

RESOLUTION NO. 97-1
BY: Margaret H. Jorgensen

Confirming the Mayor's appointments to the Tax Incentive Review Council.

BE IT RESOLVED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby confirms the following appointments to the Tax Incentive Review Council by the Mayor:

Five Citizen Members

Jan Devereaux
Philip C. Heintzelman
Brian Gleisser
David B. Hartt
Kevin Madison

Cuyahoga County Auditor's Designee

Ellie Sullivan

Representative of the Shaker Heights Board of Education

Carlton Moody

Section 2. Resolution No. 95-95, as heretofore in effect, is hereby repealed.

Section 3. This resolution shall take effect from and after the earliest time allowed by law.

Adopted January 27, 1997.

Approved this 28th day of January, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-2
BY: Jan M. Devereaux

Authorizing a contract for professional streetscape design services for Chagrin Boulevard (James McKnight).

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. The Mayor and the Director of Public Service are hereby authorized to enter into a contract with James McKnight Landscape Architecture for the provision of design, engineering, construction/bid documents and construction observation services relative to the Chagrin Boulevard Streetscape Project, all in accordance with its written proposal of December 20, 1996, a copy of which is attached hereto and included herein by reference. Said contract shall be in substantially the form as approved by the Director of Law.

Section 2. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted January 27, 1997.

Approved this 28th day of January, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

James S. McKnight

LANDSCAPE
ARCHITECTURE

The Caxton Building #421
812 Huron Road
Cleveland, Ohio 44115
(216) 771-1800
Fax (216) 771-1801



December 20, 1996

Joyce G. Braverman, Assistant Director of Planning and Development
City of Shaker Heights
3400 Lee Road
Shaker Heights, Ohio 44120

Dear Joyce,

With regards to the Chagrin Boulevard Streetscape Improvement Project I am prepared to provide Landscape Architectural Design Services for the completion of Phase 1 and 2 of the project to occur from Lee Road west to the City boundary. I understand that the Contract Documents are to be fully completed this winter with the provision in their formatting to be bid and constructed as two distinct phases to be implemented over a two year period. The initial breakout of the phases would be to complete the southside in 1997 and the northside the following year.

Adache, Ciuni, and Lynn will provide all background surveying and civil engineering as required to complete the project. Their fees are included in the breakdown and total outlined below.

The scope of work will include the refinement of the previously completed Streetscape Guidelines for Chagrin Boulevard into a Preliminary Plan for review by the local merchants, City of Shaker Heights Planning and Service Department Staff, Architectural Review Committee, City Planning Commission and City Council. The implementation costs will also be reexamined in order to comply with the established budget.

Upon approval of the Preliminary Plans, Construction Documents will be prepared. The Construction Documents will include detailed Layout, Grading, and Planting Plans as well as Details and Specifications. The Document will also include Wage Guidelines which should be provided by the City.

Bidding Administration will be provided to answer bidders questions, review the submitted bids and make a recommendation of award.

During construction weekly job meetings will be held in order to review construction and address field questions. Pay requests will be reviewed and approved. Upon substantial completion a Punch-list will be completed.

I am prepared to begin the project after the first of the year. Adache, Ciuni and Lynn anticipate that the surveying will be completed by February 15th (weather permitting).

Chagrin Boulevard Streetscape Proposal
City of Shaker Heights
December 20, 1996
page 2.

A breakdown of the proposed fees by area of work follows:


Task	Fee
Surveying - Adache, Ciuni and Lynn to complete field surveying and update of 1991 ODOT Widening Project Drawings.	\$ 8000.00
Preliminary Plans and Review Meetings	\$ 6000.00
Construction Documents	\$14,000.00
Bidding Administration / Review	\$ 1500.00
Phase 1 Construction Observation (1997)	\$ 2000.00
Phase 2 Construction Observation (1998)	\$ 2000.00

The total not-to-exceed fee for the work described above will be \$33,500.00. The hourly rates for the Landscape Architecture aspect of the project will be:
Principal / Project Manager - \$65.00 per hour
Designer / Draftsman - \$40.00 per hour
Clerical -- \$25.00 per hour

Reimbursable expenses would include photographs and printing of the drawings and specifications for review and bidding. This amount should not exceed \$1500.00 and receipts will be submitted with reimbursable requests.

Thank you for the opportunity to submit this proposal and I look forward to continuing to work with you and the Planning Staff on this project. If you need additional information please contact me.

Sincerely,


James S. McKnight, ASLA

Accepted: _____

ORDINANCE NO. 97-3
BY: Kenneth J. Kovach

Authorizing a contract with Master Mechanical, Inc. for the replacement of two boilers at the Malvern Building, and declaring an emergency.

WHEREAS, one of the two boilers at the Malvern Building, which is leased by the City to Solomon Schechter School, is out of service and cannot be repaired; and

WHEREAS, in the opinion of the Director of Public Service, said boiler must be replaced immediately and, therefore, there is no time to formally advertise for bids; and

WHEREAS, the Director of Public Service has also recommended the replacement of the building's second boiler, which is the same age as the boiler currently out of service, and is in danger of malfunctioning at any time; and

WHEREAS, of the informal bids solicited and received, the lowest and best bid, in the amount of THIRTY-EIGHT THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS (\$38,345), was submitted by Master Mechanical, Inc., which is ready and able to immediately replace the boilers.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Pursuant to Article VI, Section 7 of the City Charter, this Council hereby authorizes the Mayor and the Director of Finance to enter into a contract with Master Mechanical, Inc. for the emergency replacement of two boilers at the Malvern Building, at a cost of THIRTY-EIGHT THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS (\$38,345), without advertising for formal bids. The contract shall be in substantially the form as approved by the Director of Law.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and, further, that it is necessary to replace the boilers at the Malvern Building as soon as possible to ensure the continuation of adequate heating for the children attending Solomon Schechter School, located in the Malvern Building and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted January 27, 1997.

Approved this 28th day of January, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-4
BY: Stephanie W. Turner

Confirming the granting of a conditional use permit for the operation of a bottle club in conjunction with a restaurant (20300 Chagrin Boulevard).

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby confirms the granting of a conditional use permit by the City Planning Commission at its meeting on January 6, 1997, for the operation of a bottle club, in conjunction with a restaurant, at 20300 Chagrin Boulevard, Shaker Heights, Ohio. The approval granted herein is expressly conditioned upon the applicant's maintaining the hours of operation set forth in its application and approved by the City Planning Commission.

Section 2. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted January 27, 1997.

Approved this 28th day of January, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-5
BY: Judith H. Rawson

Authorizing assistance of the City of Shaker Heights for homes subject to flooding.

WHEREAS, certain properties in the City of Shaker Heights are subject to frequent flooding in periods of heavy rainfall; and

WHEREAS, the topography of the land, including said properties, is such that it is extremely difficult and expensive, or impossible, to provide adequate municipal storm sewers for the proper drainage of the basements of residents in such properties; and

WHEREAS, such conditions are not due to the negligence or fault of the property owners involved but are due to unavoidable topographical conditions, and conditions beyond the control of the City of Shaker Heights, or the City has spent considerable sums of money in attempting other means to improve the drainage of storm water from said properties; and

WHEREAS, serious damage, nuisance, inconvenience and hazards to public health and safety have resulted from such flooding conditions in residents' properties, particularly involving the flooding of basements; and

WHEREAS, consulting engineers have recommended that the only practical and feasible solution to such flooding conditions is to raise the elevation of storm and sanitary sewer facilities and connections in and around individual buildings, to elevate plumbing facilities and to install sump pumps in basements; and

WHEREAS, the raising of the elevation of storm and sanitary sewer lines and connections, and interior plumbing in and around buildings on said properties, is necessary for the protection of the public health and safety and for the preservation of property values; and

WHEREAS, in certain instances it is substantially less expensive and more effective to elevate individual sewer lines and facilities than to relocate entire sewage systems.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council finds and determines that it is necessary and in the public interest for the City to participate and share in the expense of improving such properties located within the City of Shaker Heights by raising the elevation of storm

and sanitary sewer lines and connections and interior plumbing, and installing sump pumps in and around buildings on said properties.

Section 2. The City of Shaker Heights will pay ninety percent (90%) of the cost of such improvements, approved as provided hereinafter, except for restoration of lawns, landscaping other improvements at grade, and the connection of basement lavatories, which will either be disconnected, or reconnected at the property owner's sole expense, and this Council will appropriate funds for such purpose after estimates of cost and applications for such assistance have been filed with the Director of Finance.

Section 3. The Mayor and Director of Finance are hereby authorized and directed to plan and effectuate a program to accomplish such improvements in substantially the following manner:

- (a) The owner of each such property may apply to the Director of Finance for such assistance.
- (b) The City Engineer will investigate each property for which application for assistance has been made to determine that flooding conditions and damage involved results from the insufficiency of the City sewerage system and are not the result of improper connections or blocked sewers on the applicant's property and would be benefited by such improvements. Subject to such qualifications, the City Engineer will prepare an estimate of cost for the improvement of the property of each such applicant in the manner indicated above.
- (c) Each application and the Engineer's report and estimate of cost will be submitted to the Public Service Committee of Council which shall approve or disapprove such application for city financial assistance based upon relative need and the availability of appropriated funds. Upon approval, the Engineer will prepare plans and specifications.
- (d) The owner of each such property will be notified of the plans and estimated cost of said improvements, and the nature of any necessary maintenance and improvements to be performed by the property owner.
- (e) Within a designated time, each property owner who wishes to participate in said improvement program will -
 - 1. Deposit with the Director of Finance ten percent (10%) of the estimated cost of such improvement on his or her property.
 - 2. Perform or give assurance of performing other necessary maintenance and improvements, including the restoration of the property, lawns, landscaping

other improvements at grade, at the property owner's expense.

3. Agree to relieve the City of liability in connection with said improvement program.

(f) After the expiration of such designated time, the Director of Finance will take bids or contract to accomplish said improvement program on those designated and qualified properties as to which the owners have taken the above necessary steps to participate. After bids have been received or a contract has been entered into, the Director of Finance may require additional deposits, or may reduce the previous deposits made, so as to adjust each deposit in accordance with a revised estimate of cost. After the conclusion of the work to accomplish such improvements, additional charges or reductions in charges may be made so that the contribution of each property owner will amount to ten percent (10%) of the actual cost of such improvements performed by the City on each property.

Section 4. Ordinance No. 70-133, enacted August 24, 1970, and Ordinance No. 73-160, enacted October 22, 1973, as heretofore in effect, are hereby repealed.

Section 5. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted January 27, 1997.

Approved this 28th day of January, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-6

BY: Stephanie Turner

Appropriating funds from the General Capital Fund Account to purchase or refurbish various equipment for the Public Service Department.

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. That there be and is hereby appropriated from the General Capital Fund No. 401.04 the sum of TWO HUNDRED SIXTY THOUSAND DOLLARS (\$260,000) to purchase or refurbish the following equipment:

<u>Item</u>	<u>Cost</u>
Rehabilitate Refuse Packer No. 59	\$ 65,000
Rehabilitate Refuse Packer No. 68	65,000
Replace Truck No. 72	65,000
Replace Truck No. 73	<u>65,000</u>
Total	<u>\$260,000</u>

Section 2. That the City Finance Director be and he is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted January 27, 1997.

Approved this 28th day of January, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tempore

ORDINANCE NO. 97-7
BY: Kenneth Kovach

Amending Ordinance No. 93-88, as amended by Ordinance Nos. 93-142 and 96-128, appropriating funds from the General Capital Fund for the engineering and design of City-wide traffic signal improvements.

WHEREAS, Ordinance No. 93-142, enacted August 23, 1993, authorized a contract with Adache-Ciuni-Lynn Associates, Inc. for professional engineering services relative to the City's traffic signal improvement project, and increased the amount of funds appropriated for the project by Ordinance No. 93-88 from TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) to TWO HUNDRED SIXTY THOUSAND DOLLARS (\$260,000); and

WHEREAS, Ordinance No. 96-128, enacted July 30, 1996, authorized modification of the agreement to provide for additional engineering services to include a preemption study on behalf of the Fire Department and additional traffic counts, and increased the appropriation of funds therefor from TWO HUNDRED SIXTY THOUSAND DOLLARS (\$260,000) to TWO HUNDRED NINETY-EIGHT THOUSAND DOLLARS (\$298,000); and

WHEREAS, the Ohio Department of Transportation has requested an engineering study of the impact of adding an actuated exclusive pedestrian phase at RTA crossings in the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. That Ordinance No. 93-142, as amended by Ordinance No. 96-128, is hereby amended so as to permit a modification of the agreement approved therein with Adache-Ciuni-Lynn for engineering services relative to the City's traffic signal improvement project to include a study of the impact of adding and actuated exclusive pedestrian phase at RTA crossings. Said modification shall be in a form as approved by the Director of Law.

Section 2. The amount of funds appropriated from the General Capital Fund No. 401.04 in Section 1. of Ordinance No. 93-88, as amended by Ordinance Nos. 93-142 and 96-128, is hereby increased from by THREE THOUSAND SEVEN HUNDRED DOLLARS (\$3,700) from TWO HUNDRED NINETY-EIGHT THOUSAND DOLLARS (\$298,000) to THREE HUNDRED ONE THOUSAND SEVEN HUNDRED DOLLARS (\$301,700) to provide for an engineering study of the impact of adding an actuated exclusive pedestrian phase at RTA crossing as requested by the Ohio Department of Transportation. (Traffic Congestion Mitigation Project Grant).

Section 3. That the City Finance Director be and he is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted January 27, 1997.

Approved this 28th day of January, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tempore

ORDINANCE NO. 97-8

BY: Judith Rawson

Amending Ordinance No. 96-14, appropriating funds from the General Capital Fund No. 401 for the design and construction of a left turn lane and the installation of a traffic signal on Northfield Road located at the entrance to the Office Max facility.

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. That the amount of funds appropriated from the General Capital Fund No. 401 in Section 1. of Ordinance No. 96-14 is hereby increased by TWENTY FIVE THOUSAND DOLLARS (\$25,000), from NINETY THOUSAND DOLLARS (\$90,000) to ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000) to provide for the cost of engineering and constructing a left turn lane and acquiring and installing a traffic signal system at the Northfield Road entrance to the Office Max facility.

Section 2. That the City Finance Director be and he is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted January 27, 1997.

Approved this 28th day of January, 1997.

PATRICIA S. MEARNES, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tempore

ORDINANCE NO. 97-9
BY: Margaret Jorgensen

Amending Ordinance No. 95-43, as amended by Ordinance No. 96-203, appropriating funds from the General Capital Fund for various improvement projects to provide for the removal of the underground fuel storage tanks at the Police Department and to centralize unleaded fuel distribution for City vehicles at the Service Center.

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. That the amount of funds to be appropriated from the General Capital Fund Account No. 401.04 for the replacement of underground fuel storage tanks at the Service Center in Section 1. of Ordinance No. 95-43, is hereby increased by TWO HUNDRED THOUSAND DOLLARS (\$200,000), from SEVENTY THOUSAND DOLLARS (\$70,000) to TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000) to provide for the additional cost of centralizing unleaded fuel distribution for city vehicles at the Service Center, including abandoning and removing the underground storage tanks located at the Police Station, site remediation expenses, and modifying the Service Center front gate to permit 24 hour fueling access.

Section 2. That the total amount appropriated in Section 1. of Ordinance No. 95-43, as amended by Ordinance 96-203, is hereby increased from THREE HUNDRED SEVENTY NINE THOUSAND FIVE HUNDRED DOLLARS (\$379,500) to FIVE HUNDRED SEVENTY NINE THOUSAND FIVE HUNDRED DOLLARS (\$579,500) to reflect the above change.

Section 3. That the City Finance Director be and he is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary in the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted January 27, 1997.

Approved this 28th day of January, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tempore

RESOLUTION NO. 97-10
BY: Judith H. Rawson

A resolution for submission to the Ohio Farmland Preservation Task Force.

WHEREAS, Governor George V. Voinovich has established the Ohio Farmland Preservation Task Force for the purposes of studying the loss of farmland and making recommendations on methods for preserving land for agricultural production; and

WHEREAS, the policies, programs and practices of the State of Ohio have encouraged development of farmland at the outer edges of the Greater Cleveland region over redevelopment and maintenance of built communities such as Cleveland and its First Suburbs; and

WHEREAS, these policies and practices have undermined the economic strength and attractiveness of Cleveland and its First Suburbs, and put them at a competitive disadvantage to newer and developing communities; and

WHEREAS, conditions have been created that entice and push citizens and employers to locate in newer and developing communities; and

WHEREAS, growth in public funds required to service sprawling ex-urban development coupled with erosion of economic strength in Cleveland and its First Suburbs jeopardizes economic performance of the Greater Cleveland region; and

WHEREAS, preservation of farmland at the outer edges of the metropolitan region depends on the creation of more opportunities for citizens and employers to remain or locate in Cleveland and its First Suburbs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council requests that the Ohio Farmland Preservation Task Force include the following in its recommendations to the Governor:

1. State of Ohio policies, programs and activities should be modified so as to favor redevelopment and maintenance of built communities over development of new communities;
2. The state should set objectives for the metropolitan regions concerning preservation of

farmland and open spaces, and redevelopment and maintenance of built communities; and

3. The state should require that the counties that comprise each metropolitan region jointly and cooperatively devise a plan for meeting the state's objectives and establish mechanisms for implementing the plan.

Section 2. The Clerk of Council is hereby directed to forward a copy of this resolution to Governor George V. Voinovich, the Ohio Farmland Preservation Task Force, and to the mayors of those communities constituting the First Suburbs of the Greater Cleveland region.

Adopted January 27, 1997.

Approved this 28th day of January, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-11
BY: Allen D. Foster, Sr.

Confirming the granting of a conditional use permit and a parking variance for the operation of a specialized instructional school at 17124 Chagrin Boulevard (Tae Kwon Do America).

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby confirms the granting of a conditional use permit by the City Planning Commission at its meeting on February 3, 1997, for the operation of a specialized instructional school at 17124 Chagrin Boulevard, Shaker Heights, Ohio, to be operated by Tae Kwon Do America. The permission granted herein is expressly conditioned upon the following:

1. The hours of operation shall be limited to Mondays and Wednesdays, 5:00 p.m. to 9:45 p.m., and on Saturdays, 11:00 a.m. to 5:45 p.m.
2. Employees will park across the street at the municipal parking lot located at Chagrin Boulevard and Avalon Road.

Section 2. This Council hereby confirms the granting of a parking variance of 18 parking spaces by the Board of Zoning Appeals at its meeting on February 3, 1997, with regard to the operation of a specialized instructional school at 17124 Chagrin Boulevard.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted February 10, 1997.

Approved this 11th day of February, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

RESOLUTION NO. 97-12

BY: Jan M. Devereaux

Expressing appreciation to FRANCIS G. CASH, Director of Building and Housing, for his years of service to the City of Shaker Heights.

WHEREAS, FRANCIS G. CASH was appointed as the Director of Building and Housing on January 10, 1994; and

WHEREAS, prior to his appointment with the City, FRANCIS G. CASH had served as the Commissioner of Building and Housing for the City of Cleveland, Ohio, and as the Chief Building Official, Structural Plan Examiner and Zoning Administrator for the City of Dayton, Ohio; and

WHEREAS, FRANCIS G. CASH has served in numerous professional organizations, including as Chairman of the Local Chapter of the Ohio Society of Professional Engineers; as State Vice-Chairman of the Professional Land Surveyors of Ohio; as a member of the Major Cities Committee of Building Officials and Code Administrators International; and as a member of the Code Interpretation Committee of the Ohio Building Officials Association; and

WHEREAS, as the Director of Building and Housing for the City of Shaker Heights, FRANCIS G. CASH was instrumental in enhancing the City's code inspection programs, which included major revisions to the City's Commercial Property Maintenance Code, and implementation of the City's program for the abatement of public nuisances in residential areas; and

WHEREAS, MR. CASH was also instrumental in the creation and implementation of the City's Neighborhood Preservation Partnership Program, involving greater interaction with residents as to code inspections and repairs, resulting in greater code compliance; and

WHEREAS, FRANCIS G. CASH will be retiring from his service with the City on February 28, 1997; and

WHEREAS, FRANCIS G. CASH has unselfishly given his time and talents to the service of the City, its officials, and its citizens; and

WHEREAS, this Council desires to honor FRANCIS G. CASH, Director of Building and Housing, and to express its appreciation for his great devotion and years of service to the City of Shaker Heights.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council expresses its appreciation for the long and faithful service of FRANCIS G. CASH, Director of Building and Housing, and for his devotion to the community he served, and extends to FRANCIS G. CASH its best wishes for continued good health and prosperity.

Section 2. The Clerk of Council is hereby instructed to furnish FRANCIS G. CASH, Director of Building and Housing, with a duly inscribed, attested and approved copy of this resolution.

Adopted February 24, 1997.

Approved this 24th day of February, 1997.

Kenneth J. Kovach

Stephanie W. Turner

Margaret H. Jorgensen

Judith H. Rawson

David E. Weiss

Jan Devereaux

Allen D. Foster, Sr.

PATRICIA S. MEARNNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

RESOLUTION NO. 97-13

BY: Kenneth J. Kovach

Expressing appreciation to EVELYN KRENT, Director of the Senior Adult Office, for her years of service to the City of Shaker Heights.

WHEREAS, EVELYN KRENT was appointed as the Director of the Senior Adult Office on October 3, 1979; and

WHEREAS, as Director, EVELYN KRENT was responsible for the implementation of numerous programs benefiting the seniors of Shaker Heights, such as the Spotlight newsletter, the annual Christmas dinner, transportation for medical appointments, housekeeping services, income tax services, classes conducted by Cuyahoga Community College, and Meals-on-Wheels; and

WHEREAS, EVELYN KRENT was also instrumental in the success of the Shaker Community Building which has provided a larger and better equipped facility for Shaker Heights senior citizens; and

WHEREAS, EVELYN KRENT retired on January 31, 1997; and

WHEREAS, EVELYN KRENT has unselfishly given her time and talents to the service of the City, its officials, and its citizens; and

WHEREAS, this Council desires to honor EVELYN KRENT, Director of the Senior Adult Office, and to express its appreciation for her great devotion and 17 years of service to the City of Shaker Heights.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council expresses its appreciation for the long and faithful service of EVELYN KRENT, Director of the Senior Adult Office, and for her devotion to the community she served, and extends to EVELYN KRENT its best wishes for continued good health and prosperity.

Section 2. The Clerk of Council is hereby instructed to furnish EVELYN KRENT, Director of the Senior Adult Office, with a duly inscribed, attested and approved copy of this resolution.

Adopted February 24, 1997.

Approved this 24th day of February, 1997.

Kenneth J. Kovach

Stephanie W. Turner

Margaret H. Jorgensen

Judith H. Rawson

David E. Weiss

Jan Devereaux

Allen D. Foster, Sr.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

RESOLUTION NO. 97-14

BY: Allen D. Foster, Sr.

Expressing appreciation to CAROLYN GARVIN for her contributions to the Shaker Heights community.

WHEREAS, CAROLYN GARVIN was the Chair of the successful Martin Luther King, Jr. Celebration '97, sponsored by the Shaker Heights Human Relations Commission; and

WHEREAS, she also served as Co-Chair of the Martin Luther King, Jr. Celebration in 1996; and

WHEREAS, CAROLYN GARVIN currently serves on the Human Relations Commission, and has served on the Shaker Towne Center Committee, and as a member of SWITA; and

WHEREAS, CAROLYN GARVIN has served in numerous other community and school organizations, including as President of the Lomond Community Association, President of the Lomond PTA, President of the Shaker Heights High School PTA, Secretary of the PTA Council, and Chair for the Lomond Association Block Watch Program; and

WHEREAS, this Council desires to recognize CAROLYN GARVIN for her contributions as Chair of the Martin Luther King, Jr. Celebration '97, and for her many years of volunteer service to the Shaker Heights community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council expresses its appreciation for the contributions of CAROLYN GARVIN as Chair of the Martin Luther King, Jr. Celebration '97, and for her many years of service as a volunteer in the Shaker Heights community, and extends to CAROLYN GARVIN its best wishes for continued good health and prosperity.

Section 2. The Clerk of Council is hereby instructed to furnish CAROLYN GARVIN a duly inscribed, attested and approved copy of this resolution.

Adopted February 24, 1997.

Approved this 24th day of February, 1997.

Kenneth J. Kovach

Stephanie W. Turner

Margaret H. Jorgensen

Judith H. Rawson

David E. Weiss

Jan Devereaux

Allen D. Foster, Sr.

PATRICIA S. MEARNNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-15
BY: Jan M. Devereaux

Authorizing the provision of various services relative to Shaker Square (Shaker Square Area Development Corporation).

WHEREAS, the Shaker Square commercial area of Cleveland is located adjacent to the City of Shaker Heights, and within the Shaker Heights City School District; and

WHEREAS, several residential streets in the Shaker Square area are located in the City of Shaker Heights; and

WHEREAS, many Shaker residents shop at stores located within the Shaker Square commercial area, and many apartment buildings located in this approximate area contain children who attend Shaker Heights City schools; and

WHEREAS, the economic vitality of the Shaker Square commercial area and the Shaker Boulevard office building corridor, and the surrounding residential areas has, in the opinion of this Council, a significant affect upon the City of Shaker Heights and the Shaker Heights City School District; and

WHEREAS, the Shaker Square Area Development Corporation, formerly known as the Friends of Shaker Square, Inc. ("FOSS"), has offered to provide certain services relative to Shaker Square for the purpose of maintaining and improving the economic vitality of its commercial and residential areas, including but not limited to marketing services, rental services, housing rehabilitation, storefront renovations, real estate development, security, traffic improvements and related services; and

WHEREAS, the Shaker Square Area Development Corporation has offered to provide such services during a one-year period for TWENTY THOUSAND DOLLARS (\$20,000).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby authorizes the payment of TWENTY THOUSAND DOLLARS (\$20,000) to the Shaker Square Area Development Corporation for marketing services, rental services, housing rehabilitation, storefront renovations, real estate development, security, traffic improvements and various other services related to the development and maintenance of the Shaker Square commercial area and the Shaker Boulevard office building corridor, and the surrounding residential areas, as described by the Shaker Square Area Development Corporation in its letter to Mayor Mearns, dated January 21, 1997.

Section 2. That there be and is hereby appropriated from the General Capital Fund No. 401.11 the sum of TWENTY THOUSAND DOLLARS (\$20,000) to provide for the services offered by the Shaker Square Area Development Corporation as approved herein.

Section 3. That the City Director of Finance be and he is hereby authorized and directed to draw his warrants against the appropriation hereinabove set forth upon presentation of proper vouchers.

Section 4. The Shaker Square Area Development Corporation shall provide to the Mayor and Council, within one year, a written progress report concerning the services it has provided, or more often as may from time to time be requested by the Mayor or Council.

Section 5. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted February 24, 1997.

Approved this 25th day of February, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-16
BY: Jan M. Devereaux

Amending Chapter 1321 of the Building Code.

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Chapter 1321 of the Shaker Heights Building Code, entitled "Regional Dwelling House Code" is hereby amended, and shall be retitled "Residential Building Code." As amended, Chapter 1321 shall read as attached hereto and included herein by reference.

Section 2. Chapter 1321 of the Shaker Heights Building Code, as heretofore in effect, is hereby repealed.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted March 24, 1997.

Approved this 25th day of March, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

CHAPTER 1321
Residential Building Code

1321.01 Enactment of Residential Building Code.
1321.02 Incorporation of OBOA Code; File Copy.
1321.03 Definitions.

1321.04 Amendments OBOA Code.
1321.05 Supplementary Provisions.
1321.06 Additions to the Residential Building Code.

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231
Housing Code - see HSG. Ch. 1401 et seq.

1321.01 ENACTMENT OF RESIDENTIAL BUILDING CODE.

There is hereby adopted, for the purpose of establishing updated rules and regulations for the construction, alteration, paving, removal, demolition, equipment, use, occupancy, location and maintenance of one and two-family dwellings and appurtenant structures, the Shaker Heights Residential Building Code.

1321.02 IMPLEMENTATION OF OBOA CODE; FILE COPY.

There is hereby incorporated herein the Ohio Building Officials Association One, Two, and Three Family Dwelling Code, copyright 1996, by The Council of American Building Officials, except such portions as are hereinafter amended or repealed.

One (1) copy of the Ohio Building Officials Association One, Two, and Three Family Dwelling Code, as adopted herein, shall be filed with the Building Department, and the same is adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter takes effect the provisions thereof shall be controlling in the construction of all one and two-family dwellings and appurtenant structures contained within the City, except amendments or repeals thereto may be provided for in this chapter or by subsequent ordinance of Council.

Whenever a conflict arises between various code sections within this chapter, the more restrictive one shall apply, inclusive of any tables or drawings. The incorporation of the Ohio Building Officials Association One, Two, and Three-Family Dwelling Code, as set forth herein, shall not be construed so as to permit the construction of three-family dwellings, which are otherwise prohibited under the Shaker Heights Zoning Code, Title 12, Shaker Heights Codified Ordinances.

1321.03 DEFINITIONS.

As used herein, certain terms are defined as follows:

- (a) "Building Official" means the Director of Building and Housing.
- (b) "Board of Examiners" means the Architectural Board of Review of Shaker Heights.
- (c) "Board of Building Code Appeals" means the Architectural Board of Review of Shaker Heights.
- (d) "City" means the City of Shaker Heights.
- (e) The name "City of Shaker Heights" is hereby inserted in any and all blank spaces provided in this adopted Code for the name of the municipality adopting such Code. Words and terms used in such Code shall be construed to mean the words, terms and titles applicable to the City of Shaker Heights.

1321.04 AMENDMENTS TO OBOA CODE.

The following provisions of the Ohio Building Officials Associations One, Two, and Three Family Dwelling Code are hereby amended, or deleted, as set forth herein.

FDC Section R-304 - Room Sizes (Repealed).

Section R-204 is hereby repealed. Reference Chapter 1411 of the Shaker Heights Housing Code.

FDC Section R-309 - Garages (Amended).

Section 309.2 to remain as written except as follows:

The garage shall be completely separated from the residence and its attic area by means of 5/8-inch gypsum board or equivalent applied to the garage side.

Section R-309.3 to remain as written except as follows:

Garage and carport floor surfaces shall be of concrete.

FDC Section R-405 - Foundation Drainage (Amended).

Section R-405.1 to remain as written except as follows:

Gravel or crushed stone drains shall extend at least 1 foot beyond the outside edge of the footing and 24 inches above the top of the footing.

Section R-405.2 is hereby repealed.

FDC Section R-602 - Dimension Lumber (Amended).

Section R-602.3.4 to remain as written except for the following deletion:

When bearing studs are spaced at 24-inch intervals, doubled top plates are less than two 2 by 6 or two 3 by 4 members, and supported floor joists, floor trusses or roof trusses are spaced at more than 16-inch intervals, care shall be exercised to ensure locating supported floor joists or trusses within 5 inches of the studs beneath, or, in lieu thereof, solid blocking equal in size to the studs beneath shall be installed to reinforce the double plate above.

FDC Section R-602.3d - Table (Amended).

The table(s) shall remain as written, except that 2 by 4 stud spacing shall be 16" on center with a double 2 by 4 top plate and a single bottom plate. The 2 by 6 stud spacing may be placed at 24" on center with double 2 by 6 top plates and a single 2 by 6 bottom plate.

FDC Section 602.4.1 - Interior Partitions (Amended).

Section 602.4.1 to remain as written except as follows:

Interior nonbearing partition may be constructed with 2 by 4 inch studs spaces at 16" on center or 2 by 4 inch flat studs spaced 16" on center.

FDC R-503.3 - Particleboard (Repealed).

Section R-503.3.1 is hereby repealed.

Table No. R-503.3.2 is hereby repealed.

Section R-503.3.3 is hereby repealed.

FDC R-803.3 - Particleboard (Repealed).

Section R- is hereby repealed.

Section R-803.3.1 is hereby repealed.

Section R-803.3.2 and 803.3.3 is hereby repealed.

Table No. R-803.3.2 is hereby repealed.

FDC R-903 - Asphalt Shingles.

Table No. R-903.4 to remain as written except as follows:

Attachment: Staples prohibited.

1321.05 SUPPLEMENTARY PROVISIONS

The Regional Dwelling House Code, as part of the former Chapter 1321 of the Shaker Heights Building Code, is repealed in its entirety, except such provisions as are hereinafter amended or retained for inclusion into the Residential Building Code. These provisions as so amended or retained, shall be filed in the Building Department, and the same shall be adopted as incorporated as fully as if set out at length herein.

RDH 1503.09 Non-structural alterations or repairs not exceeding 50 percent in value (Retained).

RDH 1503.10 Non-structural alterations or repairs exceeding 50 percent in value (Retained).

RDH 1503.11 Replacement of roof (Retained).

RDH 1503.12 Method of valuation (Retained).

RDH 1517.05 Letter "D" (Amended).

Flat. A dwelling, or any floor of a dwelling, not more than two stories high, each floor of which constitutes a living unit. Also known as two-family.

RDH 1523.05 Roof and yard drainage (Retained).

RDH 1525.03 Proper Connection (Amended).

The building sewer shall connect only to a sanitary or combined sewer system and shall be the same size as curb connection, except as follows: cast-iron building sewers may be one pipe size smaller than the curb connection. Sanitary connections to a storm sewer or the connection of storm drains to sanitary sewerage is prohibited. Unless otherwise approved by the Director of Building and Housing, joints in the sanitary sewer line shall be made as provided in Section 1593.58.

RDH 1527.06 Cellar and Basement Occupancy (Amended).

No room or space in any cellar shall be used for sleeping purposes. No room in any basement shall be occupied as a habitable room if a finished floor at a required window is more than 2 feet 6 inches below the finish grade at the window, and such window shall open to provide clear egress having a minimum dimension of 2 feet. A recreation room in a cellar shall not be considered as a habitable room.

RDH 1529.10 Basementless "Crawl" Spaces (Amended).

(a) Crawl space height shall be 30" inches from the concrete slab to the bottom of the floor joist framing. Where mechanical equipment is installed and requires removal or maintenance, all debris, topsoil and other organic matter shall be removed, and such space shall be graded, drained and a concrete slab poured. The concrete slab for crawl spaces shall be a minimum of 2" inches thick and shall have a wood float finish.

RDH 1533.01 Entrance Walks (Amended).

The entrance walk or path, leading from the thoroughfare to the house, shall have a slope of not more than 1 foot vertical to 12 horizontal.

RDH 1535.01 Entrance (Retained).

RDH 1535.02 Rear Yard (Retained).

RDH 1535.03 Services (Retained).

RDH 1535.04 Egress (Amended).

A required means of ingress and egress from a living unit shall not be through any part of another living unit or through an attached garage. At least one window or other exterior opening in each habitable room shall be so arranged as to permit its use as a means of escape in an emergency. The second floor of a two-family flat shall have 2 means of egress located as far apart as possible. One means of egress shall be by enclosed stairs leading directly to the grade line. The second means of egress may be by stairways to grade,

or onto a deck not over 12 feet above grade and protected by a railing. Where a deck is used as a secondary exit, the primary exit shall be located on the opposite side or rear of house. Where space is provided on the third floor of a two-family flat which is or can be used as living quarters, 2 separate and distinct means of egress shall be provided from such third floor level to the ground.

RDH 1537.02 Permit required (Retained).

RDH 1537.09 Temporary Sanitation (Amended).

Temporary sanitation facilities shall be provided in accordance with Section 343.03 of the Health Code of the City of Shaker Heights.

RDH 1537.10 Final Clean-Up (Amended).

After a building has been removed or demolished, all holes shall be filled and all waste material and debris shall be removed and the property restored to a condition consistent with that of the adjoining property. (See Section 1313.02(b) of the Codified Ordinances.)

RDH 1541.20 Freezing (Amended).

All masonry shall be protected against freezing for at least 48 hours after laying. No masonry shall be built upon frozen ground or materials.

(e) Basement garages. Basement garages shall be continuously ventilated by a mechanical ventilating system with positive means for both the inlet and exhaust of at least one cubic foot of air per minute per square foot of floor area. Control of either the exhaust or inlet fan shall be close to the entrance door. Where heat is supplied to garage from the heating system of a living unit, air from garage area shall not be returned to such heating system.

RDH 1553.02 Detached Garages (Amended).

(a) Height. The maximum height of detached garages shall be as regulated in the Zoning Code for the use district in which such garage is located.

(b) Wood-frame construction.

iii. Studs shall be spaced not more than 16 inch o.c.

iv. - viii. No change.

ix. The floor of all garages shall be of 4-inch thick concrete reinforced with 6 x 6 #6 wire mesh.

RDH 1557.01 General (Amended).

(a) Fireplaces. The walls of fireplaces shall be built of brick or reinforced concrete not less than eight (8) inches thick. All faces exposed to fire shall be lined with at least two (2) inches of firebrick or other approved material.

RDH 1567.05 Plywood and Oriented Strand Board Wall Sheathing (Amended).

(b) Minimum thickness. The minimum thicknesses of plywood sheathing shall be 1/2 inch. The minimum thickness of oriented strand board shall be 1/2 inch.

RDH 1575.09 Wood Roof Sheathing (Amended).

Wood roof sheathing shall have a minimum thickness of 3/4 inch and shall be applied over rafters spaced not more than 16 inches o.c. Joints shall be over rafters, unless end-matched boards are used. If end-matched boards are used, no two adjoining boards shall break joints over the same rafter space and each board shall bear on at least two rafters.

RDH 1575.10 Plywood Roof Sheathing (Amended).

(a) Minimum thickness. Plywood roof sheathing shall be applied with the grain of the outer plies at right angles to the rafters and spaced not more than 16 inch o.c. and a minimum thickness of 1/2 inch. Oriented strand board is not an approved substitute.

RDH 1575.12 Wood Subflooring (Amended).

Section to remain as written except as follows:

(a) Size, type and application. Wood board for subflooring shall have a thickness of 3/4 inch and a maximum width of 8 inches. Subfloor boards shall be shiplapped, tongue-and-grooved or square edged. End boards shall be cut parallel to and over center of joists. The maximum joist spacing shall be 16 inches o.c.

RDH 1575.13 Plywood Subflooring (Amended).

(a) Type and thickness. Plywood, when used as a base for wood finished floors, linoleum, composition, or rubber shall be 3/4-inch minimum thickness, and the maximum joist spacing of 16 inches o.c. Oriented strand board is not an approved substitute.

(b) Subsection (b) is hereby repealed.

RDH 1577.03 Ceramic Tile (Retained).

RDH 1583.02 Asphalt Shingles (Amended).

(a) Quality. Asphalt shingles or fiberglass shall be of a quality not less than that required for Class C roof covering materials as listed by the Underwriters' Laboratories, Inc. The minimum manufacturer's warranty shall not be less than 30 years.

Re-Roofing (Enacted). 1512.0 - Ohio Basic Building Code - See Attached Code

(e) Application of Sheathing For Re-Roofing. Application of any type of re-roofing, where existing roofing has been removed, shall require solid sheathing before new roofing is applied.

(f) Flashing And Edging. Rusted or damaged flashing, valleys, vent caps and metal edgings shall be replaced with new materials as necessary.

RDH 1587.06 Insulation (Enacted).

Every new dwelling, structure or any new addition to a dwelling or structure, including the installation of additional or new insulation of existing structures, shall have properly installed noncombustible thermal insulation.

RDH 1589.01 Basement and Cellar Walls (Amended).

All walls constructed of hollow masonry units or of permeable solid masonry units shall be protected on the exterior, from finish grade to outside edge of footing, by the application of a 1/2-inch thick Portland cement plaster coat over which shall be applied at least one heavy coat of undiluted hot tar or hot asphalt, or otherwise protected in a manner approved by the Director of Building and Housing. Basement walls of poured concrete shall be protected on the exterior by the application of at least one heavy coat of undiluted hot tar, hot asphalt, or other compound approved by the Director.

RDH 1591.05 Required Capacity of Heating Equipment (Amended).

(a) Interior temperature requirements. Except for panel heating, and as provided in subsection (b) of this section, heating equipment shall be adequate to maintain an interior temperature of not less than 75 degrees Fahrenheit in all spaces customarily used for human occupancy when the outdoor temperature is -5 degrees Fahrenheit and the wind velocity is 15 miles per hour, without forcing the equipment beyond the rated capacity of the burner, boiler or furnace. A panel heating system shall be adequate to maintain an interior temperature of not less than 68 degrees Fahrenheit under the aforementioned conditions. The required temperatures shall not apply to spaces not customarily used for human occupancy.

RDH 1591.08 Fire Safety Requirements for Installations (Amended).

No heaters, furnaces, boilers or plenum chambers shall be located beneath stairways.

RDH 1591.28 Safety Pilots (Amended).

(a) Every automatically controlled liquid or gas fuel-fired heating appliance shall be provided with an automatic control which will automatically stop the flow of all fuel other than that required for the means of ignition if the means of ignition fails to operate or fails to ignite the fuel or if, in the case of oil-fired equipment only, the main burners fail to light in the normal manner when fuel flows to them. The stoppage of fuel flow by the control shall not require electrical energy for operation.

(b) Fuel supply for pilot shall be installed ahead of the main manually operated valve so that the pilot may be lighted with main fuel supply valve in "off" position. Where an additional main burner valve is supplied on the manifold, it is permissible to take pilot connection off supply side of such valve.

RDH 1591.44 Return Air Pipes or Ducts on Warm Air Heating Systems (Amended).

(a) Return air. In all new dwellings air shall be returned to the furnace through continuous pipes or ducts.

RDH 1593.03 Qualified Installers (Amended).

(a) No person shall perform any work connected with the installation, alteration or repair of any plumbing or sewerage or devices or equipment thereof, or the cleaning or removing of obstructions from any sewer, within this City, unless he is the holder of a valid license to do such work issued by the Director of Building and Housing. Any person desiring to obtain such a license may apply to the Director therefor, and the Commissioner shall issue such license upon payment of the fee provided in Chapter 1305 of the Codified

Ordinances, if he finds, upon fair investigation of the applicant's experience and ability, that he is qualified to do such work and if the applicant furnishes bond in the sum of five thousand dollars (\$5,000), with surety to the approval of the Director of Law, that the applicant will conform to all of the rules and regulations applicable to the performance of such work, and will save the City harmless from any loss or damage resulting from his want of care, skill or attention or that of any of his employees in the performance of such work or the opening or placing of material in any street or highway in connection with such work. Such license shall expire on December 31 in the same year that it was issued and shall not be issued for a term longer than one (1) year. The provisions of this section shall not apply to any employee of a duly licensed plumber and/or sewer contractor working under his immediate supervision.

(b) Every application for a permit as provided by this section shall also be accompanied by evidence satisfactory to the Director of Law that the plumbing and sewer contractor is insured for comprehensive general liability for bodily injury in an amount not less than one hundred thousand dollars (\$100,000) for each person and three hundred thousand dollars (\$300,000) for each accident, and comprehensive general liability insurance for property damage in an amount not less than fifty thousand dollars (\$50,000) for each accident and fifty thousand dollars (\$50,000) in the aggregate. There shall also be provided certification from the insurer that in event of cancellation of such insurance at least ten (10) days' written notice of cancellation shall be given to the City.

RDH 1593.30 Prohibited Traps (Amended).

Section to remain as written except as follows:

(c) Crown-vented, bell or full S traps. No back vent shall be installed within 2 pipe diameters of the trap weir. Drum, bell or full S traps are prohibited.

RDH 1593.57 Building Drain; Building Storm Drain (Amended).

(a) Storm drains or sewers shall not be located within a basement or cellar except by specific approval of the Director of Building and Housing.

RDH 1593.59 Installation of Drainage Piping (Amended).

(e) (Enacted) Test tee and trap. A test tee shall be installed in the sanitary building sewer, of the same size as such sewer, and located not more than 2 feet on property side of front property line. Such tee shall terminate in a riser of the same size and material not more than 6 inches below finished grade at such tee.

A hand-hole test trap shall be installed in the storm building sewer, of the same size as such sewer, and located not more than 2 feet on property side of front property line. Such trap shall terminate in a riser of the same size and material not more than 6 inches below finished grade at such trap.

RDH 1593.65 Storm Drainage (Amended).

(a) Collected and drained to storm sewer. Roofs and paved areas, yards, courts and open shafts, and every open excavation or part of a lot or premises where water accumulates shall be drained into a storm sewer or other storm outlet approved by the Director of Building and Housing. The provisions of this section shall not be interpreted

so as to prohibit downspout disconnection under Section 123.08(a) of the Administrative Code, or to prohibit the construction or maintenance of a pool or fountain which is provided with drainage approved by the Director and in which the water is not permitted to become stagnant, contaminated or polluted. However, the construction, maintenance, and drainage of swimming pools and wading pools shall be in accordance with the provisions of Chapters 345 and 347 of the Health Code of the Codified Ordinances.

(b) Storm catch basins. All storm catch basins shall be not less than 12 inches in diameter, and have not less than a 4-inch trapped outlet placed below the frost line.

RDH 1597.07 Inspections, Tests and Approvals (Amended).

Section to remain as written except as follows:

(d) Final inspection and approval. All work shall be submitted for final inspection and approved by the Director of Building and Housing before being placed in service.

RDH 1597.11 Re-inspection (Enacted).

The Director of Building and Housing may periodically re-inspect the installation in buildings or appurtenant structures of all electrical wiring, device or material now installed or that may hereafter be installed within the City. When the installation of any such wiring, device or material is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the same shall be given written notification to that effect.

The written notice required above may be served on such person, firm or corporation in person, by certified mail delivery, or by the posting of such notice on or adjacent to the principal entrance of the premises. A reasonable period of time shall be given such person, firm or corporation to make the necessary repairs or changes required to place such wiring, device or material in a safe condition, which period shall be specified in such written notice. Further, where there exists an immediate threat to life or property by reason of overloaded circuits, defective wiring, device or material, the Director may order the immediate discontinuance of electrical service or may disconnect such service until the installation of such wiring, device or material has been made to conform to this Building Code.

1321.06 ADDITIONS TO THE RESIDENTIAL BUILDING CODE.

The following provisions are to be added to the Residential Building Code.

Driveways, Replacement Repairs.

- a) An asphalt or concrete driveway shall be placed and sloped so that water from the driveway drains to either the street or a catch basin located in the driveway.
- b) No water from the driveway is to drain onto adjacent property.
- c) Driveway surface elevations shall remain below all window sills and area wells.

Garage Floors.

- a) Asphalt is prohibited as a means of repair to an existing concrete garage floor.

b) A garage floor which is either attached or detached shall be composed of concrete.

Garage Foundations.

a) Garages under 500 square feet in area shall be permitted to be placed on a floating slab. The definition of a floating slab will be left to the discretion of the Director of Building and Housing.

b) Garages over 500 square feet in area shall be required to have a foundation extending below the frost line.

Reroofing.

General: Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Section 1505.0 or 1507.0 of the Ohio Basic Building Code. The repair of existing roofs and roof coverings shall comply with the provisions of Chapter 34, but no more than 25 percent of the roof covering of any building shall be removed and replaced within any 12-month period unless the entire roof covering is made to conform to the requirements for new roofing.

Structural and construction loads: The structural roof components shall be capable of supporting the roof covering system and the material and equipment loads that will be encountered during installation of the roof covering system.

Recovering vs. replacement: New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1) Where the existing roof or roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.

2) Where the existing roof covering is woodshake or woodshingle, slate, clay, cement or asbestos-cement tile.

3) Where the existing roof has two or more applications of any type of roof covering.

Exception: Complete and separate roofing systems, such as standing-seam metal roof systems, which are designed to transmit all roof loads directly to the building's structural system and which do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.

Reinstallation of materials: Existing slate, clay or cement tile shall be permitted for reinstallation, except that damaged, cracked or broken slate or tile shall not be reinstalled. Existing vent flashings, metal edges, drain outlets, collars and metal counterflashings shall not be reinstalled where rusted, damaged or deteriorated. Aggregate surfacing materials shall not be reinstalled.

Flashings: Flashings shall be reconstructed in accordance with approved manufacturer's installation instructions. Metal flashings to which bituminous metals are to be adhered shall be primed prior to installation.

Glass Block Walls: Construction using glass block shall conform to Section 2115.0 of the Ohio Basic Building Code.

ses96/bldg.wp5

1st Reading 02/24/97

ORDINANCE NO. 97-16
BY: Jan M. Devereaux

Amending Chapter 1321 of the Building Code.

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Chapter 1321 of the Shaker Heights Building Code, entitled "Regional Dwelling House Code" is hereby amended, and shall be retitled "Residential Building Code." As amended, Chapter 1321 shall read as attached hereto and included herein by reference.

Section 2. Chapter 1321 of the Shaker Heights Building Code, as heretofore in effect, is hereby repealed.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted _____, 1997.

Approved this _____ day of _____, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

CHAPTER 1321
Residential Building Code

1321.01 Enactment of Residential Building Code.
1321.02 Incorporation of OBOA Code; File Copy.
1321.03 Definitions.

1321.04 Amendments OBOA Code.
1321.05 Supplementary Provisions.
**1321.06 Additions to the Residential
Building Code.**

CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231
Housing Code - see HSG. Ch. 1401 et seq.

1321.01 ENACTMENT OF RESIDENTIAL BUILDING CODE.

There is hereby adopted, for the purpose of establishing updated rules and regulations for the construction, alteration, paving, removal, demolition, equipment, use, occupancy, location and maintenance of one and two-family dwellings and appurtenant structures, the Shaker Heights Residential Building Code.

~~**1321.02 IMPLEMENTATION OF OBOA CODE; FILE COPY.**~~

There is hereby incorporated herein the Ohio Building Officials Association One, Two, and Three Family Dwelling Code, copyright 1997, by The Council of American Building Officials, except such portions as are hereinafter amended or repealed.

One (1) copy of the Ohio Building Officials Association One, Two, and Three Family Dwelling Code, as adopted herein, shall be filed with the Building Department, and the same is adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter takes effect the provisions thereof shall be controlling in the construction of all one and two-family dwellings and appurtenant structures contained within the City, except amendments or repeals thereto may be provided for in this chapter or by subsequent ordinance of Council.

Whenever a conflict arises between various code sections within this chapter, the more restrictive one shall apply, inclusive of any tables or drawings. The incorporation of the Ohio Building Officials Association One, Two, and Three-Family Dwelling Code, as set forth herein, shall not be construed so as to permit the construction of three-family dwellings, which are otherwise prohibited under the Shaker Heights Zoning Code, Title 12, Shaker Heights Codified Ordinances.

1321.03 DEFINITIONS.

As used herein, certain terms are defined as follows:

- (a) "Building Official" means the Director of Building and Housing.
- (b) "Board of Examiners" means the Architectural Board of Review of Shaker Heights.
- (c) "Board of Building Code Appeals" means the Architectural Board of Review of Shaker Heights.
- (d) "City" means the City of Shaker Heights.
- (e) The name "City of Shaker Heights" is hereby inserted in any and all blank spaces provided in this adopted Code for the name of the municipality adopting such Code. Words and terms used in such Code shall be construed to mean the words, terms and titles applicable to the City of Shaker Heights.

1321.04 AMENDMENTS TO OBOA CODE.

The following provisions of the Ohio Building Officials Associations One, Two, and Three Family Dwelling Code are hereby amended, or deleted, as set forth herein.

FDC Section R-204 - Room Sizes (Repealed).

Section R-204 is hereby repealed.

FDC Section R-209 - Attached Garages (Amended).

Section 209.2 to remain as written except as follows:

The garage shall be completely separated from the residence and its attic area by means of 5/8-inch gypsum board or equivalent applied to the garage side.

Section R-209.3 to remain as written except as follows:

Garage and carport floor surfaces shall be of concrete.

FDC Section R-305 - Foundation Drainage (Amended).

Section R-305.1 to remain as written except as follows:

Gravel or crushed stone drains shall extend at least 1 foot beyond the outside edge of the footing and 24 inches above the top of the footing.

Section R-305.2 is hereby repealed.

FDC Section R-402 - Dimension Lumber (Amended).

Section R-402.3 to remain as written except for the following deletion:

When bearing studs are spaced at 24-inch intervals, doubled top plates are less than two 2 by 6 or two 3 by 4 members, and supported floor joists, floor trusses or roof trusses are spaced at more than 16-inch intervals, care shall be exercised to ensure locating supported floor joists or trusses within 5 inches of the studs beneath, or, in lieu thereof, solid blocking equal in size to the studs beneath shall be installed to reinforce the double plate above.

FDC Section R-402.3d - Table (Amended).

The table(s) shall remain as written, except that 2 by 4 stud spacing shall be 16" on center with a double 2 by 4 top plate and a single bottom plate. The 2 by 6 stud spacing may be placed at 24" on center with double 2 by 6 top plates and a single 2 by 6 bottom plate.

FDC Section 402.4 - Interior Partitions (Amended).

Section 402.4 to remain as written except as follows:

Interior nonbearing partition may be constructed with 2 by 4 inch studs spaces at 16" on center or 2 by 4 inch flat studs spaced 16" on center.

FDC R-607 - Particleboard (Repealed).

Section R-607.1.2 is hereby repealed.

Table No. R-607.1.2 is hereby repealed.

Section R-607.2 is hereby repealed.

FDC R-704 - Particleboard (Repealed).

Section R-704.1 is hereby repealed.

Section R-704.2 is hereby repealed.

Section R-704.3 is hereby repealed.

Table No. R-704.2 is hereby repealed.

FDC R-803 - Asphalt Shingles.

Table No. R-803.4 to remain as written except as follows:

Attachment: Staples prohibited.

1321.05 SUPPLEMENTARY PROVISIONS

The Regional Dwelling House Code, as part of the former Chapter 1321 of the Shaker Heights Building Code, is repealed in its entirety, except such provisions as are hereinafter amended or retained for inclusion into the Residential Building Code. These provisions as so amended or retained, shall be filed in the Building Department, and the same shall be adopted as incorporated as fully as if set out at length herein.

RDH 1503.09 Non-structural alterations or repairs not exceeding 50 percent in value (Retained).

RDH 1503.10 Non-structural alterations or repairs exceeding 50 percent in value (Retained).

RDH 1503.11 Replacement of roof (Retained).

RDH 1503.12 Method of valuation (Retained).

RDH 1517.05 Letter "D" (Amended).

Flat. A dwelling, or any floor of a dwelling, not more than two stories high, each floor of which constitutes a living unit. Also known as two-family.

RDH 1523.05 Roof and yard drainage (Retained).

RDH 1525.03 Proper Connection (Amended).

The building sewer shall connect only to a sanitary or combined sewer system and shall be the same size as curb connection, except as follows: cast-iron building sewers may be one pipe size smaller than the curb connection. Sanitary connections to a storm sewer or the connection of storm drains to sanitary sewerage is prohibited. Unless otherwise approved by the Director of Building and Housing, joints in the sanitary sewer line shall be made as provided in Section 1593.58.

RDH 1527.06 Cellar and Basement Occupancy (Amended).

No room or space in any cellar shall be used for sleeping purposes. No room in any basement shall be occupied as a habitable room if a finished floor at a required window is more than 2 feet 6 inches below the finish grade at the window, and such window shall open to provide clear egress having a minimum dimension of 2 feet. A recreation room in a cellar shall not be considered as a habitable room.

RDH 1529.10 Basementless Spaces (Amended).

Section to remain as written except as follows:

(a) Height. Ground level shall be at least 3 feet below bottom of floor framing. All debris, topsoil and other organic matter shall be removed, and such space shall be graded, drained and a concrete floor poured. Concrete floor slab for basementless spaces shall have a minimum thickness of 2 inches and shall have a wood float finish.

RDH 1533.01 Entrance Walks (Amended).

The entrance walk or path, leading from the thoroughfare to the house, shall have a slope of not more than 1 foot vertical to 12 horizontal.

RDH 1535.01 Entrance (Retained).

RDH 1535.02 Rear Yard (Retained).

RDH 1535.03 Services (Retained).

RDH 1535.04 Egress (Amended).

A required means of ingress and egress from a living unit shall not be through any part of another living unit or through an attached garage. At least one window or other exterior opening in each habitable room shall be so arranged as to permit its use as a means of escape in an emergency. The second floor of a two-family flat shall have 2 means of egress located as far apart as possible. One means of egress shall be by enclosed stairs leading directly to the grade line. The second means of egress may be by stairways to grade,

or onto a deck not over 12 feet above grade and protected by a railing. Where a deck is used as a secondary exit, the primary exit shall be located on the opposite side or rear of house. Where space is provided on the third floor of a two-family flat which is or can be used as living quarters, 2 separate and distinct means of egress shall be provided from such third floor level to the ground.

RDH 1537.02 Permit required (Retained).

RDH 1537.09 Temporary Sanitation (Amended).

Temporary sanitation facilities shall be provided in accordance with Section 343.03 of the Health Code of the City of Shaker Heights.

RDH 1537.10 Final Clean-Up (Amended).

After a building has been removed or demolished, all holes shall be filled and all waste material and debris shall be removed and the property restored to a condition consistent with that of the adjoining property. (See Section 1313.02(b) of the Codified Ordinances.)

RDH 1541.20 Freezing (Amended).

All masonry shall be protected against freezing for at least 48 hours after laying. No masonry shall be built upon frozen ground or materials.

(e) Basement garages. Basement garages shall be continuously ventilated by a mechanical ventilating system with positive means for both the inlet and exhaust of at least one cubic foot of air per minute per square foot of floor area. Control of either the exhaust or inlet fan shall be close to the entrance door. Where heat is supplied to garage from the heating system of a living unit, air from garage area shall not be returned to such heating system.

RDH 1553.02 Detached Garages (Amended).

(a) Height. The maximum height of detached garages shall be as regulated in the Zoning Code for the use district in which such garage is located.

(b) No change.

(c) Wood-frame construction.

i. - ii. No change.

iii. Studs shall be spaced not more than 16 inch o.c.

iv. - viii. No change.

ix. The floor of all garages shall be of 4-inch thick concrete reinforced with 6 x 6 #6 wire mesh.

x. (Enacted). A private garage, where permitted in a residence district to be located on the side line of a lot, and if not nearer than 6 feet to any building on an adjoining lot, may be built in the same manner as though located 3 feet or more from the side lot line, except that the wall extending along the side lot line shall be covered on the outer side with asbestos shingles

and covered on the top with metal coping, or of some more fire-resistant construction. Such wall shall be carried above the roof line of such garage. No such garage shall be built within 6 feet of any building on an adjoining lot, except a garage located on the side or rear line of such adjoining lot, in which case such adjoining garages shall be separated by an 8-inch solid masonry wall, carried above the roof line of each garage, with coping.

RDH 1557.01 General (Amended).

(a) **Fireplaces.** The walls of fireplaces shall be built of brick or reinforced concrete not less than eight (8) inches thick. All faces exposed to fire shall be lined with at least two (2) inches of firebrick or other approved material.

RDH 1567.05 Plywood and Oriented Strand Board Wall Sheathing (Amended).

(b) **Minimum thickness.** The minimum thicknesses of plywood sheathing shall be 1/2 inch. The minimum thickness of oriented strand board shall be 1/2 inch.

RDH Chapter 1571 Glazing and Glass Block.

Chapter 1571 is hereby repealed, and in its place shall be substituted Sections 1301.5 to 1301.5.6.3, inclusive, of the Ohio Basic Building Code.

RDH 1575.09 Wood Roof Sheathing (Amended).

Wood roof sheathing shall have a minimum thickness of 3/4 inch and shall be applied over rafters spaced not more than 16 inches o.c. Joints shall be over rafters, unless end-matched boards are used. If end-matched boards are used, no two adjoining boards shall break joints over the same rafter space and each board shall bear on at least two rafters.

RDH 1575.10 Plywood Roof Sheathing (Amended).

(a) **Minimum thickness.** Plywood roof sheathing shall be applied with the grain of the outer plies at right angles to the rafters and spaced not more than 16 inch o.c. and a minimum thickness of 1/2 inch. Oriented strand board is not an approved substitute.

RDH 1575.12 Wood Subflooring (Amended).

Section to remain as written except as follows:

(a) **Size, type and application.** Wood board for subflooring shall have a thickness of 3/4 inch and a maximum width of 8 inches. Subfloor boards shall be shiplapped, tongue-and-grooved or square edged. End boards shall be cut parallel to and over center of joists. The maximum joist spacing shall be 16 inches o.c.

RDH 1575.13 Plywood Subflooring (Amended).

(a) **Type and thickness.** Plywood, when used as a base for wood finished floors, linoleum, composition, or rubber shall be 3/4-inch minimum thickness, and the maximum joist spacing of 16 inches o.c. Oriented strand board is not an approved substitute.

(b) Subsection (b) is hereby repealed.

RDH 1577.03 Ceramic Tile (Retained).

RDH 1583.02 Asphalt Shingles (Amended).

(a) Quality. Asphalt shingles or fiberglass shall be of a quality not less than that required for Class C roof covering materials as listed by the Underwriters' Laboratories, Inc. The minimum manufactures warranty shall not be less than 30 years.

Re-Roofing (Enacted). 1512.0 - Ohio Basic Building Code - See Attached Code

(e) Application of Sheathing For Re-Roofing. Application of any type of re-roofing, where existing roofing has been removed, shall require solid sheathing before new roofing is applied.

(f) Flashing And Edging. Rusted or damaged flashing, valleys, vent caps and metal edgings shall be replaced with new materials as necessary.

RDH 1585.11 Walls Near Lot Line (Amended).

In buildings or accessory structures where an exterior wall is less than 3 feet from any lot line, such wall shall be of 8-inch masonry construction without windows or other openings, and if located within 18 inches of any lot line, such wall shall be carried 2 feet above the roof and coped.

RDH 1587.06 Insulation (Enacted).

Every new dwelling, structure or any new addition to a dwelling or structure, including the installation of additional or new insulation of existing structures, shall have properly installed noncombustible thermal insulation.

RDH 1589.01 Basement and Cellar Walls (Amended).

All walls constructed of hollow masonry units or of permeable solid masonry units shall be protected on the exterior, from finish grade to outside edge of footing, by the application of a 1/2-inch thick Portland cement plaster coat over which shall be applied at least one heavy coat of undiluted hot tar or hot asphalt, or otherwise protected in a manner approved by the Director of Building and Housing. Basement walls of poured concrete shall be protected on the exterior by the application of at least one heavy coat of undiluted hot tar, hot asphalt, or other compound approved by the Director.

RDH 1591.05 Required Capacity of Heating Equipment (Amended).

(a) Interior temperature requirements. Except for panel heating, and as provided in subsection (b) of this section, heating equipment shall be adequate to maintain an interior temperature of not less than 75 degrees Fahrenheit in all spaces customarily used for human occupancy when the outdoor temperature is -5 degrees Fahrenheit and the wind velocity is 15 miles per hour, without forcing the equipment beyond the rated capacity of the burner, boiler or furnace. A panel heating system shall be adequate to maintain an interior temperature of not less than 68 degrees Fahrenheit under the aforementioned conditions. The required temperatures shall not apply to spaces not customarily used for human occupancy.

RDH 1591.08 Fire Safety Requirements for Installations (Amended).

No heaters, furnaces, boilers or plenum chambers shall be located beneath stairways.

RDH 1591.28 Safety Pilots (Amended).

(a) Every automatically controlled liquid or gas fuel-fired heating appliance shall be provided with an automatic control which will automatically stop the flow of all fuel other than that required for the means of ignition if the means of ignition fails to operate or fails to ignite the fuel or if, in the case of oil-fired equipment only, the main burners fail to light in the normal manner when fuel flows to them. The stoppage of fuel flow by the control shall not require electrical energy for operation.

(b) Fuel supply for pilot shall be installed ahead of the main manually operated valve so that the pilot may be lighted with main fuel supply valve in "off" position. Where an additional main burner valve is supplied on the manifold, it is permissible to take pilot connection off supply side of such valve.

RDH 1591.44 Return Air Pipes or Ducts on Warm Air Heating Systems (Amended).

(a) Return air. In all new dwellings air shall be returned to the furnace through continuous pipes or ducts.

RDH 1593.03 Qualified Installers (Amended).

(a) No person shall perform any work connected with the installation, alteration or repair of any plumbing or sewerage or devices or equipment thereof, or the cleaning or removing of obstructions from any sewer, within this City, unless he is the holder of a valid license to do such work issued by the Director of Building and Housing. Any person desiring to obtain such a license may apply to the Director therefor, and the Commissioner shall issue such license upon payment of the fee provided in Chapter 1305 of the Codified Ordinances, if he finds, upon fair investigation of the applicant's experience and ability, that he is qualified to do such work and if the applicant furnishes bond in the sum of five thousand dollars (\$5,000), with surety to the approval of the Director of Law, that the applicant will conform to all of the rules and regulations applicable to the performance of such work, and will save the City harmless from any loss or damage resulting from his want of care, skill or attention or that of any of his employees in the performance of such work or the opening or placing of material in any street or highway in connection with such work. Such license shall expire on December 31 in the same year that it was issued and shall not be issued for a term longer than one (1) year. The provisions of this section shall not apply to any employee of a duly licensed plumber and/or sewer contractor working under his immediate supervision.

(b) Every application for a permit as provided by this section shall also be accompanied by evidence satisfactory to the Director of Law that the plumbing and sewer contractor is insured for comprehensive general liability for bodily injury in an amount not less than one hundred thousand dollars (\$100,000) for each person and three hundred thousand dollars (\$300,000) for each accident, and comprehensive general liability insurance for property damage in an amount not less than fifty thousand dollars (\$50,000) for each accident and fifty thousand dollars (\$50,000) in the aggregate. There shall also be provided

certification from the insurer that in event of cancellation of such insurance at least ten (10) days' written notice of cancellation shall be given to the City.

RDH 1593.15 Pre-Cast Joints (Amended).

Pre-cast collars shall be formed in both the spigot and bell of the pipe in advance of use. Collar surfaces shall be conical with side slopes of 3 degrees with the axis of the pipe, and the length shall be equal to the depth of the socket. Prior to making joint contact, surfaces shall be cleaned and coated with solvents and adhesives. When the spigot end is inserted in the collar, it shall bind before contacting the base of the socket. Material shall be inert and resistant to both acids and alkalies. Other methods of forming and joining pre-cast joints may be approved by the Director of Building and Housing, if upon fair investigation such methods are deemed to have equivalent strength and sealing qualities as the joint described above.

RDH 1593.21 Special Joints (Amended).

Section to remain as written except as follows:

(c) Slip joints. In water piping, slip joints may be used on the exposed fixture supply. Slip joints shall not be used on drainage systems.

RDH 1593.22 Unions (Amended).

Section to remain as written except as follows:

(a) Drainage system. Unions may be used in the trap seal on the inlet side of the trap only where such trap is not concealed. Unions shall have metal to metal seats.

RDH 1593.30 Prohibited Traps (Amended).

Section to remain as written except as follows:

(c) Crown-vented, bell or full S traps. No back vent shall be installed within 2 pipe diameters of the trap weir. Drum, bell or full S traps are prohibited.

RDH 1593.31 Pipe Cleanouts; Where Required (Amended).

Section to remain as written except as follows:

(a) Location. An easily accessible cleanout shall be provided above the floor near the foot of each vertical waste, soil stack and inside leader.

RDH 1593.51 Protection of Potable Water Supply (Amended).

Section to remain as written except as follows:

(a) Backflow. Every potable water distributing pipe shall be protected against backflow by having the outlet end from which water flows spaced a distance above the flood-level rim of the receptacle into which the water flows sufficient to provide the "minimum required air gap" defined in American Standards for Air Gaps in Plumbing Systems, ASA A 40.4. Where it is not possible to provide a "minimum required air gap", then the fixture shall be equipped with an accessibly located backflow preventer conforming to the provisions of American Standard Backflow Preventers in Plumbing Systems, ASA A 40.6, installed between the control valve and the water outlet. A similarly located backflow preventer shall also be installed in all lawn sprinkler systems.

RDH 1593.57 Building Drain; Building Storm Drain (Amended).

(a) Storm drains or sewers shall not be located within a basement or cellar except by specific approval of the Director of Building and Housing.

RDH 1593.58 Building Sewer; Building Storm Sewer (Amended).

All sewer pipe, from the building to the curb connection or other point of disposal, shall be not less than four-inch cast-iron, five-inch vitrified clay, or other approved type. Pipe other than cast-iron shall not be smaller in diameter than the curb connections. The pipe and fittings for each type of pipe shall conform to the applicable specifications listed in Table 93A. Joints and connections shall conform to the applicable provisions for the respective materials as set forth in Sections 1593.08 through 1593.21, except that joints in vitrified clay shall conform to Sections 1593.14 or 1593.15.

RDH 1593.59 Installation of Drainage Piping (Amended).

(e) (Enacted) Test tee and trap. A test tee shall be installed in the sanitary building sewer, of the same size as such sewer, and located not more than 2 feet on property side of front property line. Such tee shall terminate in a riser of the same size and material not more than 6 inches below finished grade at such tee.

A hand-hole test trap shall be installed in the storm building sewer, of the same size as such sewer, and located not more than 2 feet on property side of front property line. Such trap shall terminate in a riser of the same size and material not more than 6 inches below finished grade at such trap.

RDH 1593.65 Storm Drainage (Amended).

(a) Collected and drained to storm sewer. Roofs and paved areas, yards, courts and open shafts, and every open excavation or part of a lot or premises where water accumulates shall be drained into a storm sewer or other storm outlet approved by the Director of Building and Housing. The provisions of this section shall not be interpreted so as to prohibit downspout disconnection under Section 123.08(a) of the Administrative Code, or to prohibit the construction or maintenance of a pool or fountain which is provided with drainage approved by the Director and in which the water is not permitted to become stagnant, contaminated or polluted. However, the construction, maintenance, and drainage of swimming pools and wading pools shall be in accordance with the provisions of Chapters 345 and 347 of the Health Code of the Codified Ordinances.

(b) Storm catch basins. All storm catch basins shall be not less than 12 inches in diameter, and have not less than a 4-inch trapped outlet placed below the frost line.

RDH 1597.07 Inspections, Tests and Approvals (Amended).

Section to remain as written except as follows:

(d) Final inspection and approval. All work shall be submitted for final inspection and approved by the Director of Building and Housing before being placed in service.

RDH 1597.11 Re-inspection (Enacted).

The Director of Building and Housing may periodically re-inspect the installation in buildings or appurtenant structures of all electrical wiring, device or material now installed

or that may hereafter be installed within the City. When the installation of any such wiring, device or material is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the same shall be given written notification to that effect.

The written notice required above may be served on such person, firm or corporation in person, by certified mail delivery, or by the posting of such notice on or adjacent to the principal entrance of the premises. A reasonable period of time shall be given such person, firm or corporation to make the necessary repairs or changes required to place such wiring, device or material in a safe condition, which period shall be specified in such written notice. Further, where there exists an immediate threat to life or property by reason of overloaded circuits, defective wiring, device or material, the Director may order the immediate discontinuance of electrical service or may disconnect such service until the installation of such wiring, device or material has been made to conform to this Building Code.

1321.06 ADDITIONS TO THE RESIDENTIAL BUILDING CODE.

The following provisions are to be added to the Residential Building Code.

Driveways, Replacement Repairs.

- a) An asphalt or concrete driveway shall be placed and sloped so that water from the driveway drains to either the street or a catch basin located in the driveway.
- b) No water from the driveway is to drain onto adjacent property.
- c) Driveway surface elevations shall remain below all window sills and area wells.

Garage Floors.

- a) ~~Asphalt is prohibited as a means of repair to an existing concrete garage floor.~~
- b) A garage floor which is either attached or detached shall be composed of concrete.

Garage Foundations.

- a) Garages under 500 square feet in area shall be permitted to be placed on a floating slab. The definition of a floating slab will be left to the discretion of the Director of Building and Housing.
- b) Garages over 500 square feet in area shall be required to have a foundation extending below the frost line.

Reroofing.

General: Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Section 1505.0 or 1507.0 of the Ohio Basic Building Code. The repair of existing roofs and roof coverings shall comply with the provisions of Chapter 34, but no more than 25 percent of the roof covering of any building shall be removed and replaced within any 12-month period unless the entire roof covering is made to conform to the requirements for new roofing.

Structural and construction loads: The structural roof components shall be capable of supporting the roof covering system and the material and equipment loads that will be encountered during installation of the roof covering system.

Recovering vs. replacement: New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1) Where the existing roof or roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.

2) Where the existing roof covering is woodshake or woodshingle, slate, clay, cement or asbestos-cement tile.

3) Where the existing roof has two or more applications of any type of roof covering.

Exception: Complete and separate roofing systems, such as standing-seam metal roof systems, which are designed to transmit all roof loads directly to the building's structural system and which do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.

Reinstallation of materials: Existing slate, clay or cement tile shall be permitted for reinstallation, except that damaged, cracked or broken slate or tile shall not be reinstalled. Existing vent flashings, metal edges, drain outlets, collars and metal counterflashings shall not be reinstalled where rusted, damaged or deteriorated. Aggregate surfacing materials shall not be reinstalled.

Flashings: Flashings shall be reconstructed in accordance with approved manufacturer's installation instructions. Metal flashings to which bituminous metals are to be adhered shall be primed prior to installation.

ORDINANCE NO. 97-17
BY: Kenneth J. Kovach

Authorizing the acceptance of a grant for the Senior Adult Office (Western Reserve Area Agency on Aging).

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. The Mayor and the Director of Finance are hereby authorized and directed to enter into a contract with the Western Reserve Area Agency on Aging for the receipt of a grant in the amount of \$44,450.00 for use by the Senior Adult Office in 1997. Such contract shall be in substantially the form as attached hereto and included herein by reference, as approved by the Director of Law.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the Senior Adult Office and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted February 24, 1997.

Approved this 25th day of February, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

WESTERN RESERVE AREA AGENCY ON AGING

CONTRACT

WITH

CITY OF SHAKER HEIGHTS

PROGRAM: TITLE III

CONTRACT PERIOD: January 1, 1997 through December 31, 1997
CONTRACT AMOUNT: **FORTY-FOUR THOUSAND FOUR HUNDRED FIFTY
DOLLARS (\$44,450.00)**

ENCUMBRANCE: _____

**PURCHASE OF SERVICE
AGREEMENT FOR TITLE III FUNDS**

THIS AGREEMENT, is entered into by and between the Western Reserve Area Agency on Aging, an Ohio Nonprofit Corporation serving the counties of Cuyahoga, Geauga, Lake, Lorain and Medina, Ohio (Agency), and **CITY OF SHAKER HEIGHTS** as the implementing authority (Contractor) for the purpose of providing Title III service(s) as described in the Older Americans Act of 1965, as amended, to persons sixty (60) years of age and older.

The Agency and Contractor hereby agree as follows:

1. Scope of Service(s). The Contractor agrees to provide the Title III service(s) contained on the Contract Services page(s) attached for a twelve month period commencing January 1, 1997 through and including December 31, 1997. The Contractor agrees to provide such service(s) according to the procedures described in the Contractor's proposal(s) for Title III funds, as amended and approved by the Agency, and said proposal(s) is fully incorporated herein. The Contractor assures that during this agreement period it has the capability to and agrees to provide such service(s) as referred to above and in accordance with the Ohio Department of Aging (ODA) taxonomy of services and Agency clarifications to said taxonomy as well as the ODA Quality Assurance Standards and Conditions of Participation.

2. Grant. The Agency agrees to pay the Contractor with Title III program funds for the service(s) detailed in the attached {____} Contract Services page(s) and delivered in accordance with Section 1 up to the amount(s) in Section B, Line 1 on the said page(s). The maximum amount of funds to be paid under this Agreement is: **FORTY-FOUR THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$44,450.00)**.

The Contractor understands that the funds allocated to this contract are subject to be increased or decreased at any time prior to the final payment to the Contractor under this Agreement by the Agency based on its notification of grant awards from the ODA and its reimbursement rate from the United States Department of Agriculture.

3. Method of Payment. The Agency will advance one-sixth of the contract amount specified in Item 2 of this Agreement within 15 days of receipt of this signed Agreement by the Agency. Payment for services rendered under this Agreement shall be made within thirty (30) calendar days after timely receipt by the Agency of an accurate and complete Title III Quarterly Report and Request for Payment(s) from the Contractor required to be submitted in Item 4 of this Agreement if the reports required in Items 8 and 11 of this Agreement have also been submitted to the Agency by their due dates. If any such reports are submitted after their due date, then no payment shall be made until thirty (30) days after these late reports are received by the Agency. If any such reports are deemed by the Agency not to be complete and accurate, then no payment shall be made until thirty (30) days after a report deemed by the Agency to be complete and accurate is received. The Agency shall then pay Contractor at the Title III unit rate specified in ~~Section B Line 7 of the attached Contract Service page(s) for each eligible Title III unit of~~ service delivered by the Contractor and reported to the Agency; provided, however, that the payment for any quarter for each service may not exceed thirty percent (30%) of the contract amount specified in Section B Line 1 of the Contract Service Page for that service. The final quarterly payment under this Agreement shall be reduced by the advance amount. If any of the services under this Agreement, for any of the four (4) quarters of this Agreement period, are not performed by the Contractor, the Agency shall reduce the Contractor's Title III award for such service by a prorated one-fourth of the annual award for said service. If any of the Quarterly

Reports required in Item 4 of this Agreement are received by the Agency after January 31, 1997, any funds not requested by that date shall not be paid to the Contractor.

4. Financial and Statistical Reports. Contractor agrees to submit a Title III Quarterly Report and Request for Payment (Quarterly Report) that is accurate and complete as to the units of service and the cost of the service to the Agency on or before the tenth (10th) calendar day of April, July, October, 1997 and January, 1998 for services performed during the three calendar months preceding these dates. The other information required on the Quarterly Report shall be provided to the extent known on the same dates. Updated information, other than units of service, may be reported on a 5th Quarterly Report which may be filed as late as January 31, 1998. Contract amounts which are not earned by the Contractor will not accrue or carry forward to a future contract period. The Contractor agrees to submit quarterly program income remittances in the amount of Title III C program income collected for each calendar quarter of this Agreement period (if this Agreement covers a nutrition service) to the Agency by the tenth (10th) calendar day following the calendar quarter in which the said collections were made.

5. Match Requirements. Contractor is required to provide cash or in-kind resources equal to a percentage of the funds provided by the Agency for each service as specified on the contract Services pages attached to this Agreement. This amount is the "match". Contractor certifies that the match required for each service is a cost reasonably expected to be incurred in the delivery of the service. Contractor further agrees that final payment will be reduced if the Contractor has not incurred and reported on the Quarterly Reports at least the minimum match for each service as required by the Agency. This reduction will be in the amount necessary to support the total payments to Contractor with the reported match at the WRAAA minimum required matching percentage.

6. Monitoring. The Agency may conduct on-site monitoring of a service(s) for which funds are being reimbursed under this Agreement at any time during the normal working hours of the Contractor with no prior notification necessary, and the Contractor agrees that representatives of the Agency shall be given full access to the premises upon which such service(s) is being provided.

7. Record Maintenance, Accessibility and Retention. To the extent authorized by law, the Contractor agrees to allow representatives of the Agency and ODA and its Office of the State Long Term Care Ombudsman access to all programmatic, fiscal, and other records related to the service(s) for planning, auditing, and monitoring purposes at any time during the normal working hours of the Contractor with no prior notification necessary, except that prior notice of at least 24 hours shall be given where access is sought to the confidential complaint files of the Contractor. The Contractor agrees to keep client information including but not limited to: name, address, telephone number, date of birth, sex, minority status, handicap status, emergency contact person's name and telephone number, and functional abilities of client relevant to service(s) delivered.

~~The Contractor agrees to document that service(s) were delivered in accord with the ODA taxonomy of services and Agency clarifications to said taxonomy as well as the ODA Service Standards and Conditions of Participation. The Contractor agrees that said records shall be accessible to the Agency, except for the names of complainants, residents of long term care facilities, and recipients of community-based long term care services, and retained for a period of three years following the period of this agreement. The Office of the State Long Term Care Ombudsman of ODA shall have access to the complaint files of the Contractor. The Agency~~

agrees that all information contained in said records will be treated in accordance with all applicable legislation guaranteeing privacy, especially, the Older Americans Act Amendments of 1987.

8. Problems in Provision of Services: The Agency will inform the Contractor in writing of any problems it notes in the provision of the service(s). The Contractor shall respond in writing to the Agency within thirty (30) calendar days after the sending of such notice informing the Agency of the corrective action it will take in regard to each such problem, and stating when such corrective action will be effective. If the Agency does not approve such corrective action, and/or the date proposed for its implementation, it shall so inform the Contractor in writing and specify a time by which corrective action acceptable to it shall be proposed and/or implemented. If such corrective action is not proposed and/or implemented by that time, then the Agency may suspend payments to Contractor until corrective action acceptable to the Agency is implemented.

9. Nutrition Service. If a nutrition service is covered under this agreement, the Contractor agrees to the following:

- A. Meal Reports. The Contractor agrees to submit to the Agency accurate meal report(s) in accordance with the forms provided by the Agency and in accordance with due dates established by the Agency.
- B. Emergency Food and Closings. In the event of an emergency which includes, but is not limited to, inclement weather, utility failure, strikes, natural hazards or acts of God, the Contractor may opt to close the service center. In such instances, the Contractor agrees to make every reasonable effort to fulfill its home-delivered meal responsibilities. Emergency food supplies are to be used only when authorized via telephone by the Agency.

The Contractor agrees to pay for the cost of replacing catered meal supplies and/or emergency food which are lost, stolen, or otherwise removed or used without the Agency's authorization.

- C. Food/Supply Delivery. The Contractor agrees to provide staff at its site to accept, count and sign for the delivery of IIIC meals and supplies which is scheduled to take place daily between 7:30 am and 10:30 am.
- D. Interruption of Nutrition Service. The Contractor agrees to submit in writing to the Agency all requests for relocating and remodeling nutrition sites. Such requests must be received by the Agency sixty (60) calendar days prior to the proposed relocation/remodeling in order to receive approval from the Agency. The Contractor agrees to notify the Agency in writing no later than the Thursday of the week prior to any scheduled activities which interrupt the nutrition service delivery and obtain written Agency approval prior to such interruptions.
- E. Number of Serving Days. The grantee agrees to provide Title III nutrition services each day during this Agreement period as detailed in Contractor's Calculation of Serving Days & Units of Service for Nutrition Services worksheet and as summarized on Line 4, Section A, of the attached nutrition contract service page(s), and as approved by the Agency. The Contractor agrees that any change to this number of serving days outside of emergency closing days must be approved in writing and in advance by the Agency.

10. Accounting Records. The Contractor agrees to maintain its accounts and documents so as to readily permit the determination of the status of the cost of services rendered under this Agreement at any time and to have such information readily available for examination by Contractor auditors or Agency representatives. The Contractor agrees to maintain supporting documents so as to permit the determination of the status of cash, accrual and in-kind transactions which are used as a match for the Contractor's Title III funds. If the Contractor receives funds to administer activities not covered under this agreement, the Contractor agrees to develop and maintain documentation describing the method used to allocate any line-item costs that are shared by the Title III service(s) and other such activity and to have such information readily available for examination by Contractor auditors or Agency representatives.

11. Program Income. The Contractor agrees to comply with Federal (45 CFR, Sec 92.25), State (ODA Policy and Procedure section 409) and Agency policy for the procedures relating to and the accounting for program income. The Contractor further agrees as follows:

- A. Each older person served under this contract must be given the opportunity to contribute voluntarily to the service. The terms "charge" and "fee" must not be used when presenting this opportunity to contribute.
- B. No person sixty (60) years of age or older may be denied service under this agreement because of that person's ability or decision to contribute or not to contribute to the service.
- C. Program income collected from Title IIIB and IIIF services will be used exclusively to pay for the cost of Title IIIB and IIIF services.

12. Contractor Audits. The Contractor agrees to obtain an independent audit by a certified public accountant which encompasses the grant period and funds under this agreement

within 365 days after the end of this agreement period and to provide the Agency with a copy of the said audit report within ten (10) calendar days after such report is received by the Contractor. The Contractor agrees that said audit will be engaged in accord with all State and Federal regulations governing audits of the funds paid under this Agreement. The Contractor agrees to respond in writing to the Agency within ten (10) calendar days of a written receipt of any audit findings pertaining to the Contractor's Title III Service(s) with a plan to resolve said findings. If said response is not received by the Agency within the said ten (10) calendar days, the Agency may suspend payments to Contractor until corrective action acceptable to the Agency is implemented. The Contractor agrees to reimburse the Agency any funds paid under this agreement which are found in the course of said audit to have been improperly or illegally used.

13. Conditions of the Grant. The Agency may suspend or terminate the grant and/or any payments in whole or in part due under this Agreement for any one of the following causes:

- A. Failure to provide Reports required by this Agreement.
- B. Failure to permit on-site monitoring and/or review of all pertinent records.
- C. Failure to comply with the accounting records and/or audit requirements of this Agreement.
- D. Failure to provide the service(s) required by this Agreement.

The Agency may give the Contractor written notice of any such failure to comply with the terms of this Agreement specifying the inappropriate or incomplete action of the Contractor. The Contractor shall have ten (10) calendar days from receipt of such notification to correct its failure. If corrective action is not taken within said ten (10) calendar days, reimbursement of the funds granted under this Agreement will be suspended until the Contractor takes all required corrective action, and the Agency receives a written report of the taking of such action. If said action is

not taken, and said written report not provided within thirty (30) calendar days of receipt of notification of any failure, this contract may be terminated by the Agency.

14. Recovery of funds. If the Agency ascertains that the Contractor was paid for any unit or units of service it did not provide, and/or that the contractor failed to document the provision of any unit or units of service as required under this Agreement, then the Agency may recover its payment made for any such unit or units from the Contractor. Recovery will be made by withholding funds due to the Contractor under this Agreement or any other Agreement the Contractor enters into with the Agency whether that Agreement is currently in effect at any time after the termination of this Agreement. Recovery may also be sought by legal action by any court with competent jurisdiction.

15. Probation. In accordance with Agency Policy 5.9, the Agency may designate a Title III service provider with problematic programs as described in said policy as a conditional Contractor and subject it to a period of probationary status. In event of said designation, the terms of the probation shall become an addendum to this contract.

16. Confidentiality and Disclosure of Information. In accord with the Older Americans Act of 1965 as amended, the applicable provisions of the Code of Federal Regulations, the applicable Policies and Procedures of the Ohio Department of Aging and the applicable Policies and Procedures of the Agency, the Contractor shall maintain procedures to ensure the protection of the confidentiality of information about older persons collected in the delivery of services.

17. Insurance. The Contractor shall secure and maintain at least the following minimum amounts of insurance for the period of this agreement:

- A. General liability insurance, both public and automobile, against claims for injury and/or death in the amount of \$300,000 per individual / \$500,000 per occurrence.
- B. Automobile (if transportation is part of the Title III service under this Agreement) and other property damage insurance in an amount not less than \$50,000 for damages in any one accident or occurrence.
- C. Fidelity bond or employee theft coverage on persons handling Title III program funds in the amount of no less than \$10,000 or 10% of this contract amount which ever is greater.
- D. Property insurance on equipment or capital improvements funded at least in part by Agency grant funds or Title III program income.
- E. The insurance required under this contract shall cover the acts and/or omissions of both paid employees and volunteers working for the Contractor.

If the Contractor is a government agency, Contractor is not required to purchase insurance coverage if Contractor passes a resolution authorizing self-insurance against the damages, losses, acts and omissions described in this section, or Contractor resolved to assume all the risk and responsibility for its acts or omissions of both paid employees and volunteers working for Contractor.

18. Indemnification. To the extent authorized by law, the Contractor agrees to indemnify and hold the Agency and ODA harmless from any and all claims, demands, damages, suits, judgments, awards, costs and expenses arising from, resulting from or attributable to the

performance of services under this agreement by the Contractor and/or its volunteers, excepting only those matters or occurrences caused by the sole negligence of the Agency.

18. Legal Obligations. The Contractor shall conform to the requirements of all applicable federal, state and local laws, regulations and established guidelines incorporated by reference herein, including, but not limited to:

- A. Older Americans Act of 1965, as amended;
- B. Civil Rights Act of 1964, as amended;
- C. Section 504 of the Rehabilitation Act of 1973, as amended;
- D. Age Discrimination Act of 1975, as amended;
- E. Fair Labor Standards Act of 1938, as amended;
- F. Age Discrimination in Employment Act of 1967, as amended;
- G. State and local health, fire, safety, zoning and sanitation codes;
- H. Federal, State and local financial and payroll reporting requirements;
- I. Federal and State lobbying restrictions and reporting requirements;
- J. The Americans with Disabilities Act of 1990; and
- K. ODA and Agency Policies and Procedures.

The Contractor further agrees that no person shall on grounds of race, color, religion, sex, national origin, handicap, ancestry, age, sexual orientation or veteran status be excluded from participating in or be denied the benefits of, or be otherwise subjected to discrimination under this Agreement.

The Contractor hereby certified to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to

influence an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

- B. If this grant includes Federal funds in excess of \$100,000 and if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan or cooperative agreement, the grantee shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The grantee shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

20. Affirmative Action. For the period of this Agreement, the Contractor agrees to have executed a written Equal Employment Opportunity Affirmative Action Plan in accordance with Title VI and Title VII of the 1964 Civil Rights Act, as amended. The Contractor further agrees that the following posters and notices will be prominently displayed at Contractor's

main office: (A) EEO policy statement (B) EEO posters (C) Job vacancies (D) Training sessions available (E) Discrimination complaint procedures.

21. Publicity. The Contractor agrees that all public notices and publicity regarding this program shall state that: "This program is made possible by a grant from the Ohio Department of Aging through the Western Reserve Area Agency on Aging."

22. Modification. This Agreement which incorporates Contractor's approved Title III proposal and all amendments attached hereto may be modified only by a writing signed by both parties.

IN WITNESS WHEREOF, the duly authorized representatives of the Agency and the Contractor have executed this Agreement on the dates written below their signatures.

WESTERN RESERVE AREA AGENCY ON AGING

Contractor

Ronald Hill, Executive Director

DATE

Contractor/DULY AUTHORIZED SIGNATORY

TYPED NAME & TITLE OF SIGNATORY

DATE

ORDINANCE NO. 97-18
BY: David E. Weiss

Authorizing the acceptance of a grant for law enforcement purposes.

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. The Mayor and the Director of Finance are hereby authorized to accept a grant and to enter into such agreements as are necessary therefor, in the amount of EIGHTEEN THOUSAND EIGHTY-FOUR DOLLARS (\$18,084.00), from the U.S. Department of Justice, Bureau of Justice Assistance, for the purpose of reducing crime and improving public safety. Said agreements shall be in substantially the form as approved by the Director of Law, and the authority granted herein shall extend to any renewal of such grant.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the Police Department and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted February 24, 1997.

Approved this 25th day of February, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-19
BY: Kenneth J. Kovach

Authorizing applications for Community Development Block Grant Funds.

WHEREAS, Cuyahoga County has certain federal Community Development Block Grant funds available for distribution to municipalities; and

WHEREAS, the City Director of Planning and Development has recommended that the City apply to the County for said funds for the following purposes ranked in priority order:

COMPETITIVE MUNICIPAL PROGRAM

1. Community Park Walkway
2. Chelton Park Fence with Plantings

EXTERIOR HOME MAINTENANCE PROGRAM

\$2000 matching grants for elderly residents city-wide (with HUD income guidelines); and

WHEREAS, pursuant to public advertisement, a public hearing was held on February 13, 1997, relative to the City's participation in and application for Community Development Block Grant funds; and

WHEREAS, upon recommendation of the Director of Planning and Development, and after public hearing, this Council is of the opinion that the City should apply to Cuyahoga County for Community Development Block Grant funds for the purposes set forth herein.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby authorizes the filing of applications by the City with Cuyahoga County for Community Development Block Grant funds for the purposes set forth in this ordinance.

Section 2. The Mayor, the Director of Finance, and the Director of Planning and Development are hereby authorized and directed to enter such agreements with the Cuyahoga County Board of Commissioners as may be necessary for the application for and receipt of Community Development Block Grant funds and related funding, as provided by law. Said agreements shall be in substantially the form as approved by the Director of Law.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and further, that the applications for Community Development Block Grant funds authorized herein must soon be filed in order to meet the County's filing deadline and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted February 24, 1997.

Approved this 25th day of February, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-20
BY: Allen D. Foster, Sr.

Amending Ordinance No. 92-201 relative to compensation for various positions (City Planning Commission/Board of Zoning Appeals).

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Section 4 of Ordinance No. 92-201, enacted November 23, 1992, is hereby amended to read as follows, retroactive to January 1, 1997:

Section 4. Civil Service Commission and City Planning Commission/Board of Zoning Appeals members shall be compensated as follows:

Civil Service Commission	\$1200 per year
City Planning Commission/ Board of Zoning Appeals	\$1200 per year

Section 2. Section 4 of Ordinance No. 92-201, as heretofore in effect, is hereby repealed, but in all other respects, Ordinance No. 92-201 shall remain in full force and effect.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted February 24, 1997.

Approved this 25th day of February, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-21
BY: Kenneth J. Kovach

Amending Ordinance 95-168, as amended by Ordinance Nos. 96-44 and 96-76, transferring funds from the General Capital Fund to the Shaker Towne Centre Northwest Quadrant Capital Improvement Fund for expenses related to the construction and equipping of a community playground located in the Shaker Towne Centre Northwest Quadrant and appropriating funds therefor.

BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. That the amount of funds transferred from the General Capital Fund No. 401.09 to the Shaker Towne Centre Northwest Quadrant Fund Capital Improvement Fund No. 407.01 to provide local funding for the cost of constructing and equipping a community playground located in the Shaker Towne Centre Northwest Quadrant in Section 1. of Ordinance No. 95-168, as amended by Ordinance Nos. 96-44 and 96-76, is hereby increased by FIVE THOUSAND ONE HUNDRED DOLLARS (\$5,100) from ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000) to ONE HUNDRED TWENTY FIVE THOUSAND ONE HUNDRED DOLLARS (\$125,100).

Section 2. That the amount of funds appropriated from the Shaker Towne Centre Northwest Quadrant Capital Improvement Fund No. 407.01 for the cost of constructing and equipping a community playground located in the Shaker Towne Centre Northwest Quadrant in Section 2. of Ordinance No. 95-168, as amended by Ordinance Nos. 96-44 and 96-76, is hereby increased by FIVE THOUSAND ONE HUNDRED DOLLARS (\$5,100) from FIVE HUNDRED TWO THOUSAND DOLLARS (\$502,000) to FIVE HUNDRED SEVEN THOUSAND ONE HUNDRED DOLLARS (\$507,100) to provide additional funding for the construction and equipping of a community playground located in the Shaker Towne Centre Northwest Quadrant.

Section 3. That the City Finance Director be and he is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 4. This ordinance is hereby declared to be an emergency necessary for the immediate preservation of the public peace, health and safety for the reason that it is necessary for the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted February 24, 1997.

Approved this 25th day of February, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

