013, which 2013 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$2,151,000 Various Purpose Notes, Series 2014 (the 2014 Notes), issued in anticipation of bonds pursuant to Ordinance No. 89-2014, passed on July 7, 2014, which 2014 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,925,000 Various Purpose Notes, Series 2015 (the 2015 Notes), issued in anticipation of bonds pursuant to Ordinance No. 88-2015, passed on July 6, 2015, which 2015 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,700,000 Various Purpose Notes, Series 2016 (the 2016 Notes), issued in anticipation of bonds pursuant to Ordinance No. 57-2016, passed on July 5, 2016, which 2016 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,285,000 Various Purpose Notes, Series 2017 (the 2017 Notes), issued in anticipation of bonds pursuant to Ordinance No. 87-2017, passed on July 3, 2017, which 2017 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$722,000 Various Purpose Notes, Series 2018 (the 2018 Notes), issued in anticipation of bonds pursuant to Ordinance No. 78-2018, passed on June 18, 2018, which 2018 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$582,000 of notes (the 2019 Refunding Notes) issued in anticipation of bonds pursuant to Ordinance No. 62-2019, passed on July 1, 2019, and there were issued \$631,000 of notes (the 2019 New Money Notes) in anticipation of bonds for the purposes stated in clauses (iv), (v) and (vi) of Section 1 pursuant to Ordinance Nos. 60-2019, 61-2019 and 63-2019, each passed on July 1, 2019, with the 2019 Refunding Notes and the 2019 New Money Notes together constituting a consolidated issue of Various Purpose Notes, Series 2019 (the Outstanding Notes), which Outstanding Notes mature on July 21, 2020; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in clause (i) of Section 1 is nine years, in clause (ii) of Section 1 is 14 years, in clause (iii) of Section 1 (\$53,000 of the Notes) is one year, in clause (iii) of Section 1 (\$189,000 of the Notes) is two years and in clauses (iv), (v) and (vi) of Section 1 is 10 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds described in clauses (i) and (ii) of Section 1 is August 4, 2030, in anticipation of \$53,000 of the Bonds described in clause (iii) of Section 1 is August 1, 2022, in anticipation of \$189,000 of the Bonds described in clause (iii) of Section 1 is July 31, 2023, and in anticipation of the Bonds described in clauses (iv), (v) and (vi) of Section 1 is July 22, 2034;

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

SECTION 1. Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$1,105,000 (the Bonds) for the purpose of paying costs of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto (\$86,000), (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto (\$146,000), (iii)

acquiring motorized equipment and appurtenances thereto (\$242,000), (iv) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division (\$253,389), (v) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division (\$214,412) and (vi) acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment (\$163,199).

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately July 1, 2021, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in eight annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2021, and the first principal payment of the Bonds is estimated to be December 1, 2022.

SECTION 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,105,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent; Prepayment. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America, as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of U.S. Bank National Association, or at the principal corporate trust office or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award, after determining that the payment at that 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, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent). If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity (the Prepayment Date) as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice,

interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Director of Finance may request the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

SECTION 5. Execution of Notes; Book Entry System. The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

As used in this section and this Ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes deposited and maintained in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“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 beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and deposited and maintained in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests 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 beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes 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 Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes 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 Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes.

(a) To the Original Purchaser. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance and the Note Purchase Agreement (as defined below). The Director of Finance shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The City Manager, the Director of Finance, the Director of Law, the Clerk of Council (including any Acting or Interim Clerk of Council) and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements, paying agent agreement, placement agent agreement, term sheet and other commitments, documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

(b) Note Purchase Agreement. If requested by the Original Purchaser, the City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Note Purchase Agreement between the City and the Original Purchaser (the Note Purchase Agreement), in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Notes. The Note Purchase 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 Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Note Purchase Agreement or amendments thereto.

(c) Application for Rating; Financing Costs. The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection

with the sale and issuance of the Notes. 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 Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. The proceeds from the sale of the Notes, 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 Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. 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 Notes or 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 Notes and 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 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes 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 Notes to be and 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 Notes to the governmental purpose 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 Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Notes as “qualified tax-exempt obligations” if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to 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 favorable tax treatment or status of the Notes 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 Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, 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 Notes.

Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

**SECTION 11. Certification and Delivery of Ordinance.** The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

**SECTION 12. Satisfaction of Conditions for Note Issuance.** This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes 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 Notes 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 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

**SECTION 13. Retention of Bond Counsel.** The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature

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

SECTION 14. 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 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 16. 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 Notes at the earliest possible date, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

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JASON S. STEIN, Mayor  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: \_\_\_\_\_, 2020

## **FISCAL OFFICER'S CERTIFICATE**

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

As fiscal officer of the City of Cleveland Heights, Ohio, I certify in connection with your proposed issue of \$1,105,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto (the 2010 Street improvements) (\$86,000 of the Notes), (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto (the 2010 Monticello/Taylor improvements) (\$146,000 of the Notes), (iii) acquiring motorized equipment and appurtenances thereto (as to \$53,000 of the Notes, the 2012 Motorized Equipment improvements, and as to \$189,000 of the Notes, the 2013 Motorized Equipment improvements), (iv) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division (the 2019 Sewer Motor Vehicles and Equipment improvements) (\$253,389 of the Notes), (v) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division (the 2019 Forestry Motor Vehicles and Equipment improvements) (\$214,412 of the Notes) and (vi) acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment (the 2019 Police Radio improvements, and, collectively with the 2010 Street improvements, the 2010 Monticello/Taylor improvements, the 2012 Motorized Equipment improvements, the 2013 Motorized Equipment improvements, the 2019 Sewer Motor Vehicles and Equipment improvements and the 2019 Forestry Motor Vehicles and Equipment improvements, the improvements) (\$163,199 of the Notes), that:

1. The estimated life or period of usefulness of the improvements is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is (i) 15 years as to the portion of the Bonds related to the 2010 Street improvements, (ii) 20 years as to the portion of the Bonds related to the 2010 Monticello/Taylor improvements, (iii) five years as to the portion of the Bonds related to the 2012 Motorized Equipment improvements and the 2013 Motorized Equipment improvements and (iv) 10 years as to the portion of the Bonds related to the 2019 Sewer Motor Vehicles and Equipment improvements, the 2019 Forestry Motor Vehicles and Equipment improvements and the 2019 Police Radio improvements. If notes in anticipation of the related Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the related Bonds. Thus, the maximum maturity of the Bonds related to the (A) 2010 Street improvements is nine years, (B) 2010 Monticello/Taylor improvements is 14 years, (C) 2012 Motorized Equipment improvements is one year and (D) 2013 Motorized Equipment improvements is two years.
3. The maximum maturity of the Notes is (i) August 4, 2030, as to the portion of the Notes related to the 2010 Street improvements and the 2010 Monticello/Taylor improvements, which date is 20 years from August 4, 2010, the date of issuance of the original notes issued for those purposes, (ii) August 1, 2022, as to portion of the Notes related to the 2012 Motorized Equipment

improvements, which date is 10 years from August 1, 2012, the date of issuance of the original notes issued for that purpose, (iii) July 31, 2023, as to portion of the Notes related to the 2013 Motorized Equipment improvements, which date is 10 years from July 31, 2013, the date of issuance of the original notes issued for that purpose, and (iv) July 22, 2034, as to portion of the Notes related to the 2019 Sewer Motor Vehicles and Equipment improvements, the 2019 Forestry Motor Vehicles and Equipment improvements and the 2019 Police Radio improvements, which date is 15 years from July 22, 2019, the date of issuance of the original notes issued for those purposes.

Dated: June 15, 2020

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Director of Finance  
City of Cleveland Heights, Ohio

Proposed: 06/15/2020

RESOLUTION NO. -2020 (PD)

By Council Member

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

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

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

WHEREAS, the Bhutanese Community of Greater Cleveland seeks additional funding in order to continue to offer their job training program in light of the COVID-19 Pandemic; and

WHEREAS, the Bhutanese Community of Greater Cleveland seeks to assist refugees suffering from the effects of the COVID-19 Pandemic, such as food insecurity, personal protection equipment and technological services; 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 the CDBG-CV Funds originating from the Coronavirus Aid, Relief, and Economic Security Funds (CARES Act).

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with the Bhutanese Community of Greater Cleveland, a non-profit corporation, for assistance with its Job Training Program. The agreement shall provide for funding in the amount of up to Five Thousand Dollars (\$5,000) from Community Development Block Grant CV funds. The services to be performed by the Bhutanese Community of Greater Cleveland are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a seventeen-month period commencing February 1, 2020, and terminating June 30, 2021, 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.

RESOLUTION NO. (PD)

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

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**The BHUTANESE COMMUNITY OF GREATER CLEVELAND**

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

The Bhutanese Community of Greater Cleveland is seeking to continue their job training program through the use of technology. The job training program seeks to assist participants with English as a second language, interpretation services, citizenship classes, driving education, and other classes aimed at building skills to enable job seekers to find employment. Additionally, they seek to be able to assist Cleveland Heights refugees and immigrants that are suffering from the effects of the COVID-19 Pandemic. These services include, but are not limited to, the delivery of food, medicine, and personal protection equipment.

The program will serve approximately 100 individuals in 2020-2021. The Bhutanese Community of Greater Cleveland will document the impact of the Pandemic and ensure that participants do not receive a duplication of benefits.

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds 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 education, parent support and activities for families with children from birth to age ten; and

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

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

WHEREAS, there are monies available for such purpose from Year 46 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 (\$25,000) from Year 46 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, 2020, and terminating June 30, 2021, 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 Council this Resolution shall take effect and be in force immediately upon its passage; otherwise,

RESOLUTION NO. (PD)

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

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Parent Café 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 education, parent support and activities for families with children from birth to age ten; and

WHEREAS, Family Connections of Northeast Ohio has established a Parent Cafe 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 45 Community Development Block Grant Funds through the Strategic Impact Opportunity 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 Parent Café Program. The agreement shall provide for funding in the amount of up to Five Thousand Dollars (\$5,000) from Year 45 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 eighteen month period commencing January 1, 2020, and terminating June 30, 2021, 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 Council this Resolution shall take effect and be in force immediately upon its passage; otherwise,

RESOLUTION NO. XX-2020 (PD)

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

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

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

**FAMILY CONNECTIONS**

Family Connections has established the Parent Café Program to assist parents, their preschool and elementary students. A Parent Cafe is a parent education experience designed to create opportunities for parents to connect, share and learn from each other in a space that appreciates that all parents have something to offer and have all that they need. Parent Cafes are driven by the knowledge that parents can, must and do tap into their wisdom and resources in order to strengthen their own families. It is guided by trained Parent Hosts. Parents gather in small groups and explore questions that really matter to them. Through these meaningful conversations, parents are working to build five Protective Factors that will benefit their family. These Protective Factors have been shown through research to prevent child abuse and neglect in families. These Protective Factors are: Parental Resilience; Social Connections; Concrete Support in Times of Need; Knowledge of Parenting and Child Development and Social and Emotional Competence of Children.

The program will serve 26 families. CDBG funds will contribute towards personnel and supply expenses. If necessary, programming may take place online.

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

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

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

WHEREAS, 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 46 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-Seven Thousand, One Hundred and Forty-One Dollars (\$33,000) from Year 46 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, 2020, and terminating June 30, 2021, 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. (PD)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

**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 through innovative ideas and civic engagement.

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

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

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

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

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

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

WHEREAS, there are monies available for such purpose from Year 46 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 Fifteen Thousand Dollars (\$15,000) from Year 46 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, 2020, and terminating June 30, 2021, 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. (PD)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**FUTUREHEIGHTS – CEDAR LEE MINI-PARK PLACEMAKING PROJECT**

FutureHeights is a not-for-profit organization whose mission is to promote a vibrant and sustainable future for Cleveland Heights through innovative ideas and civic engagement. FutureHeights' Cedar Lee Mini-Park Placemaking Project seeks to revitalize the mini-park through programming and infrastructure investments that may include lighting, public seating, security cameras, sound/PA system, stage, paving, plantings and trash receptacles.

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

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

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

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

WHEREAS, there are monies available for such purpose from Year 45 Community Development Block Grant funds through the Strategic Impact Opportunity 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 Forty-Five Thousand Dollars (\$45,000) from Year 45 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 January 1, 2020, and terminating June 30, 2021, 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. (PD)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**FUTUREHEIGHTS – FUTUREHOMES PROJECT**

FutureHeights is a not-for-profit organization whose mission is to promote a vibrant and sustainable future for Cleveland Heights through innovative ideas and civic engagement. Through its FutureHomes Program, FutureHeights will work to safely and fully rehabilitate a minimum of one home in either the Center-city or Noble target neighborhoods, and either sell the property to an LMI buyer or hold the property and rent it to an LMI tenant. The goal of the program is improve housing conditions and property values in these target neighborhoods.

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

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

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

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

WHEREAS, there are monies available for such purpose from Year 45 Community Development Block Grant funds through the Strategic Impact Opportunity 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 Ten Thousand Dollars (\$10,000) from Year 45 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 January 1, 2020, and terminating June 30, 2021, 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. (PD)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**FUTUREHEIGHTS – NOBLE ROAD CORRIDOR EARLY ACTION PROJECT**

FutureHeights is a not-for-profit organization whose mission is to promote a vibrant and sustainable future for Cleveland Heights through innovative ideas and civic engagement. FutureHeights' Noble Road Corridor Early Action Project seeks to enhance and expand plantings and other eligible beautification improvements in eligible areas along Noble Road.

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Geshher, 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, Geshher offers a benefits referral program to help local families access much needed support; and

WHEREAS, Geshher 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 46 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 Geshher a non-profit corporation, for assistance with the operating expenses of the Geshher Benefits Referral Program. The agreement shall provide for total funding in the amount of up to Ten Thousand Dollars (\$10,000) from Year 46 Community Development Block Grant funds. The services to be performed by Geshher 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, 2020, and terminating June 30, 2021, 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 Geshher 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. (PD)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**GESHER**

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

The Gesher service area includes the suburbs of Cleveland Heights, South Euclid and University Heights. CDBG funds will assist with the administrative costs of Gesher associated with assisting at least 51% low- and moderate income Cleveland Heights households. Gesher will assist approximately 380 households in 2020-2021.

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Gesher, a non-profit corporation, for the use of Community Development Block Grant CV funds due to increased demand for their Benefits Referral Program due to the COVID-19 Pandemic; 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 increased need of funding for operating expenses due to the COVID-19 Pandemic ; and

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

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

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with Gesher a non-profit corporation, for assistance with the increased operating expenses of the Gesher Benefits Referral Program. The agreement shall provide for total funding in the amount of up to Eight Thousand Dollars (\$8,000) from Community Development Block Grant CV 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 seventeen-month period commencing February 1, 2020, and terminating June 30, 2021, 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

RESOLUTION NO. (PD)

the earliest time allowed by law.

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**GESHER**

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

The Gesher service area includes the suburbs of Cleveland Heights, South Euclid and University Heights. CDBG funds will assist with the increased administrative costs of Gesher associated with assisting at least 51% low- and moderate income Cleveland Heights households due to the COVID-19 Pandemic. Increased costs may include, but are not limited to, technology costs, and costs associated with accommodating clients safely with the use of PPE and other precautions to reduce the transmission of the COVID-19 virus. Gesher will document the impact of the Pandemic and ensure that participants do not receive a duplication of benefits. Gesher will assist an additional 100 households, at a minimum.

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

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

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

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

WHEREAS, there are monies available for such purpose from Year 46 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 Emergency Food Center (“HEFC”), a non-profit corporation, for assistance with the operating expenses of HEFC’s emergency food programs. The agreement shall provide for total funding in the amount of up to Twenty-Seven Thousand Four Hundred and Fifty Dollars (\$27,450) from Year 46 Community Development Block Grant funds. The services to be performed by the Heights Emergency Food Center are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a one year period commencing July 1, 2020, and terminating June 30, 2021, 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 the Heights Emergency Food Center to continue uninterrupted. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. (PD)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**HEIGHTS EMERGENCY FOOD CENTER**

Heights Emergency Food Center was opened in 1981 as part of the Hunger Task Force. Located at 3663 Mayfield Road, Heights Emergency Food Center will serve approximately 3,900 individuals in 2020-2021. Heights Emergency Food Center provides each eligible family a three-day supply of food once a month.

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant CV funds for the payment of increased operating and capital improvement expenses due to the COVID-19 Pandemic; providing compensation therefor; and declaring an emergency.

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

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

WHEREAS, there are monies available for such purpose from Community Development Block Grant CV funds originating from the Coronavirus Aid, Relief, and Economic Security Funds (CARES Act).

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with the Heights Emergency Food Center (“HEFC”), a non-profit corporation, for assistance with the operating expenses of HEFC’s emergency food programs. The agreement shall provide for total funding in the amount of up to Fifteen Thousand Dollars (\$15,000) from Community Development Block Grant CV funds. The services to be performed by the Heights Emergency Food Center are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a seventeen-month period commencing February 1, 2020, and terminating June 30, 2021, 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 the Heights Emergency Food Center to continue uninterrupted. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this

RESOLUTION NO. (PD)

Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**HEIGHTS EMERGENCY FOOD CENTER**

Heights Emergency Food Center was opened in 1981 as part of the Hunger Task Force. Heights Emergency Food Center provides each eligible family a three-day supply of food once a month. Located at 3663 Mayfield Road, Heights Emergency Food Center will continue to serve approximately 3,900 individuals in 2020-2021. Increased costs may include, but are not limited to, delivery of food, reconfiguration of their physical space and other precautions in order to reduce the transmission of the COVID-19 virus. The Heights Emergency Food Center will document the impact of the Pandemic and ensure that participants do not receive a duplication of benefits.

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

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

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

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

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

WHEREAS, there are monies available for such purpose from Year 46 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 Home Repair Resource Center (“HRRC”) to provide funding from Year 46 Community Development Block Grant funds for HRRC’s programs and operating expenses up to the amounts as listed here: One Hundred Twenty-Six Thousand, Two Hundred and Four Dollars (\$126,204) for HRRC Program Delivery Expenses; Ten Thousand Dollars (\$10,000) for Assist Incentive Grants; Ten Thousand Dollars (\$10,000) for Deferred Loan Match; Eight Thousand Dollars (\$8,000) for the Senior Home Stability Grant, Five Hundred Dollars (\$500) for the Lead Benefits Program, Five Hundred Dollars (\$500) for the Assist 0% Benefit Program and Twenty-Five Thousand Dollars (\$25,000) for Housing Counseling; for a total grant of up to One Hundred and Eighty Thousand, Two Hundred and Four Dollars (\$180,204).

SECTION 2. The services to be performed by HRRC shall be as set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a one-year period, commencing July 1, 2020, and terminating June 30, 2021. All documents shall be in a form approved by the Director of Law.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the

RESOLUTION NO. (PD)

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 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to allow the services of HRRC to continue without interruption. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**HOME REPAIR RESOURCE CENTER**

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

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

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

HRRC will serve approximately 100 households through their Financial Assistance Programs and 300 households through their Housing Counseling Program.

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Home Repair Resource Center (“HRRC”), a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC’s Housing Counseling Program’s increased demand due to the COVID-19 Pandemic; providing compensation therefor; and declaring an emergency.

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

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

WHEREAS, it would be in the City’s best interest to increase funding to HRRC to aid in its efforts to assist households find, retain and maintain safe and adequate housing; and

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

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with the Home Repair Resource Center (“HRRC”) to provide funding from Community Development Block Grant CV funds for HRRC’s Housing Counseling Program in an amount of up to Fifteen Thousand Dollars (\$15,000).

SECTION 2. The services to be performed by HRRC shall be as set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a seventeen-month period, commencing February 1, 2020, and terminating June 30, 2021. All documents shall be in a form approved by the Director of Law.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to allow the services of HRRC to continue without interruption. Wherefore, provided it receives the affirmative vote of five or

RESOLUTION NO. (PD)

more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**HOME REPAIR RESOURCE CENTER**

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

Home Repair Resource Center will provide comprehensive budget and credit counseling services; rental, mortgage and utility assistance referral services, and home maintenance assistance referral services to residents of Cleveland Heights through the Housing Counseling Program. In response to the COVID-19 pandemic, HRRC is expanding their hours of operations, increasing marketing, and accommodating clients with the use of PPE and other precautions to reduce the transmission of the COVID-19 virus. HRRC will document the impact of the Pandemic and ensure that participants do not receive a duplication of benefits.

HRRC will serve an additional 100 households, at a minimum, through their Housing Counseling Program.

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with Lake Erie Ink, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization's Ink Spot After School Program; providing compensation therefor; and declaring an emergency.

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

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

WHEREAS, there are monies available for such purpose from Year 46 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 Lake Erie Ink, a non-profit corporation, to provide for funding in the amount of up to Twelve Thousand Dollars (\$12,000) from Year 46 Community Development Block Grant funds. The services to be performed by Lake Erie Ink are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a twelve month period commencing July 1, 2020, and terminating June 30, 2021, 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 necessary services of Lake Erie Ink to continue uninterrupted. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. (PD)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**LAKE ERIE INK**

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

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

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

WHEREAS, the Open Doors Academy is a non-profit corporation with the mission to support and enhance academic, social and emotional growth of middle school-aged children; 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 46 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 Open Doors Academy, a non-profit corporation, to provide for funding in the amount of up to Fifteen Thousand Dollars (\$15,000) from Year 46 Community Development Block Grant funds. The services to be performed by the Open Doors Academy are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a twelve month period commencing July 1, 20120, and terminating June 30, 2021, 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 necessary services of the Open Doors Academy to continue uninterrupted. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. (PD)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**OPEN DOORS ACADEMY - YEAR-ROUND ACADEMIC AND ENRICHMENT**  
**PROGRAMMING FOR DISADVANTAGED MIDDLE SCHOOL YOUTH**

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

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

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

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

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

WHEREAS, there are monies available for such purpose from Year 45 Community Development Block Grant Strategic Impact Opportunity 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 Open Doors Academy, a non-profit corporation, to provide for funding in the amount of up to Fifteen Thousand Dollars (\$15,000) from Year 45 Community Development Block Grant Strategic Impact Opportunity funds. The services to be performed by the Open Doors Academy are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a eighteen month period commencing January 1, 2020, and terminating June 30, 2021, 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 necessary services of the Open Doors Academy to continue uninterrupted. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. (PD)

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**OPEN DOORS ACADEMY - PATHWAYS TO INDEPENDENCE PROGRAM AT**  
**CLEVELAND HEIGHTS HIGH SCHOOL**

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

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

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

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

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

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

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

WHEREAS, there are monies available for such purpose from Year 45 and 46 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 Severance Tower Local Advisory Council, a non-profit corporation, for assistance with its Accessible Community Garden. The agreement shall provide for funding in the amount of up to Ten Thousand, Eight Hundred Dollars (\$10,800) from Year 45 Community Development Block Grant funds and up to Twelve Thousand Dollars (\$12,000) from Year 46 Community Development Block Grant funds. The services to be performed by the Severance Tower Local Advisory Council are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a twelve month period commencing July 1, 2020, and terminating June 30, 2021, 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

RESOLUTION NO. (PD)

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

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

**SEVERANCE TOWER LOCAL ADVISORY COUNCIL**

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

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

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

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

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

WHEREAS, Start Right Community Development Corporation's Food Bank 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 46 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 Start Right Community Development Corporation, a non-profit corporation, for assistance with the operating expenses of their emergency food program. The agreement shall provide for total funding in the amount of up to Ten Thousand Dollars (\$10,000) from Year 46 Community Development Block Grant funds. The services to be performed by the Start Right Community Development Corporation's Food Bank are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a one year period commencing July 1, 2020, and terminating June 30, 2021, 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 the Start Right Community Development Corporation's Food Bank to continue uninterrupted. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed

RESOLUTION NO. (PD)

to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

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

Start Right Community Development Corporation's Food Bank was opened in 2011 as part of the Cleveland Food Bank. Located at 977 Caledonia Avenue, Start Right Community Development Corporation's Food Bank will serve approximately 837 households. Start Right Community Development Corporation's Food Bank provides each eligible family a three-day supply of food once a month.

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

Proposed: 06/15/2020

RESOLUTION NO. XX-2020 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Start Right Community Development Corporation, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for their expanded Food Bank Program resulting from the COVID-19 Pandemic; providing compensation therefor; and declaring an emergency.

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

WHEREAS, Start Right Community Development Corporation's Expanded Food Bank is in need of increased 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 Community Development Block Grant CV funds originating from the Coronavirus Aid, Relief, and Economic Security Funds (CARES Act).

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

SECTION 1. The City Manager be, and she is hereby authorized to enter into an agreement with the Start Right Community Development Corporation, a non-profit corporation, for assistance with the operating expenses of their emergency food program. The agreement shall provide for total funding in the amount of up to Twenty Thousand Dollars (\$20,000) from Community Development Block Grant CV funds. The services to be performed by the Start Right Community Development Corporation's Food Bank are set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The agreement shall be for a seventeen-month period commencing February 1, 2020, and terminating June 30, 2021, 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

RESOLUTION NO. (PD)

of Cleveland Heights, such emergency being the need to allow the necessary services of the Start Right Community Development Corporation's Food Bank to continue uninterrupted. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN, Mayor  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

RESOLUTION NO. (PD)

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

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

Start Right Community Development Corporation's Food Bank was opened in 2011 as part of the Cleveland Food Bank. Located at 977 Caledonia Avenue, Start Right Community Development Corporation's Food Bank will continue to serve approximately 837 households. Funds granted will be used for the organization needed to turn a once-a-month self choice pantry into a fully operational weekly delivery service for people in need of food due to the COVID 19 crisis. Start Right CDC will document the impact of the Pandemic and ensure that participants do not receive a duplication of benefits.

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