

ORDINANCE NO. 97-114
BY: Kenneth Kovach

Appropriating funds from the General Capital Fund to provide for the City's share of the cost of repairing and resurfacing the Malvern School Building gymnasium floor.

WHEREAS the Malvern School Building is owned by the City and leased to the Solomon Schechter School; and

WHEREAS the Solomon Schechter School provides significant access to its gym at no cost to the City for recreation programming; and

WHEREAS the gymnasium floor is currently in need of repair and resurfacing; and

WHEREAS the Solomon Schechter School has agreed to undertake the repair of the floor and has secured a bid of \$7,100 for the repair; and

WHEREAS the Solomon Schechter School has requested that the City participate in financing the cost of the repair.

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. 401.05 the sum of THREE THOUSAND DOLLARS (\$3,000) to provide for the City's share of the cost of repairing and resurfacing the Malvern School Building gymnasium floor.

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 July 21, 1997.

Approved this 22nd day of July, 1997.

PATRICIA S. MEARNES, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-115
BY: Kenneth J. Kovach

Confirming the granting of a conditional use permit for an automotive use, and the granting of a parking variance, at 16500 Chagrin Boulevard (U.S. Postal Service).

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 August 4, 1997, for an automotive use at 16500 Chagrin Boulevard, to wit: a small truck repair and service facility for the United States Post Office. The approval granted herein is expressly conditioned upon the following: (1) no outside repair or service of vehicles; (2) no body work; (3) limit of one outside dumpster, to be screened with the style and location to be approved by the Planning and Development Department; and (4) no vehicles shall exit onto Chelton Road.

Section 2. This Council further confirms the granting of a parking variance by the Board of Zoning Appeals at its meeting on August 4, 1997, for the property located at 16500 Chagrin Boulevard, to wit: permitting 51 parking spaces rather than the 69 spaces otherwise required for the Post Office facility, and permitting 10 parking spaces rather than 32 spaces otherwise required for the existing The Equalizer Shop.

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

Enacted August 11, 1997.

Approved this 12th day of August, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

RESOLUTION NO. 97-116
BY: Kenneth J. Kovach

Supporting the replacement of the current three-mill operating levy and an increase of one mill for additional operating expenses for the Shaker Heights Public Library.

WHEREAS, the Shaker Heights Public Library is requesting a three-mill operating levy and an increase of one mill for additional operating expenses, for a total of four mills, which will be on the November 4, 1997, election ballot; and

WHEREAS, while the last increase in the Library operating levy, approved in 1990, was from two mills to three mills, and a replacement three-mill levy was approved by the voters in 1994, the current three-mill levy does not meet the increased operating costs for the new main library or higher service levels; and

WHEREAS, it is the opinion of City Council that this tax levy is necessary for the continuation of the Library's quality services and programs which benefit Shaker Heights residents and their children; and

WHEREAS, City Council supports the tax levy for the Shaker Heights Public Library and urges approval by the voters on November 4, 1997.

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

Section 1. The City Council hereby supports the passage of the current three-mill operating levy and an increase of one mill for additional operating expenses for the Shaker Heights Public Library, and urges their passage by the voters of Shaker Heights in the November 4, 1997, election.

Section 2. The Clerk of Council is hereby directed to forward a copy of this resolution to the Shaker Heights Public Library and to the news media.

Adopted September 8, 1997.

Approved this 9th day of September, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

1st Reading 08/25/97

RESOLUTION NO. 97-116
BY: Kenneth J. Kovach

Supporting the replacement of the current three-mill operating levy and an increase of one mill for additional operating expenses for the Shaker Heights Public Library.

WHEREAS, the Shaker Heights Public Library is requesting a three-mill operating levy and an increase of one mill for additional operating expenses, for a total of four mills, which will be on the November 4, 1997, election ballot; and

WHEREAS, while the last increase in the Library operating levy, approved in 1990, was from two mills to three mills, and a replacement three-mill levy was approved by the voters in 1994, the current three-mill levy does not meet the increased operating costs for the new main library or higher service levels; and

WHEREAS, it is the opinion of City Council that this tax levy is necessary for the continuation of the Library's quality services and programs which benefit Shaker Heights residents and their children; and

WHEREAS, City Council supports the tax levy for the Shaker Heights Public Library and urges approval by the voters on November 4, 1997.

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

Section 1. The City Council hereby supports the passage of the current three-mill operating levy and an increase of one mill for additional operating expenses for the Shaker Heights Public Library, and urges their passage by the voters of Shaker Heights in the November 4, 1997, election.

Section 2. The Clerk of Council is hereby directed to forward a copy of this resolution to the Shaker Heights Public Library and to the news media.

Adopted _____, 1997.

Approved this _____ day of _____, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem
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ORDINANCE NO. 97-117
BY: Jan M. Devereaux

Authorizing an agreement with the Shaker Heights Public Library for a Local History Project and appropriating funds therefor.

WHEREAS, the Shaker Heights Public Library is requesting \$10,000 per year for three years for the services which would be provided to the City, contingent upon sufficient funding for the project to hire an archivist for implementation; and

WHEREAS, the Shaker Heights City School District is prepared to commit \$10,000 per year for the next three years for these services; and

WHEREAS, the Shaker Historical Society has agreed to provide in kind services to support the project; and

WHEREAS, it is the opinion of City Council that the Local History Project will be a great benefit to the City of Shaker Heights in the collection, retention, organization, location, preservation, and access to historical materials and public records.

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

Section 1. This Council hereby authorizes the Mayor and the Director of Finance to enter into an agreement with the Shaker Heights Public Library for a Local History Project to hire an archivist to assist in the collection, retention, organization, location, preservation, and access to historical materials and public records and said agreement shall be in substantially the form as approved by the Director of Law.

Section 2. That, in order to provide for a grant by the City to the Shaker Heights Public Library to partially fund the Library's Local History Project, the amount of funds appropriated in Section 2. of Ordinance No. 97-39, as amended by Ordinance No. 97-59, is hereby increased by THIRTY THOUSAND DOLLARS (\$30,000) from TWENTY-SEVEN MILLION TWO HUNDRED NINETY-FOUR THOUSAND SIX HUNDRED DOLLARS (\$27,294,600) to TWENTY-SEVEN MILLION THREE HUNDRED TWENTY-FOUR THOUSAND SIX HUNDRED DOLLARS (\$27,324,600) as follows:

GENERAL FUND - 101

<u>Fund Activity</u>	<u>Personal Service</u>	<u>Other</u>	<u>TOTAL</u>
Municipal Court	\$ 1,068,100	\$ 135,700	\$ 1,203,800
Other City Activities	<u>17,130,200</u>	<u>8,990,600</u>	<u>26,120,800</u>
GENERAL FUND	<u>\$18,198,300</u>	<u>\$9,126,300</u>	<u>\$27,324,600</u>

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 shall take effect from and after the earliest time allowed by law.

Enacted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

RESOLUTION NO. 97-118
BY: Kenneth J. Kovach

Providing for the continuation of cable operations under the current cable franchise agreement.

WHEREAS, in October, 1985 the City of Shaker Heights enacted Ordinance No. 85-96 which is the current franchise agreement between the City and Cablevision, Inc.; and

WHEREAS, the term of said franchise agreement was set to expire at the end of June, 1995; and

WHEREAS, this Council agreed that cable operations would continue to be governed by the current franchise agreement (Ordinance No. 85-96); and

WHEREAS, the City entered into franchise negotiations with Cablevision, Inc. at the end of June, 1995; and

WHEREAS, the City is continuing to negotiate a cable franchise with Cablevision, Inc. and has not yet reached agreement.

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

Section 1. This Council hereby agrees that cable operations will continue to be governed by the current franchise agreement (Ordinance No. 85-96) until September 29, 1997.

Section 2. The Council is hereby instructed to furnish Cablevision, Inc. with a duly inscribed, attested and approved copy of this resolution.

Adopted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-119
BY: Judith H. Rawson

Accepting the recommendations of the City Planning Commission relative to improvements to public land (Northeast Ohio Regional Sewer District).

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

Section 1. Pursuant to Section 1212.03(i) of the Shaker Heights Zoning Code, this Council accepts the recommendations of the City Planning Commission rendered at its meeting on August 4, 1997, relative to improvements on or about public land by the Northeast Ohio Regional Sewer District at the following locations: Coventry Road South of Shaker Boulevard, 2930 Chadbourne Road, Chadbourne Road and Onaway Road, Clayton Road northwest of Van Aken Boulevard, 16611 Chagrin Boulevard, 3245 Van Aken Boulevard, and Sutton Road south of Van Aken Boulevard, which will include the construction of 5 work shafts, two pipe jacking pits and one construction staging area, in connection with the construction of the Heights interceptor sewer. This Council's acceptance herein is expressly conditioned upon the following:

1. Shafts shall be covered when not in use.
2. Fencing shall be no higher than 8 feet with 3 strands of barbed wire and slatting, subject to approval by the Chief of Police in conjunction with the Department of Planning and Development and the adjacent neighbor.
3. Two 4 foot by 8 foot signs shall be permitted for the entire project.
4. The parking of project workers' vehicles shall be limited to legal public parking spaces; parking on private property will not be permitted.
5. The Northeast Ohio Regional Sewer District shall reevaluate the configuration of the proposed shaft on the Chagrin Boulevard/Heinen's site to determine whether both entrances can be safely maintained.

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 commence construction of these improvements as soon as possible in order to complete the Heights interceptor sewer on schedule and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-120
BY: Kenneth J. Kovach

Amending Ordinance No. 96-65, appropriating funds from the General Capital Fund for the design of playground facilities at the Ludlow School property.

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. 401.05 to provide for the cost of the design of a playground facility at the Ludlow school property in Section 1. of Ordinance No. 96-65 is hereby increased by TWO HUNDRED DOLLARS (\$200), from FIVE THOUSAND DOLLARS (\$5,000) to FIVE THOUSAND TWO HUNDRED DOLLARS (\$5,200).

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 August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tempore

ORDINANCE NO. 97-121
BY: Kenneth J. Kovach

Amending Ordinance No. 96-170, as amended by Ordinance 97-46, appropriating funds from the General Capital Fund to provide for County CDBG funding for Phase II of the Chagrin Boulevard Streetscape Improvement Project.

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

Section 1. That, in order to provide for the expenditure of 1998 County Community Development Block Grant funding, the amount of funds appropriated from the General Capital Fund Account No. 401.08 to provide funding for the Chagrin Boulevard Streetscape Improvement Project, including project engineering and design services, construction and materials, in Section 1. of Ordinance No. 96-170, as amended by Ordinance No. 97-46, is hereby increased by ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000), from FOUR HUNDRED THOUSAND DOLLARS (\$400,000) to FIVE HUNDRED FORTY THOUSAND DOLLARS (\$540,000) as follows:

<u>Project</u>	<u>FUNDING SOURCE</u>		<u>Project Total</u>
	<u>Local</u>	<u>CDBG</u>	
Phase I 1997	\$126,000	\$150,000	\$276,000
Phase II 1998	124,000	140,000	264,000
Project Total	<u>\$250,000</u>	<u>\$290,000</u>	<u>\$540,000</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 August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council, Pro-Temporare

ORDINANCE NO. 97-122
BY: Judith H. Rawson

Accepting a bid and authorizing a contract for the purchase of an Interactive Community Message System and appropriating funds from the Law Enforcement Trust Fund therefore.

WHEREAS, on May 30, 1997, the City received two bids for the purchase of an Interactive Community Message System for use in the Police Department, after advertisement for bids as required by law; and

WHEREAS, the lowest bid submitted did not fully comply with the City's specifications, and the system described therein was less capable of performing the functions desired by the City, as set forth in the memorandum of the City's Information Officer to the Chief of Police, dated July 11, 1997; and

WHEREAS, the other bid was submitted by ATS City Watch, in the amount of TWENTY-FOUR THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$24,850), which bid conformed to, the City's specifications and intended performance functions, and provided less anticipated equipment service and maintenance costs than the lower bid; and

WHEREAS, for the foregoing reasons, it is the recommendation of the Chief of Police that the bid of ATS City Watch be accepted as the lowest and best bid.

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

Section 1. This Council hereby declares the bid of ATS City Watch, submitted under bid date of May 30, 1997, in the amount of TWENTY-FOUR THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$24,850), for the purchase of an Interactive Community Message System for use in the Police Department, is hereby declared to be the lowest and best bid, and said bid is herein accepted.

Section 2. The Mayor and the Director of Finance are hereby authorized and directed to enter into a contract with ATS City Watch for the purchase of an Interactive Community Message System for use in the Police Department, in accordance with the bid herein accepted. Said contract shall be in substantially the form as approved by the Director of Law.

Section 3. That there be and is hereby appropriated from the Law Enforcement Trust Fund No. 701.00 the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) to provide for the cost acquiring and installing an interactive community message system, including related equipment.

Section 4. 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 5. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-123
BY: Jan Devereaux

Amending Ordinance No. 95-76, as amended by Ordinance No. 95-112, adopting a classification and pay plan for various positions in the service of the City to provide for a cost-of-living adjustment.

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

Section 1. That effective April 1, 1997 the salary schedule adopted in Section 1. of Ordinance No. 95-76, as amended by Section 3. of Ordinance 95-112, is hereby increased by 3.50% in order to provide for a cost-of-living adjustment.

Section 2. 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 August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARN, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-124
BY: Kenneth J. Kovach

Amending a Position Classification and Pay Plan for various part-time and temporary employees in various City departments.

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

Section 1. Effective September 1, 1997, Section 1 of Ordinance No. 96-146 is hereby amended to read as follows:

POSITION CLASSIFICATION PLAN

<u>Class Title</u>	<u>Range No.</u>
Art Specialist I	116
Art Specialist II	123
Assistant Camp Director I	116
Assistant Camp Director II	123
Bathhouse Attendant	112
Bicycle Licensing Clerk	112
Camp Counselor I	111
Camp Counselor II	113
Camp Director I	124
Camp Director II	130
Child Care Classroom Counselor I	119
Child Care Classroom Counselor II	125
Child Care Classroom Leader	127
Classroom Helper	111
Concession Supervisor	121
Concession Worker	113
Crossing Guard	120
Crossing Guard Supervisor	135
Day School Teacher's Assistant	119
Events and Building Monitor	119
Events and Building Supervisor	132
Facilities Monitor	126
Field Maintenance Assistant Supervisor	120
Field Maintenance Supervisor	132
Field Maintenance Worker	113
Forestry Aide	121
Head Lifeguard I	127
Head Lifeguard II	132
Intern I	124
Intern II	134
Law Clerk I	133
Law Clerk II	139
Learn-To-Swim Assistant Instructor	115
Learn-To-Swim Coordinator	135
Lifeguard I	115

Lifeguard II	123
Lifeguard III	131
Maintenance Helper	111
Maintenance Worker I	119
Maintenance Worker II	127
Office Aide I	111
Office Aide II	115
Playground Attendant I	113
Playground Attendant II	115
Playground Coordinator	130
Playground Leader	122
Playground Leader's Assistant	116
Police Records Assistant	127
Pool Cashier	113
Printer	136
Safety Town Instructor/Coordinator	135
Security Officer	134
Skate Patrol	113
Skate Rental Attendant	113
Skating School Assistant Coordinator	130
Special Events Coordinator I	115
Special Events Coordinator II	124
Special Events Coordinator III	134
Tennis Court Attendant	111
Vehicle Fleet Coordinator	135

Section 2. Effective September 1, 1997, Section 2 of Ordinance No. 96-146 is hereby amended to read as follows:

Ice Skating Instructor	\$14.00 - \$35.00 per hour
Recreation Instructor I	\$ 6.00 - \$ 9.99 per hour
Recreation Instructor II	\$10.00 - \$19.99 per hour
Recreation Instructor III	\$20.00 - \$29.99 per hour
Recreation Instructor IV	\$30.00 - \$39.99 per hour
Recreation Instructor V	\$40.00 - \$49.99 per hour
Recreation Instructor VI	\$50.00 - \$59.99 per hour
Recreation Instructor VII	\$60.00 - \$69.99 per hour
Recreation Instructor VIII	\$70.00 - \$79.99 per hour
Recycling Coordinator	\$14.00 - \$18.00 per hour
Seasonal Laborer	\$ 5.15 - \$ 8.00 per hour
Special Education Teacher	\$25.00 - \$35.00 per hour
Specialty Camp Director I	\$15.00 - \$24.99 per hour
Specialty Camp Director II	\$25.00 - \$35.00 per hour
Sports League Coordinator/Director	\$25.00 - \$35.00 per hour
Tennis Professional	\$25.00 - \$35.00 per hour

Section 3. Effective September 1, 1997, the salary schedule for part-time and temporary employees shall be as set forth in Exhibit A, attached hereto and included herein by reference.

Section 4. Ordinance No. 96-146, as heretofore in effect, to the extent it is inconsistent herewith, is hereby repealed, effective September 1, 1997.

Section 5. 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 August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

EXHIBIT "A"
SALARY SCHEDULE FOR PART-TIME AND TEMPORARY EMPLOYEES

Range No.	Step							
	A	B	C	D	E	F	G	H
111	\$5.15	\$5.30	\$5.46	\$5.62	\$5.79	\$5.96	\$6.14	\$6.32
112	\$5.30	\$5.46	\$5.62	\$5.79	\$5.96	\$6.14	\$6.32	\$6.51
113	\$5.46	\$5.62	\$5.79	\$5.96	\$6.14	\$6.32	\$6.51	\$6.71
114	\$5.62	\$5.79	\$5.96	\$6.14	\$6.32	\$6.51	\$6.71	\$6.91
115	\$5.79	\$5.96	\$6.14	\$6.32	\$6.51	\$6.71	\$6.91	\$7.12
116	\$5.96	\$6.14	\$6.32	\$6.51	\$6.71	\$6.91	\$7.12	\$7.33
117	\$6.14	\$6.32	\$6.51	\$6.71	\$6.91	\$7.12	\$7.33	\$7.55
118	\$6.32	\$6.51	\$6.71	\$6.91	\$7.12	\$7.33	\$7.55	\$7.78
119	\$6.51	\$6.71	\$6.91	\$7.12	\$7.33	\$7.55	\$7.78	\$8.01
120	\$6.71	\$6.91	\$7.12	\$7.33	\$7.55	\$7.78	\$8.01	\$8.25
121	\$6.91	\$7.12	\$7.33	\$7.55	\$7.78	\$8.01	\$8.25	\$8.50
122	\$7.12	\$7.33	\$7.55	\$7.78	\$8.01	\$8.25	\$8.50	\$8.76
123	\$7.33	\$7.55	\$7.78	\$8.01	\$8.25	\$8.50	\$8.76	\$9.02
124	\$7.55	\$7.78	\$8.01	\$8.25	\$8.50	\$8.76	\$9.02	\$9.29
125	\$7.78	\$8.01	\$8.25	\$8.50	\$8.76	\$9.02	\$9.29	\$9.57
126	\$8.01	\$8.25	\$8.50	\$8.76	\$9.02	\$9.29	\$9.57	\$9.86
127	\$8.25	\$8.50	\$8.76	\$9.02	\$9.29	\$9.57	\$9.86	\$10.16
128	\$8.50	\$8.76	\$9.02	\$9.29	\$9.57	\$9.86	\$10.16	\$10.46
129	\$8.76	\$9.02	\$9.29	\$9.57	\$9.86	\$10.16	\$10.46	\$10.77
130	\$9.02	\$9.29	\$9.57	\$9.86	\$10.16	\$10.46	\$10.77	\$11.09
131	\$9.29	\$9.57	\$9.86	\$10.16	\$10.46	\$10.77	\$11.09	\$11.42
132	\$9.57	\$9.86	\$10.16	\$10.46	\$10.77	\$11.09	\$11.42	\$11.76
133	\$9.86	\$10.16	\$10.46	\$10.77	\$11.09	\$11.42	\$11.76	\$12.11
134	\$10.16	\$10.46	\$10.77	\$11.09	\$11.42	\$11.76	\$12.11	\$12.47
135	\$10.46	\$10.77	\$11.09	\$11.42	\$11.76	\$12.11	\$12.47	\$12.84
136	\$10.77	\$11.09	\$11.42	\$11.76	\$12.11	\$12.47	\$12.84	\$13.23
137	\$11.09	\$11.42	\$11.76	\$12.11	\$12.47	\$12.84	\$13.23	\$13.63
138	\$11.42	\$11.76	\$12.11	\$12.47	\$12.84	\$13.23	\$13.63	\$14.04
139	\$11.76	\$12.11	\$12.47	\$12.84	\$13.23	\$13.63	\$14.04	\$14.46
140	\$12.11	\$12.47	\$12.84	\$13.23	\$13.63	\$14.04	\$14.46	\$14.89

ORDINANCE NO. 97-125
BY: Allen Foster

Amending Ordinance No. 97-26, appropriating funds from the General Capital Fund No. 401 for the installation of a dehumidification system for the Thornton Park ice rink.

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 Account No. 401.05 for the cost of the engineering, designing, purchasing and installing a dehumidification system to service the Thornton Park ice rink in for Section 1. of Ordinance No. 97-26 is hereby increased by NINE THOUSAND ONE HUNDRED DOLLARS (\$9,100), from FIFTY THOUSAND DOLLARS (\$50,000) to FIFTY-NINE THOUSAND ONE HUNDRED DOLLARS (\$59,100).

Section 2. That the City Finance Director be and 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 August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro-Temporare

ORDINANCE NO. 97-126
BY: Kenneth J. Kovach

Amending Ordinance No. 95-108, authorizing a contract for professional architectural services relative to the proposed Thorntorn Park expansion and appropriating funds from the General Capital Fund to provide financing therefore.

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. 401.05 for professional architectural services relative to the proposed Thorntorn Park expansion in Section 2. of Ordinance No. 95-108 is hereby increased by FOUR THOUSAND THREE HUNDRED DOLLARS (\$4,300) from TWENTY-FIVE THOUSAND DOLLARS (\$25,000) to TWENTY-NINE THOUSAND THREE HUNDRED DOLLARS (\$29,300).

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 August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro-Temporare

ORDINANCE NO. 97-127
BY: Margaret Jorgensen

Amending Ordinance No. 96-206, authorizing various departments of the City to maintain sufficient cash on hand in order to facilitate daily operations.

WHEREAS, pursuant to Article VI, Section 5.(b) of the Charter of the City of Shaker Heights City Council may authorize such sums as it deems proper to be kept in cash for the daily operation of any City department or office; and

WHEREAS, this Council recognizes the need of various City departments to maintain sufficient cash on hand in the form of change and petty cash funds to facilitate efficient departmental operations and service to the public; and

WHEREAS, Ordinance No. 96-206, as amended by Ordinance Nos. 97-25 and 97-86, authorized the maintenance of cash on hand by various City departments; and

WHEREAS, the Service Department, in order to improve customer service, has requested authorization to maintain cash on hand for a cashier's change fund.

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

Section 1. That the amount of cash on hand authorized to be maintained as a change fund by the Service Department in Section 1. of Ordinance 96-206, as amended by Ordinance Nos. 97-25 and 97-86, is hereby established at FIFTY DOLLARS (\$50) and the total amount authorized increased from TWO THOUSAND TWO HUNDRED-EIGHTY DOLLARS (\$2,280) to TWO THOUSAND THREE HUNDRED THIRTY DOLLARS (\$2,330).

Section 2. That the City Finance Director be and he is hereby authorized and directed to draw his warrants reimbursing said petty cash funds against amounts properly appropriated for said expenditures upon presentation of proper vouchers.

Section 3. 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 August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK,
Clerk of Council, Pro-Temporare

ORDINANCE NO. 97-128
BY: Stephanie W. Turner

Authorizing a contract for professional inspection consulting services relative to the Chagrin Street Scape Project.

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

Section 1. This Council hereby authorizes the Mayor and the Director of Finance to enter into a contract with Premium Technical Service, Inc. for professional inspection consulting services relative to the Chagrin Street Scape Project. The cost for such services shall not exceed \$26.50 per hour and \$39.75 per hour for overtime. Said 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 construction on the Chagrin Street Scape Project has commenced and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-129
BY: Kenneth J. Kovach

Amending Ordinance No. 97-58, as amended by Ordinance No. 97-112, appropriating funds from the General Capital Fund for various public service projects.

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

Section 1. That the amount of funds appropriated for various public service projects in Section 1. of Ordinance No. 97-58, as amended by Ordinance No. 97-112, is hereby increased by TWENTY-SIX THOUSAND DOLLARS (\$26,000), from ONE HUNDRED THIRTY-SIX THOUSAND DOLLARS (\$136,000) to ONE HUNDRED SIXTY-TWO THOUSAND DOLLARS (\$162,000), to provide for the replacement of a boiler serving the former Sussex School Building (Shaker Family Center):

<u>Project</u>	<u>Amount</u>
Resurface South Municipal Lot	\$ 85,000
Resurface South Municipal Lot at Avalon	24,000
Resurface Police Lot (South)	18,000
Chip Seal Warrensville Center Rd. Lot	9,000
Sussex School Bldg. Boiler Replacement	26,000
<u>Total</u>	<u>\$162,000</u>

Section 2. That the City Finance Director be and 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 August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNES, Mayor

Attest:

FRANK J. BRICHACEK,
Clerk of Council Pro-Temporare

ORDINANCE NO. 97-130
BY: Judith Rawson

Authorizing an operating transfer from the Sewer Maintenance Special Revenue Fund to the Sewer Capital Improvement Fund and amending Ordinance No. 97-39, making annual appropriations for the current expenses and other expenditures of the City of Shaker Heights for the fiscal year ending December 31, 1997 and amending Ordinance 96-204 appropriating funds from the Sewer Capital Improvement Fund to provide additional funding for the replacement of the culvert and headwall crossing the property at 23350 South Woodland Road.

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

Section 1. That there be and is hereby transferred from the Sewer Maintenance Special Revenue Fund Account No. 204 to the Sewer Capital Improvement Fund Account No. 402 the additional sum of TWENTY THOUSAND DOLLARS (\$20,000) to provide additional funding to finance the replacement of the culvert and headwall crossing the property at 23350 South Woodland Road.

Section 2. That Section 7. of Ordinance No. 97-39, as amended by Ordinance Nos. 97-59 97-101 and 97-105, is hereby amended to include the operating transfer authorized in Section 1. of this ordinance.

Section 3. That in order to provide additional funding to finance the replacement of the culvert and headwall crossing the property at 23350 South Woodland Road, the amount of funds appropriated from Fund No. 204 - Sewer Maintenance Special Revenue Fund in Section 3. of Ordinance 97-39, as amended by Ordinance Nos. 97-59, 97-85, 97-101 and 97-105, is hereby increased by TWENTY THOUSAND DOLLARS (\$20,000) as follows:

Special Revenue Fund - 200

ACCT. NO.	Fund Activity	PERSONAL SERVICE	OTHER	TOTAL
204	Sewer Maintenance	\$ 331,600	\$ 644,400 (2B)	\$ 976,000
TOTAL SPECIAL REVENUE FUNDS		<u>\$3,011,800</u>	<u>\$2,741,527</u>	<u>\$5,753,327</u>

Section 4. That in order to provide additional funding to finance the cost of professional engineering services, inspection and construction of the culvert and headwall crossing the property at 23350 South Woodland Road, the amount of funds appropriated from the Sewer Capital Improvement Fund No. 402 in Section 3. of Ordinance No. 96-204 is hereby increased by TWENTY THOUSAND DOLLARS (\$20,000), from FORTY-EIGHT THOUSAND DOLLARS (\$48,000) to SIXTY-EIGHT THOUSAND DOLLARS (\$68,000).

Section 5. 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 6. 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 this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK,
Clerk of Council, Pro-Temporare

ORDINANCE NO. 97-131

BY: Judith Rawson

Appropriating funds from the General Capital Fund to provide additional funding for the Doan Brook Watershed Improvement Project.

WHEREAS Ordinance No. 93-20 appropriated \$50,000 to finance the City's share of improvements to the Doan Brook Watershed including constructing a lake drain, dredging Lower Lake and reinforcing the downstream face of the dam at Horseshoe Lake.

NOW, 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 General Capital Fund No. 401.04 the sum of FIFTY THOUSAND DOLLARS (\$50,000) to provide funding for additional dredging of Lower Lake.

Section 2. That this Council authorizes the Chief Administrative Officer to accept on behalf of the City of Shaker Heights additional contributions from any other governmental entity for the dredging of Lower Lake.

Section 3. That, if additional funding for the dredging of Lower Lake is accepted by the City of Shaker Heights from any other governmental entity, upon receipt said funds are hereby deemed to be appropriated from the General Capital Fund No. 401.04 for this purpose.

Section 4. That the City Finance Director be and is hereby authorized and directed to draw his warrants against the appropriations hereinabove set forth upon presentation of proper vouchers.

Section 5. 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 August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNES, Mayor

Attest:

FRANK J. BRICHACEK,
Clerk of Council Pro-Temporare

ORDINANCE NO. 97-132
BY: Jan M. Devereaux

Accepting a bid and authorizing a contract for the maintenance of pavement markings.

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

Section 1. The bid of Aero-Mark, Inc., submitted under bid date of August 8, 1997, in the amount of SIXTY-EIGHT THOUSAND SEVEN HUNDRED FORTY-FIVE DOLLARS TEN CENTS (\$68,745.10), for the maintenance of pavement markings on City streets, is hereby declared to be the only bid submitted pursuant to advertisement for competitive bidding as required by law, and said bid is hereby accepted.

Section 2. The Mayor and the Director of Finance are hereby authorized to enter into a contract with Aero-Mark, Inc. for the maintenance of pavement markings on City streets in accordance with the bid herein accepted, except that, because of maintenance of pavement markings recently performed by the Public Service Department, the amount of the contract will be reduced by FIVE THOUSAND FIVE HUNDRED THIRTY DOLLARS NINETY CENTS (\$5,530.90), for an adjusted total of SIXTY-THREE THOUSAND TWO HUNDRED FOURTEEN DOLLARS TWENTY CENTS (\$63,214.20). Said contract 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, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-133
BY: Jan Devereaux

Determining to proceed with the trimming and maintenance of trees and levying assessments of a portion of the expense thereof on the streets hereinafter named.

WHEREAS, this Council has heretofore adopted Resolution No. 97-97 declaring it necessary to trim and maintain the trees on the streets named in said Resolution during the years 1998, 1999 and 2000 and providing for the assessment of a portion of the expense thereof, and

WHEREAS, a tree trimming assessment report has been fully prepared by the Director of Finance, which report has been on file with the Council, as required in Section 145.03 of the Administrative Code of the Codified Ordinances of the City of Shaker Heights, and

WHEREAS, notice of the filing of such report has been duly published as required by said Section 145.03 and no complaints or objections to such assessments have been filed with the Board of Review of Assessments, and

WHEREAS, the Board of Review of Assessments has approved and adopted said tree trimming assessment list;

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

Section 1. It is hereby determined to proceed with the improvement of the streets listed hereinafter by trimming the trees thereon, in accordance with the tree trimming report on file in the office of the Director of Service.

Section 2. It is hereby determined that all of the lots and lands abutting and bounding on the following named streets shall be assessed for a portion of the cost and expense of trimming the trees on said streets:

TREE TRIMMING

Aberdeen Road	Braemer Road	Clayton Boulevard
Albion Road	Brantley Road	Colby Road
Aldersyde Drive	Brighton Road	Colton Road
Almar Dr.	Broxton Road	Colwyn Road
Andover Road	Bryden Road	Courtland Boulevard
Ardmore Road	Byron Road	Courtland Oval
Ashby Road	Calverton Road	Coventry Road
Ashford Road	Canterbury Lane	Cranlyn Road
Ashley Road	Carlton Road	Daleford Road
Ashurst Road	Chadbourne Road	Dorchester Road
Ashwood Road	Chagrin Boulevard	Douglas Road
Attleboro Road	Chalfant Road	Drexmore Road
Avalon Road	Chelton Road	Drummond Road
Becket Road	Cheshire Road	Dryden Road
Belvoir Boulevard	Chesterton Road	Duffield Road
Berwyn Road	Claremont Road	East 127th Street
Boyce Road	Claythorne Road	East 140th Street

East Belvoir Oval
 Eaton Road
 Edgerton Road
 Elsmere Road
 Enderby Road
 Endicott Road
 Fairhill Road
 Fairmount Boulevard
 Fairmount Circle
 Falmouth Road
 Farnsleigh Road
 Fayette Road
 Fernway Road
 Fontenay Road
 Glencairn Road
 Glengary Road
 Glenmore Road
 Green Road
 Grenway Road
 Gridley Road
 Haddam Road
 Hadleigh Road
 Halburton Road
 Halworth Road
 Hampstead Road
 Hardwick Road
 Hazelmere Road
 Helen Road
 Hermitage Road
 Hildana Road
 Holbrook Road
 Holmwood Road
 Huntington Road
 Ingleside Road
 Inverness Road
 Kemper Road
 Kendall Road
 Kenmore Road
 Kenyon Road
 Keswick Road
 Kingsley Road
 Landon Road
 Lansmere Road
 Larchmere Road
 Latimore Road
 Laurel Road
 Laureldale Road
 Lee Road
 Leighton Road
 Lindholm Road
 Litchfield Road
 Lomond Boulevard
 Ludgate Road
 Ludlow Road

Lyman Boulevard
 Lyman Circle
 Lynnfield Road
 Lynton Road
 Lytle Road
 McCauley Road
 Malvern Road
 Manchester Road
 Marchmont Road
 Maynard Road
 Menlo Road
 Milton Road
 Milverton Road
 Montgomery Road
 Morley Road
 Newell Road
 Nicholas Road
 No. Moreland Blvd.
 No. Park Blvd.
 Normandy Road
 Northfield Road
 Northwood Avenue
 Norwood Road
 Onaway Road
 Oval Drive
 Oxford Road
 Palmerston Road
 Park Driveway
 Park Road
 Parkland Drive
 Parnell Road
 Paxton Road
 Pennington Road
 Rawnsdale Road
 Riedham Road
 Rife Court
 Rochester Road
 Rocklyn Road
 Rolliston Road
 Rye Road
 Scottsdale Blvd.
 Sebor Road
 Sedgewick Road
 Shaker Boulevard
 Shelburne Road
 Shelley Road
 Sherbrooke Road
 Sherrington Road
 So. Woodland Road
 Somerset Road
 South Park Blvd.
 Southington Road
 Stanford Road
 Stockholm Road

Stoer Road
 Strandhill Road
 Strathavon Road
 Sudbury Road
 Sulgrave Oval
 Sulgrave Road
 Sussex Road
 Sutherland Road
 Sutton Place
 Sutton Road
 Sydenham Road
 Tolland Road
 Torrington Road
 Townley Road
 Traver Road
 Traynham Road
 University Boulevard
 Van Aken Boulevard
 Wadsworth Road
 Warrensville Ctr. Rd.
 Warrington Road
 Warwick Road
 Washington Boulevard
 West Belvoir Oval
 Westbury Road
 Westchester Road
 West Park Boulevard
 West Sulgrave Oval
 Weybridge Oval
 Weymouth Road
 Wicklow Road
 Wimbledon Road
 Winchell Road
 Winslow Road
 Winthrop Road
 Woodbury Road
 Wrenford Road

* KENMORE TREES

3040 Kenmore
 3260 Kenmore
 3269 Kenmore
 3270 Kenmore
 3277 Kenmore
 3279 Kenmore
 3280 Kenmore
 3285 Kenmore
 3286 Kenmore

3305 Kenmore
 3306 Kenmore
 3309 Kenmore
 3326 Kenmore
 3329 Kenmore
 3330 Kenmore
 3349 Kenmore
 3352 Kenmore
 3359 Kenmore

3360 Kenmore
 3366 Kenmore
 3370 Kenmore
 3378 Kenmore
 3385 Kenmore
 3386 Kenmore
 3392 Kenmore
 3398 Kenmore

Section 3. Said assessments are in accordance with Resolution No. 97-97 and in accordance with the tree trimming report approved by the Board of Review of Assessments.

Section 4. Two percent (2%) of the entire cost of said tree trimming and maintenance, plus the cost of trimming and maintenance in street intersections, shall be paid for by the City out of the General Fund, and the remainder of the entire cost of said tree trimming equaling ONE DOLLAR ONE CENT (\$1.01) a front foot per year on the above described lots and lands shall be assessed in proportion to the special benefits which will result from said tree trimming and maintenance upon the above described lots and lands, being all lots and lands bounding and abutting the streets hereinabove named.

Section 5. The assessment of the cost and expense of said tree trimming and maintenance amount to TWO MILLION ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$2,195,000.00) for three (3) years, as reported to the Council by the Director of Finance and approved by the Board of Review of Assessments, is hereby adopted and there are levied and assessed upon said lots and assessments report now on file in the office of the Director of Finance, which assessments are in proportion to the special benefits accruing to the property assessed, and are not in excess of the actual benefits to said property.

Section 6. The total assessments against such lot and parcel of land shall be payable within thirty (30) days from and after the passage of this ordinance or in one annual installment. All cash payments shall be made to the Director of Finance. All unpaid installments of assessments at the expiration of the thirty-day period shall be certified by the Director of Finance to the County Auditor, together with fees and charges for collecting the same, as provided by law, to be by him placed upon the appropriate tax duplicate and collected as other taxes.

Section 7. The remainder of the entire cost of said improvement not especially assessed shall be paid by the City. No bonds or notes of the City of Shaker Heights shall be issued in anticipation of the collection of special assessments.

Section 8. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, by reason of the necessity of continuing the tree trimming program and providing funds in support thereof and this ordinance shall, therefore, go into effect immediately upon its enactment and approval by the Mayor.

Enacted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-134
BY: Allen Foster

Determining to proceed with the lighting of streets and levying assessments of a portion of the expense thereof on the streets hereinafter named.

WHEREAS, this Council has heretofore adopted Resolution No. 97-98 declaring it necessary to light the streets named in said Resolution during the years of 1998, 1999 and 2000 and providing for the assessment of a portion of the expense thereof, and

WHEREAS, a lighting assessment report has been duly prepared by the Director of Finance, which report has been on file with the Council, as required in Section 145.03 of the Administrative Code of the Codified Ordinances of the City of Shaker Heights, and

WHEREAS, notice of the filing of such report has been fully published as required by said Section 145.03 and no complaints or objections to such assessments have been filed with the Board of Review of Assessments, and

WHEREAS, the Board of Review of Assessments has approved and adopted said lighting assessment list;

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

Section 1. It is hereby determined to proceed with the improvement of all streets listed hereinafter by the lighting thereof, in accordance with the lighting report on file in the office of the Director of Service.

Section 2. It is hereby determined that all of the lots and lands abutting and bounding on the following named streets should be assessed for a portion of the cost and expense of lighting streets:

STREET LIGHTING

Aberdeen Road
Albion Road
Aldersyde Drive
Almar Dr.
Andover Road
Ardmore Road
Ashby Road
Ashford Road
Ashley Road
Ashurst Road
Ashwood Road
Attleboro Road
Avalon Road
Becket Road
Belvoir Boulevard
Berwyn Road
Boyce Road

Braemer Road
Brantley Road
Brighton Road
Broxton Road
Bryden Road
Byron Road
Calverton Road
Canterbury Lane
Carlton Road
Chadbourne Road
Chagrin Boulevard
Chalfant Road
Chelton Road
Cheshire Road
Chesterton Road
Claremont Road
Claythorne Road

Clayton Boulevard
Colby Road
Colton Road
Colwyn Road
Courtland Boulevard
Courtland Oval
Coventry Road
Cranlyn Road
Daleford Road
Dorchester Road
Douglas Road
Drexmore Road
Drummond Road
Dryden Road
Duffield Road
East 127th Street
East 140th Street

East Belvoir Oval
Eaton Road
Edgerton Road
Elsmere Road
Enderby Road
Endicott Road
Fairhill Road
Fairmount Boulevard
Fairmount Circle
Falmouth Road
Farnsleigh Road
Fayette Road
Fernway Road
Fontenay Road
Glencairn Road
Glengary Road
Glenmore Road
Green Road
Grenway Road
Gridley Road
Haddam Road
Hadleigh Road
Halburton Road
Halworth Road
Hampstead Road
Hardwick Road
Hazelmere Road
Helen Road
Hermitage Road
Hildana Road
Holbrook Road
Holmwood Road
Huntington Road
Ingleside Road
Inverness Road
Kemper Road
Kendall Road
Kenmore Road
Kenyon Road
Keswick Road
Kingsley Road
Landon Road
Lansmere Road
Larchmere Road
Latimore Road
Laurel Road
Laureldale Road
Lee Road

Leighton Road
Lindholm Road
Litchfield Road
Lomond Boulevard
Ludgate Road
Ludlow Road
Lyman Boulevard
Lyman Circle
Lynnfield Road
Lynton Road
Lytle Road
McCauley Road
Malvern Road
Manchester Road
Marchmont Road
Maynard Road
Menlo Road
Milton Road
Milverton Road
Montgomery Road
Morley Road
Newell Road
Nicholas Road
No. Moreland Blvd.
No. Park Blvd.
Normandy Road
Northfield Road
Northwood Avenue
Norwood Road
Onaway Road
Oval Drive
Oxford Road
Palmerston Road
Park Driveway
Park Road
Parkland Drive
Parnell Road
Paxton Road
Pennington Road
Rawnsdale Road
Riedham Road
Rife Court
Rochester Road
Rocklyn Road
Rolliston Road
Rye Road
Scottsdale Blvd.
Sebor Road

Sedgewick Road
Shaker Boulevard
Shelburne Road
Shelley Road
Sherbrooke Road
Sherrington Road
Southington Road
South Park Blvd
So. Woodland Road
Stanford Road
Stockholm Road
Stoer Road
Strandhill Road
Strathavon Road
Sudbury Road
Sulgrave Oval
Sulgrave Road
Sussex Road
Sutherland Road
Sutton Place
Sutton Road
Sydenham Road
Tolland Road
Torrington Road
Townley Road
Traver Road
Traynham Road
University Boulevard
Van Aken Boulevard
Wadsworth Road
Warrensville Ctr. Rd.
Warrington Road
Warwick Road
Washington Boulevard
West Belvoir Oval
Westbury Road
Westchester Road
West Park Boulevard
West Sulgrave Oval
Weybridge Oval
Weymouth Road
Wicklow Road
Wimbledon Road
Winchell Road
Winslow Road
Winthrop Road
Woodbury Road
Wrenford Road

Section 3. Said assessments are in accordance with Resolution No. 97-98 and in accordance with the lighting assessment report approved by the Board of Review of Assessments.

Section 4. The cost and expense of providing lighting for street intersections and two percent (2%) of the entire cost of the street lighting shall be paid by the City out of the General Fund and the remainder of the entire cost of said street lighting, equaling EIGHTY-TWO CENTS (\$.82) a front foot per year on the above described lots and lands, shall be assessed upon the above described lots and lands, being all the lots and lands bounding and abutting upon the streets hereinabove named.

Section 5. The assessment of the cost and expense of said street lighting amounting to ONE MILLION SEVEN HUNDRED SEVENTY THOUSAND DOLLARS (\$1,770,000.00) for three years as reported to the Council by the Director of Finance and approved by the Board of Review of Assessments, is hereby adopted and there are levied and assessed upon said lots and lands above described, the amount set forth in said lighting assessment report now on file in the office of the Director of finance, which assessments are in proportion to the special benefits accruing to the property, and are not in excess of the actual benefits to said property.

Section 6. The total assessments against each lot and parcel of land shall be payable within thirty (30) days from and after the passage of this ordinance or in one annual installment. All cash payments shall be made to the Director of Finance. All unpaid installments of assessments at the expiration of the thirty-day period shall be certified by the Director of Finance to the County Auditor together with fees and charges for collecting the same, as provided by law, to be by him placed upon the appropriate tax duplicate and collected as other taxes.

Section 7. The remainder of the entire cost of said improvement not especially assessed shall be paid by the City. No bonds or notes of the City of Shaker Heights shall be issued in anticipation of the collection of special assessments.

Section 8. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, by reason of the necessity of continuing the street lighting program and providing funds in support thereof and this ordinance shall, therefore, go into effect immediately upon its enactment and approval by the Mayor.

Enacted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-135
By: Margaret Jorgensen

Authorizing participation in Ohio Schools Council Cooperative Purchasing Program.

WHEREAS, pursuant to Article VI, Section 7 of the City Charter, the Council may authorize the joint use of facilities or exercise of powers with other political subdivisions without public bidding; and

WHEREAS, it is recommended that the City participate in the Ohio Schools Council Cooperative Purchasing Program, as said participation could result in financial savings for the City.

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

Section 1. On behalf of the City, the Chief Administrative Officer, with the approval of the Mayor, is hereby authorized to participate in contracts which the Ohio Schools Council has entered into for the purchase of supplies, services, equipment and certain materials pursuant to Article VI, Section 7 of the Shaker Heights City Charter.

Section 2. The Chief Administrative Officer is hereby further authorized to agree, on behalf of the City, to be bound by all contract terms and conditions as the Ohio Schools Council prescribes, subject to approval by the Director of Law. Such terms and conditions may include a reasonable fee to cover the administrative costs which the Ohio Schools Council incurs as a result of the City's participation in a contract. The City agrees to be bound by all such terms and conditions upon approval of the Chief Administrative Officer and Director of Law.

Section 3. The Chief Administrative Officer is hereby authorized, per agreement with the Ohio Schools Council, to directly pay the vendor under each such state contract in which the City participates, for items it receives pursuant to the contract, and the City further agrees to make such direct payments to the vendor upon the request of, or per agreement with, the Ohio Schools Council.

Section 4. This ordinance shall take effect from and after the earliest time allow by law.

Enacted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-136
BY: Kenneth J. Kovach

To designate public depositories for active funds and interim funds of the city.

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

Section 1. This Council finds that notice for bids and applications for the deposit of city funds was fully published as required by law and that bids and applications have been received and recorded.

Section 2. This Council finds that the bid of National City Bank is the best bid for the handling of the Bond and Coupon Payment Account and said bid is hereby accepted, and the Mayor and the Director of Finance are authorized to enter into a written agreement for the same.

Section 3. This Council finds that Bank One, First National Bank of Ohio (First Merit), Huntington Banks, National City Bank, Key Bank, and Fifth Third Bank of Northeast Ohio have made application for the deposit of active funds of the City, and the Mayor and Director of Finance are hereby authorized to enter into written agreements for the deposit of such funds with said banks within limits provided by law and as may be accomplished with efficient handling of City funds.

Section 4. The Council finds that whereas Bank One, First National Bank of Ohio (First Merit), Huntington Banks, National City Bank, Key Bank, and Fifth Third Bank of Northeast Ohio have made application to serve as a depository for interim deposits, that the Director of Finance is hereby authorized to use them for interim deposits which are to be awarded from time to time as funds become available for investment.

Section 5. All named depositories shall be required to collaterally pledge to the City eligible securities at least equal to the monies on deposit in conformity with the relevant sections of the Ohio Revised Code.

Section 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that the present depository contracts expire on September 1, 1997, and this ordinance shall, therefore, go into effect immediately upon its enactment and approval by the Mayor.

Enacted August 25, 1997.

Approved this 26th day of August, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-137
BY: Jan M. Devereaux

Accepting a bid and authorizing a contract for the purchase of asphalt rejuvenating agent.

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

Section 1. The bid of Pavement Technology, Inc. submitted under bid date of August 22, 1997, in the amount of \$0.45 per square yard, for an estimated total of FORTY-ONE THOUSAND TWO HUNDRED EIGHTY-THREE DOLLARS NINETY CENTS (\$41,283.90), for the purchase of asphalt rejuvenating agent for use by the Service Department on City streets, is hereby declared to be the only bid submitted pursuant to advertisement for competitive bidding as required by law, and said bid is hereby accepted.

Section 2. The Mayor and the Director of Finance are authorized to enter into a contract with Pavement Technology, Inc. for the purchase of asphalt rejuvenating agent for use by the Service Department on City streets in accordance with the bid herein accepted.

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 September 8, 1997.

Approved this 9th day of September, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-138
BY: Kenneth J. Kovach

Authorizing a contract for a computer litigation case management and administrative support system for the Law Department (CYCOM Data Systems, Inc.).

WHEREAS, since there is only one company which currently installs and maintains litigation case management and administrative support systems specifically designed for municipal government; and

WHEREAS, CYCOM Data Systems, Inc. is available to design, install, and maintain the litigation case management and administrative support system at a cost of SEVENTEEN THOUSAND AND SEVENTY-FIVE DOLLARS (\$17,075).

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

Section 1. This Council hereby authorizes the Mayor and the Director of Finance to enter into a contract with CYCOM Data Systems, Inc. for a computer litigation case management and administrative support system for the Law Department, all as more fully set forth in the written proposal of CYCOM Data Systems, Inc. dated October 4, 1996.

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

Enacted September 8, 1997.

Approved this 9th day of September, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-139
BY: Kenneth Kovach

Amending Ordinance No. 94-116, as amended by Ordinance No. 94-184, appropriating funds from the General Capital Fund to provide for the renovation of the Police Department Communications Center.

WHEREAS, Ordinance No. 94-116 appropriated \$15,000 for the development of plans to upgrade the Communications Center in the Police Department; and

WHEREAS, Article VI., Section 2, of the Charter of the City of Shaker Heights, Ohio states that the passage by City Council of an ordinance authorizing the issue or sale of notes constitutes an appropriation of the note proceeds for the authorized purpose; and

WHEREAS, Ordinance No. 94-184 authorized the issuance and sale of \$425,000 notes for the acquisition of various pieces of public safety equipment and facility improvements including \$285,000 for the renovation of the Communications Center in the Police Department; and

WHEREAS, when public bids were solicited on April 25, 1997 for the renovation of the Police Department Communications Center, the lowest bid was FOUR HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$435,000); and

~~WHEREAS, after further review of the bid by the City's consultant, the total project budget for the design, consulting fees and the renovation of the Police Department Communication Center, the recommended appropriation for the project is FOUR HUNDRED ONE THOUSAND DOLLARS (\$401,000).~~

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

Section 1. That the amount of funds appropriated by Ordinance Nos. 94-116 and 94-184 from the General Capital Fund Account No. 401.02 to design, equip and renovate the Communications Center in the Police Department is hereby increased by ONE HUNDRED ONE THOUSAND DOLLARS (\$101,000) from THREE HUNDRED THOUSAND DOLLARS (\$300,000) to FOUR HUNDRED ONE THOUSAND DOLLARS (\$401,000).

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 September 8, 1997.

Approved this 9th day of September, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-140
BY: David Weiss

Amending Ordinance No. 93-165, appropriating funds from the General Capital Fund for the acquisition of various equipment and the construction of a female locker room to be used by the Police Department to provide supplemental funds for the construction of a female locker room.

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. 401.03 to provide for the construction of a female locker room to be used by the Police Department in Section 1. of Ordinance No. 93-165 is hereby increased by THIRTY-ONE THOUSAND DOLLARS (\$31,000), from NINE THOUSAND DOLLARS (\$9,000) to FORTY THOUSAND DOLLARS (\$40,000).

Section 2. That the total amount appropriated for various Police Department improvements and purchases in Section 1. of Ordinance No. 95-165 is hereby increased by THIRTY-ONE THOUSAND DOLLARS (\$31,000) from FORTY-TWO THOUSAND DOLLARS (\$42,000) to SEVENTY-THREE THOUSAND DOLLARS (\$73,000) 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 September 8, 1997.

Approved this 9th day of September, 1997.

PATRICIA S. MEARNES, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-141
BY: Margaret Jorgensen

Amending Ordinance No. 96-67, appropriating funds from the General Capital Fund to replace the closed circuit TV security systems at the Police/Court Building and the Van Aken Shopping Center and to purchase an additional camera to monitor the Chagrin/Lee business district.

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 Account No. 401.03 to provide for the replacement of the closed circuit TV security systems at the Police/Court Building and the Van Aken Shopping Center and to purchase an additional camera to monitor the Chagrin/Lee business district in Section 1. of Ordinance No. 96-67 is hereby increased by THIRTY-FOUR THOUSAND DOLLARS (\$34,000), from ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000) to ONE HUNDRED FIFTY-FOUR THOUSAND DOLLARS (\$154,000)..

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 September 8, 1997.

Approved this 9th day of September, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-142
BY: David Weiss

Amending Ordinance No. 95-102, appropriating funds from the General Capital Fund for various Police Department improvements and purchases to provide supplemental funds for the installation of an air conditioning unit in the Police Communication Center.

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. 401.03 to provide for the purchase and installation of an air conditioning unit serving the Police Communication Center Section 1. of Ordinance No. 95-102 is hereby increased by TEN THOUSAND DOLLARS (\$10,000), from FOUR THOUSAND DOLLARS (\$4,000) to FOURTEEN THOUSAND DOLLARS (\$14,000).

Section 2. That the total amount appropriated for various Police Department improvements and purchases in Section 1. of Ordinance No. 95-102 is hereby increased by TEN THOUSAND DOLLARS (\$10,000) from THIRTY-EIGHT THOUSAND DOLLARS (\$38,000) to FORTY-EIGHT THOUSAND DOLLARS (\$48,000) 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 September 8, 1997.

Approved this 9th day of September, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-143
BY: Judith H. Rawson

Amending Section 141.04 of the Administrative Code (sale of personal property).

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

Section 1. Section 141.04 of the Shaker Heights Administrative Code, relative to the sale of personal property, is hereby amended to read as follows:

141.04 PURCHASING AGENT; SALE OF PERSONAL PROPERTY.

The Purchasing Agent, under the direction of the Director of Purchases, shall have the power to sell personal property belonging to the City and no longer necessary for the purposes of the City, on the instructions from the head of the department concerned. Personal property of the value of two thousand dollars (\$2,000.00) or more shall, except as provided herein, be sold only to the highest and best bidder, after advertisement for two (2) consecutive weeks in a newspaper of general circulation of the City. The highest and best bid shall be determined and awarded by ordinance of Council. The sale of said personal property to a political subdivision or a nonprofit corporation may be made without advertisement or competitive bidding, provided that such sale is authorized by ordinance of Council.

Section 2. Section 141.04 of the Shaker Heights Administrative Code, as heretofore in effect, is hereby repealed.

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 Finance Department and, therefore, this ordinance shall take effect immediately upon its enactment and approval of the Mayor.

Enacted September 8, 1997.

Approved this 9th day of September, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-144
BY: Kenneth J. Kovach

Authorizing the sale of personal property belonging to the City.

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

Section 1. Pursuant to Section 141.04 of the Shaker Heights Administrative Code, this Council hereby authorizes the sale of certain personal property belonging to the City, and no longer needed for municipal purposes, to the Shaker Square Area Development Corporation, a non-profit corporation. The property to be sold, and the price therefor, is set forth as follows:

	<u>Description of Property</u>	<u>Price</u>
P-9202	1992 Ford Crown Victoria 4-door VIN: 2FACP72W4NX207136	\$2,500.00
P-9302	1993 Ford Crown Victoria 4-door VIN: 2FACP71W2PX155395	\$3,500.00
P-9301	1993 Ford Crown Victoria 4-door VIN: 2FACP71W0PX155394	\$3,500.00

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 the Shaker Square Area Development Corporation will need the motor vehicles authorized to be conveyed herein to provide security for the Shaker Square area adjacent to the City of Shaker Heights, which security efforts are coordinated with the Shaker Heights Police Department and which benefit the residents of Shaker Heights, and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted September 8, 1997.

Approved this 9th day of September, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-145
BY: Stephanie W. Turner

Further amending Ordinance No. 96-55 relative to the SWITA grant program for home improvements and repairs.

WHEREAS, Section 3 of Ordinance No. 96-55, enacted April 8, 1996, relative to authorization of a grant program for home improvements and repairs in the Southwest Shaker Improvement Target Area (SWITA), and transferring and appropriating funds for this program, was amended pursuant to Ordinance No. 97-31, enacted March 24, 1997; and

WHEREAS, this Council now desires to further amend Section 3 of Ordinance No. 96-55.

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

Section 1. Section 3 of Ordinance No. 96-55, enacted April 8, 1996, relative to authorization of a grant program for home improvements and repairs in the Southwest Shaker Improvement Target Area (SWITA), and transferring and appropriating funds for this program, is further amended to read as follows:

Section 3. The SWITA home repair grant program approved herein shall be administered by the Director of the Planning and Development Department. Said program shall be administered pursuant to the following minimal guidelines:

1. Grants will be limited to the Southwest Shaker Improvement Target Area (SWITA), which area is described in the map attached hereto as Exhibit 1, and further limited to owners of single family and two-family dwellings where the owner is an occupant of the dwelling.
2. Grants will be limited to the correction of exterior Housing and related Code violations, as cited by the Shaker Heights Building and Housing Inspection Department, with priority given to those violations applicable to the single family or two-family structure and to a lesser extent, based upon the availability of grant funds, to other exterior code violations (e.g., garage and driveways).
3. Repairs shall be performed by contractors registered with the City, as required by the Shaker Heights Codified Ordinances.
4. At least three bids must be obtained by the property owners from contractors, with the contract

awarded by the owner to the lowest and best bidder. Projects, the costs of which are estimated to be less than \$500, will require two bids only. The City shall review the bids and approve of the contract.

- 5. Repairs must be made in accordance with applicable City codes, including the issuance of necessary City permits and approval of the code corrections by the Building and Housing Inspection Department.
- 6a. Basic SWITA grant program. Grants shall be limited to a maximum of \$2,000, and only upon the homeowner providing an amount equal to the grant, applied to the correction of exterior violations.
- 6b. For homeowners who do not qualify for the basic SWITA grant program: grants shall be limited to a maximum of \$2,000 but may be matched using CDBG grant funds. In all cases involving CDBG matching grant funds, a 5% match will be required from the homeowner.
- 7a. For the basic SWITA grant program, grants shall be awarded on the basis of need, according to the following annual family income (based on 80% of Shaker Heights median income of \$51,128):

Family Size	Income	Family Size	Income
1	\$22,101	5	\$ 65,171
2	\$34,633	6	\$ 77,706
3	\$46,370	7	\$ 90,240
4	\$52,637	8	\$102,774

- 7b. For homeowners who do not qualify for the basic SWITA grant program, a grant may be matched with CDBG funds if the applicant is not bankable (e.g., debt to income ratio is 41% or greater, past bankruptcies, no income, etc.), and is not eligible for City or County funds.
- 7c. The eligibility of applicants for the SWITA grant program matched with CDBG funds as set forth in 6b. and 7b. above may be reviewed utilizing criteria other than or in addition to the guidelines set forth herein on a case-by-case basis, as appropriate, as determined by the Deferred Loan Committee.

8. Property owners who have received Community Development Block Grant funds in excess of \$2,000 for home repairs within the last four (4) years will not be eligible for a grant through this program.
9. Grants for the basic SWITA grant program will be awarded on a first-come/first-served basis, and for the SWITA/CDBG matching grant program, on a case-by-case basis, until the total amount of grants awarded equals \$60,000; \$30,000 of the funds appropriated herein will be reserved until all scheduled code inspections have been completed in the SWITA area, after which the remaining \$30,000 will be awarded on a first-come/first-served basis.

Section 2. Section 3 of Ordinance No. 96-55, as amended pursuant to Ordinance No. 97-31, is hereby repealed, but in all other respects Ordinance No. 96-55 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 that it is necessary to implement the changes to the SWITA grant program approved herein in conjunction with City housing inspections and the current building season and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

Transferring funds from the General Capital Fund to the Shaker Towne Centre Northwest Quadrant Capital Improvement Fund for expenses related to the construction of a loop path in the community park located in the Shaker Towne Centre Northwest Quadrant and appropriating funds therefor.

WHEREAS, the City has received a \$100,000 NatureWorks Grant from the Ohio Department of Natural Resources to partially fund the construction of a loop path in the community park located in the Shaker Towne Centre Northwest Quadrant; and

WHEREAS, the total budget for this project, including project design, engineering and construction, is \$140,000, thus requiring the City to provide local funding of \$40,000 for this project.

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

Section 1. That there be and is hereby transferred from the General Capital Fund Account No. 401.09 to the Shaker Towne Centre Northwest Quadrant Capital Improvement Fund No. 407.01 the sum of FORTY THOUSAND DOLLARS (\$40,000) to provide for the design, engineering and construction of a loop path in the community park located in the Shaker Towne Centre Northwest Quadrant.

Section 2. That there be and is hereby appropriated from the Shaker Towne Centre Northwest Quadrant Capital Improvement Fund No. 407.01 the sum of FORTY THOUSAND DOLLARS (\$40,000) to provide for the design, engineering and construction of a loop path in the community park located in the Shaker Towne Centre Northwest Quadrant.

Section 3. That upon completion of the Shaker Towne Centre Northwest Quadrant Community Park Loop Path Construction Project, the unexpended balance of the local funding provided by the General Capital Fund No. 401 shall be transferred from the Shaker Towne Centre Northwest Quadrant Capital Improvement Fund No. 407.01 to the General Capital Fund No. 401.

Section 4. 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 5. 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 for the current operation of the City, and this ordinance shall, therefore, take effect immediately upon its enactment and approval by the Mayor.

Enacted September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-147
BY: David E. Weiss

Authorizing a contract for professional landscape architectural services related to the Community Park Loop Path (James S. McKnight).

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

Section 1. This Council hereby authorizes the Mayor and the Director of Finance to enter into a contract with James S. McKnight for professional landscape architectural services related to the Community Park Loop Path, in accordance with his written proposal of September 4, 1997. The costs for such professional services shall not exceed NINE THOUSAND ONE HUNDRED DOLLARS (\$9,100), and expenses not to exceed SEVEN HUNDRED DOLLARS (\$700), and the 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 September 22, 1997.

~~Approved this 23rd day of September, 1997.~~

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-148
BY: Kenneth J. Kovach

Confirming the granting of a conditional use permit for a recurring temporary use at 16611 Chagrin Boulevard (Heinen's).

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 September 2, 1997, permitting outdoor cooking on the sidewalk in front of Heinen's, 16611 Chagrin Boulevard, on Fridays, Saturdays, and Sundays during store operating hours, on a recurring basis.

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

Enacted September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

RESOLUTION NO. 97-149
BY: Judith H. Rawson

Providing for the continuation of cable operations under the current cable franchise agreement.

WHEREAS, in October, 1985 the City of Shaker Heights enacted Ordinance No. 85-96 which is the current franchise agreement between the City and Cablevision, Inc.; and

WHEREAS, the term of said franchise agreement was set to expire at the end of June 1995; and

WHEREAS, this Council agreed that cable operations would continue to be governed by the current franchise agreement (Ordinance No. 85-96); and

WHEREAS, the City entered into franchise negotiations with Cablevision, Inc. at the end of June 1995; and

WHEREAS, the City is continuing to negotiate a cable franchise with Cablevision, Inc. and has not yet reached agreement.

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

Section 1. This Council hereby agrees that cable operations will continue to be governed by the current franchise agreement (Ordinance No. 85-96) until October 27, 1997.

Section 2. The Council is hereby instructed to furnish Cablevision, Inc. with a duly inscribed, attested and approved copy of this resolution.

Adopted September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-150
BY: Kenneth J. Kovach

Declaring a public nuisance and further declaring an emergency (3312 Aberdeen Road).

WHEREAS, the residential dwelling structure located at 3312 Aberdeen Road, Shaker Heights, Ohio contains several significant violations of the Shaker Heights Housing Code; and

WHEREAS, by previous written notice, the City has ordered that the violations be corrected; and

WHEREAS, said violations have not been corrected; and

WHEREAS, this Council finds that the existing structure represents a hazard to the health, safety and welfare of the inhabitants thereof and to the general public, constitutes a blighting and deteriorating influence on neighboring properties, and constitutes a deleterious impact upon the aesthetics of the surrounding area; and

WHEREAS, this Council further finds that said property constitutes a public nuisance, requiring immediate abatement by the City at an estimated cost of 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 declares the residential dwelling located at 3312 Aberdeen Road, Shaker Heights, Ohio to be a public nuisance, and hereby orders the immediate abatement of such nuisance, if it is not abated by the owner and/or occupant(s) thereof, within ten (10) days after written notice by the Director of Building and Housing pursuant to Chapter 107 of the Shaker Heights Administrative Code.

Section 2. The Director of Public Service and the Director of Building and Housing are hereby authorized to abate said public nuisance, if said nuisance is not otherwise abated, and the cost thereof shall be assessed upon the tax duplicate of the property unless otherwise paid.

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 to immediately abate said public nuisance and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-151

BY: David Weiss

Amending Ordinance No. 93-88, as amended by Ordinance Nos. 93-142, 96-128, 97-7 and 97-71, 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, Ordinance 97-7, enacted January 28, 1997, authorized an engineering study of the impact of adding an actuated exclusive pedestrian phase at RTA crossings in the City as requested by the Ohio Department of Transportation, and increased the appropriation of funds therefor from TWO HUNDRED NINETY EIGHT THOUSAND DOLLARS (\$298,000) to THREE HUNDRED ONE THOUSAND SEVEN HUNDRED DOLLARS (\$301,700); and

WHEREAS, Ordinance 97-71, enacted May 27, 1997, authorized the preparation of final design and construction plans (Phase II Engineering Study - Traffic Congestion Mitigation Project Grant) and increased the appropriation of funds therefor from THREE HUNDRED ONE THOUSAND SEVEN HUNDRED DOLLARS (\$301,700) to THREE HUNDRED FORTY-FIVE THOUSAND SEVEN HUNDRED DOLLARS (\$345,700); and

WHEREAS, the Greater Cleveland Regional Transit Authority has requested modifications to the proposed traffic signal upgrade to benefit RTA's trains and has agreed to reimburse the City for a portion of engineering services which relate to modifications requested by RTA.

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, 97-7 and 97-71, 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 prepare design and

construction plans to facilitate the coordination of RTA train traffic with vehicular traffic in the City. 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, 96-128, 97-7 and 97-71, is hereby increased by THIRTY-EIGHT THOUSAND SIX HUNDRED DOLLARS (\$38,600) from THREE HUNDRED FORTY-FIVE THOUSAND SEVEN HUNDRED DOLLARS (\$345,700) to THREE HUNDRED EIGHTY-FOUR THOUSAND THREE HUNDRED DOLLARS (\$384,300), to amend the design and construction plans (Phase II Engineering Study - Traffic Congestion Mitigation Project Grant) to facilitate the flow of RTA train traffic in the City.

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, safety and welfare 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 September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

Amending Ordinance No. 97-52, appropriating funds from the General Capital Fund for interim resurfacing of Green Road.

WHEREAS, on June 3, 1997, the City of Shaker Heights and Cuyahoga County entered into an agreement to jointly fund the construction cost of resurfacing Green Road from the City's south corporation line to Fairmount Boulevard; and

WHEREAS, Ordinance No. 97-52, enacted by City Council on April 28, 1997, appropriated \$50,000 for 100% of the cost of project engineering and the City's 50% share of the cost of construction; and

WHEREAS, Cuyahoga County is requiring that the City fully finance the project and upon project completion request reimbursement from the County for its 50% share of the construction costs; and

WHEREAS, based upon bids received on September 5, 1997 for the cost of construction, the project construction budget is currently estimated to be \$68,000 and the engineering budget is \$9,000, resulting in a total project budget of \$77,000.

NOW, THEREFORE, 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 Account No. 401.04 to provide for the resurfacing of Green Road, including project engineering, from the City's south corporation line to Fairmount Boulevard in Section 1. of Ordinance No. 97-52 is hereby increased by TWENTY-SEVEN THOUSAND DOLLARS (\$27,000), from FIFTY THOUSAND DOLLARS (\$50,000) to SEVENTY-SEVEN THOUSAND DOLLARS (\$77,000) to provide funding for Cuyahoga County's share of the cost of project construction.

Section 2. That the City Finance Director be and 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, safety and welfare 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 September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNES, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-153
BY: Kenneth Kovach

Amending Ordinance No. 96-69, an ordinance appropriating funds from the General Capital Fund to provide for various improvement projects, to provide additional funding for salt storage and transfer station renovation.

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. 401.04 for salt storage and transfer station renovation/rehabilitation in Section 1. of Ordinance No. 96-69 is hereby increased by THIRTY-THREE THOUSAND DOLLARS (\$33,000) from THREE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$335,000) to THREE HUNDRED SIXTY-EIGHT THOUSAND DOLLARS (\$368,000).

Section 2. That the total amount appropriated by Ordinance No. 96-69 is hereby increased by THIRTY-THREE THOUSAND DOLLARS (\$33,000) from FOUR HUNDRED THIRTY THOUSAND DOLLARS (\$430,000) to FOUR HUNDRED SIXTY-THREE THOUSAND DOLLARS (\$463,000) 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, safety and welfare 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 September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-154
BY: David Weiss

Amending Ordinance No. 96-30, an ordinance appropriating funds from the General Capital Fund to purchase 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 the amount of funds appropriated from the General Capital Fund No. 401.04 to provide for the acquisition or refurbishment of various pieces of equipment for use by the Service Department in Section 1. of Ordinance No. 96-30, as amended by Ordinance 97-37, is hereby increased by SEVENTEEN THOUSAND SEVEN HUNDRED DOLLARS (\$17,700), from THREE HUNDRED SEVENTY-FOUR THOUSAND DOLLARS (\$374,000) to THREE HUNDRED NINETY-ONE THOUSAND SEVEN HUNDRED DOLLARS (\$391,700) as follows:

<u>Item</u>	<u>Cost</u>
Replace 1984 Ford Dump, Salt Insert and Plow #32	\$ 88,600
Replace 1983 Ford Dump and Plow #41	73,000
Replace 1984 Case Payloader #7	70,300
Refurbish Cabs and Packers on Rubbish Truck Nos. 12, 77, and 80	120,000
Rehabilitate 1986 Dump Truck and Plow #52	29,500
Rehabilitate 1985 Dump Truck and Plow #72	<u>10,300</u>
Total	<u>\$391,700</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, safety and welfare 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 September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-155
BY: Jan Devereaux

Amending Ordinance No. 94-115, an ordinance appropriating funds from the General Capital Fund for the expansion of the Police/Court parking lot.

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. 404.03 for the expansion of the Police/Court parking lot in Section 1 of Ordinance No. 94-115, as amended by Ordinance No. 94-212, is hereby increased by FOUR THOUSAND FOUR HUNDRED DOLLARS (\$4,400), from TWO HUNDRED FIVE THOUSAND DOLLARS (\$205,000) to TWO HUNDRED NINE THOUSAND FOUR HUNDRED DOLLARS (\$209,400) to provide for the cost of construction and the related engineering services relative to the expansion of the Police/Court parking lot.

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, safety and welfare 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 September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-156

BY: Judith Rawson

Amending Ordinance No. 97-72, an ordinance appropriating funds from the General Capital Fund for various street improvement projects, to provide for the City's share of repairing and resurfacing South Woodland Road from Van Aken Boulevard to Sulgrave Road.

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. 401.04 to provide for the construction and related engineering and design costs of the various street improvement projects in Section 1. of Ordinance No. 97-72, as amended by Ordinance No. 97-76, is hereby increased by ONE HUNDRED EIGHTY-EIGHT THOUSAND ONE HUNDRED DOLLARS (\$188,100), from ONE HUNDRED THREE THOUSAND ONE HUNDRED DOLLARS (\$103,100) to TWO HUNDRED NINETY-ONE THOUSAND TWO HUNDRED DOLLARS (\$291,200) to provide for the City's share of the cost of repairing and resurfacing South Woodland Road from Van Aken Boulevard to Sulgrave Road, lying within the City of Shaker Heights.

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, safety and welfare 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 September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNs, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

(Ordinance No. 95-23)

PID No. 15634

Project No. _____ (97)

FINAL RESOLUTION

Adopting plans;
Proposing to co-operate;
Requesting Director to proceed;
(Chapter 5521, Ohio Revised Code)

Mr. Kenneth Kovach, moved the adoption of the following Resolution:

WHEREAS, At a meeting of the legislative authority of the **City of Shaker Heights, Ohio**, held in the office of said legislative authority on this 22nd day of September, 1997, a quorum being present, the improvement of **South Woodland Road**, provisions of Chapter 5521, Ohio Revised Code, came on for further consideration; said portion of highway as described in the legislation proposing cooperation with the Director of Transportation, enacted on the 27th day of February, 1995, being described as follows:

The repair and resurface of South Woodland Road from Van Aken Boulevard (WCL) to Sulgrave Road (ECL), lying within the City of Shaker Heights. Total work length of project being approximately 6.483 KM; and

WHEREAS, In said legislation proposing cooperation, said legislative authority proposed to cooperate with the Director of Transportation in the improvement of **South Woodland Road**, the City agrees to assume and bear the entire cost and expense of the improvement, less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right of Way, excluding in-house preliminary engineering and right of way charges incurred by the State.

In addition, the City also agrees to assume and bear one hundred percent (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

PID No. 15634 - Final Resolution

The Director of Transportation notwithstanding the percentage basis of contribution may allocate the money contributed in whatever manner he may deem necessary in financing the cost of construction, rights-of-way, engineering and incidental expenses. The total share of the cost for the **City of Shaker Heights** is now in the estimated amount of **One Hundred Eighty Eight Thousand Twenty Four - - - - - 00/100 Dollars, (\$188,024.00)**, but said estimated amount is to be adjusted in order that the City's ultimate share of the cost of said improvement shall correspond with said percentages of actual costs when said actual costs determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, This legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement.

Now, Therefore, Be it Resolved:

- I. That the section of highway above described be improved under the provisions of aforesaid law. That said work be done under the charge, care and superintendence of the Director of Transportation and that said plans, specifications and estimates for this highway improvement as approved by to Director of Transportation are hereby approved and adopted by this legislative authority.
- II. Change orders and extra work contracts required to fulfill the construction contract shall be processed as needed. The Director of Transportation shall not approve a change order or extra work contract until he first gives notice, in writing, to this legislative authority. This legislative authority shall contribute its share of the cost of these items in accordance with other sections herein.
- III. That this legislative authority is still of the opinion the proposed work on the described highway should be constructed, and that we should co-operate on the basis set forth in our proposal.

PID No. 15634 - Final Resolution

- IV. That the sum of **One Hundred Eighty Eight Thousand Twenty Four- - - - - 00/100 Dollars, (\$188,024.00)**, is hereby appropriated for improving the highway described above, and the fiscal officer is hereby authorized and directed to issue his order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume, in the first instance, the share of the cost and expense over and above the amount to be allocated from Federal Funds.
- V. That the installation of utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4, "Utility Relocations and Adjustments" and the Department of Transportation rules on Utility Accommodation.
- VI. That it is hereby agreed that the City shall, at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other municipally owned utilities and/or any appurtenances thereto, which do not comply with Ohio Department of Transportation Directive H-P-508, whether inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- VII. That traffic control signals will be installed on the project only when recommended by a study of roadway and traffic conditions by a traffic engineer or when at least of the warranting conditions specified in the Ohio Manual of Uniform Traffic Control Devices is met and the municipality does hereby agree to place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.
- VIII. That the rights-of-way provided for said improvement shall be held inviolate for public highway purposes and no signs, posters, billboards, roadside stands or other private installations shall be permitted within the right-of-way limits.
- IX. That this legislative authority of **Shaker Heights**, Ohio, hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

PID No. 15634 - Final Resolution

- X. That this legislative authority of **Shaker Heights**, Ohio, shall enter into a contract with the Director of Transportation providing for the payment by said legislative authority of the sum of **One Hundred Eighty Eight Thousand Twenty Four- - - - - 00/100 Dollars, (\$188,024.00)**, the agreed proportion of the cost and expense to be borne by the City of **Shaker Heights**, Ohio, for the improvement of the hereinbefore described highway.
- XI. That the Clerk of this legislative authority be, and he is hereby directed to transmit to the Director of Transportation a certified copy of these Resolutions.
- XII. This Resolution is hereby declared to be an emergency measure by reason of the need for expediting construction of project(s) to promote highway safety and provided it receives the affirmative vote of two-thirds of the members elected to the legislative authority, it shall take effect and be in force upon its passage and approval by the **Mayor**; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Thereupon, Mr.s. Judith Rawson seconded the said motion; and upon the roll being called, the result of the vote was as follows:

Vote on suspension of the rule requiring an ordinance to be fully and distinctly read on three different days:

(Requires a yeas vote by three-fourths of all elected members)

Yeas 5 Nays 0

Vote on emergency clause: Yeas 5 Nays 0

Passed: September 22, 1997. Yeas 5 Nays 0

PID No. 15634 - Final Resolution

IN WITNESS WHEREOF, We have hereunto set out hands and seal, this

23rd day of September, 1997.

Presiding Officer

*SEAL ...

Clerk (Secretary Ex-Officio)

Legislative Authority of the
City of Shaker Heights, Ohio

*Note: If the fiscal officer is secretary Ex-Officio of the Legislative Authority, the fiscal officer's Seal should be affixed. If there is no seal this fact should be stated by separate letter and attached hereto.

ORDINANCE NO. 97-158
BY: David Weiss

Transferring funds from the General Capital Fund to the Debt Service Fund to provide for the paydown of City notes maturing October 17, 1997.

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

Section 1. That there be and is hereby transferred from the General Capital Fund No. 401.00 to the Debt Service Fund No. 301.00 the sum of SEVEN HUNDRED FORTY-ONE THOUSAND ONE HUNDRED NINETY-FIVE DOLLARS (\$741,195) to provide for the payment of principal and interest on the note dated October 17, 1996, maturing October 17, 1997, as listed below:

<u>Account</u>	<u>Note Issue</u>	<u>Transfer Amount</u>
401.03	Police Communication Center & Parking Lot Expansion	\$156,246
401.09	Shaker Towne Centre Northwest Quadrant Improvements	<u>584,949</u>
	Total	<u>\$741,195</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, safety and welfare 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 September 22, 1997.

Approved this 23rd day of September, 1997.

Patricia S. Mearns, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

ORDINANCE NO. 97-159

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,065,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF (I) IMPROVING MUNICIPAL BUILDINGS BY RENOVATING THE FORMER MORELAND SCHOOL BUILDING FOR LIBRARY AND OTHER MUNICIPAL PURPOSES, ACQUIRING, RENOVATING AND IMPROVING THE FORMER MAIN LIBRARY BUILDING AND OTHER FACILITIES FOR MUNICIPAL PURPOSES, IMPROVING PARKING LOTS AND MAKING OTHER SITE IMPROVEMENTS RELATING THERETO, AND (II) CONSTRUCTING AND EQUIPPING THE SHAKER TOWNE CENTRE COMMUNITY PLAYING FIELD, ALL TOGETHER WITH NECESSARY APPURTENANCES THERETO, AND ACQUIRING INTERESTS IN REAL PROPERTY IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 96-162 passed September 30, 1996, notes in anticipation of bonds in the amount of \$3,890,000, dated October 17, 1996, were issued for the purpose stated in Section 1, to mature on October 17, 1997; and

WHEREAS, this Council finds and determines that the City should retire the outstanding notes with the proceeds of the notes described in Section 3 and other funds available to the City; the \$2,480,000 amount for purpose (i) described in Section 1 is reduced by \$155,000 to \$2,325,000, the \$1,260,000 amount for purpose (ii) described in Section 1 is reduced by \$520,000 to \$740,000, and the \$150,000 amount for the purpose of improving the police and municipal court facility by constructing an expansion of the parking lot and renovating, equipping and improving the police communications center is reduced by \$150,000 to -0-, for a total principal amount of \$3,065,000.

WHEREAS, the Director of Finance as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the bonds described in Section 1 is at least 20 years, and the maximum maturity of the notes described in Section 3, to be issued in anticipation of the bonds, is April 23, 2012;

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$3,065,000 (the Bonds) for the purpose of (i) improving municipal buildings by renovating the former Moreland School Building for library and other municipal purposes, acquiring, renovating and improving the former Main Library building and other facilities for municipal purposes, improving parking lots and making other site improvements relating thereto, and (ii) constructing and equipping the Shaker Towne Centre Community Playing Field, all together with necessary appurtenances thereto, and acquiring interests in real property in connection therewith.

Section 2. The Bonds shall be dated approximately July 1, 1998, shall bear interest at the now estimated rate of 6% per year, payable semi-annually until the principal amount is paid, and are estimated to mature in 20 annual principal installments that are substantially equal. The first principal installment is estimated to be December 1, 1999.

Section 3. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$3,065,000 (the Notes) shall be issued in anticipation of the

issuance of the Bonds and to retire, together with other funds available to the City, the outstanding notes dated October 17, 1996. The Notes shall bear interest at a rate or rates not to exceed 5-1/2% per year (computed on a 360-day per year basis), payable at maturity and until the principal amount is paid or provided for. If requested by the original purchaser, the Notes may provide that, in the event the City does not pay or make provision for payment at maturity of the debt charges on the Notes, the principal amount of the Notes shall bear interest at a different rate or rates not to exceed 9% per year from the maturity date until the City pays or makes provision to pay that principal amount. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the original purchaser, and shall be payable, without deduction for services of the City's paying agent, at the main office of The Huntington National Bank, Columbus, Ohio (the Paying Agent), or at the principal office of a bank or trust company requested by the original purchaser of the Notes, provided that such request shall be approved by the Director of Finance after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Notes shall be dated the date of issuance and shall mature nine months from the date of issuance, provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to seven days less than nine months from the date of issuance by setting forth that maturity date in the certificate of award.

If it is determined by the Director of Finance to be in the best interest of the City with respect to the sale of the Notes, the Notes may be originally issued under a book entry system under which (i) the ownership of the book entry interests in Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical note certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the physical Note certificates "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Notes and that principal and interest.

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

Section 5. The Notes shall be signed by the Mayor and Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in denominations and numbers as may be requested by the original purchaser and approved by the Director of Finance, provided that the entire principal amount may be represented by a single note. In addition, the Notes may be issued (i) in the denominations of \$100,000 each or (ii) in any denomination that is the sum of \$100,000 and \$5,000 or any whole multiple thereof, and are not exchangeable for other Notes in denominations less than \$100,000. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. The Notes shall be sold at not less than 100% of par at private sale by the Director of Finance in accordance with law and the provisions of this ordinance. The Director of Finance shall sign the certificate of award referred to in Section 3 evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

If in the judgment of the Mayor and the Director of Finance a disclosure document in the form of an official statement is appropriate relating to the original issuance of the Notes, either or both of those officers, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, such an official statement, (ii) determine, and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Notes, and (iv) complete and sign those official statements as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the 10 mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds when and as the same fall due. In each year to the extent the income from lease payments is available for the payment of the debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the income so available and appropriated.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

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

The City hereby represents that the notes dated October 17, 1996 and maturing October 17, 1997 (the Refunded Obligations) were designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Refunded Obligations from proceeds of, and within 90 days after issuance of, the

Notes, and represents that all other conditions are met for treating the Notes as "qualified tax-exempt obligations" and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as "qualified tax-exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. The Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

Section 12. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 14. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue

and sell the Notes, which is necessary to enable the City to timely retire the outstanding notes and thereby preserve its credit; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: September 22, 1997

Attest: _____
Clerk of Council

Approved: September 23, 1997

Mayor

ORDINANCE NO. 97-160
BY: Jan M. Devereaux

Authorizing a contract with Fifth Third Bank relative to a home improvement and repair program.

WHEREAS, pursuant to the City's Comprehensive Housing Affordability Plan, as amended by the Housing Advisory Board on August 25, 1994, and as approved by City Council pursuant to Ordinance No. 94-145, enacted on August 29, 1994, the City may provide for home improvement loans and programs, either directly or through contracts with lending institutions; and

WHEREAS, three separate loan programs have been approved by Council in accordance with the Housing Advisory Board Affordability Plan, pursuant to Ordinance Nos. 92-105, 94-15 and 94-146, respectively; and

WHEREAS, the parties mutually seek to enter into a contract in order to provide for a reduced loan interest rate to be subsidized by the City.

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

Section 1. This Council hereby authorizes the Mayor and the Director of Finance to enter into a contract with Fifth Third Bank for the purpose of providing a reduced loan interest rate to be subsidized by the City, for home improvements and repairs. The 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 Council hereby authorizes the Mayor and Director of Finance to deposit ONE HUNDRED THOUSAND DOLLARS (\$100,000), in an interest-bearing account for a term of up to two (2) years with Fifth Third Bank as part of a program wherein the Bank will provide home improvement and repair loans as described herein.

Section 3. There is hereby appropriated from the General Capital Fund the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000), to be pledged as a compensating balance in furtherance of the provisions of this program.

Section 4. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted September 22, 1997.

Approved this 23rd day of September, 1997.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council

AGREEMENT

BETWEEN THE CITY OF SHAKER HEIGHTS, OHIO, AND FIFTH THIRD BANK OF NORTHEASTERN OHIO FOR THE PROVISION OF HOME IMPROVEMENT AND REPAIRS LOANS.

This AGREEMENT, made at Shaker Heights, Ohio, as of the ____ day of _____, 1997, by and between the CITY OF SHAKER HEIGHTS, an Ohio municipal corporation, 3400 Lee Road, Shaker Heights, Ohio 44120, (216) 491-1400, (hereinafter designated the "CITY"), and FIFTH THIRD BANK OF NORTHEASTERN OHIO, _____ designated the "BANK").

WITNESSETH:

For the mutual considerations herein described, the parties hereto agree as follows:

1. The CITY will deposit the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) (the "Principal") in an interest-bearing account of the BANK, by no later than _____, 1997. Interest upon the Principal will accrue based upon the rate established for the Bank's Public Funds Sweep Account, adjusted quarterly. The CITY's Principal will remain deposited in the Public Sweeps Account at the BANK for period of two (2) years from the date of this AGREEMENT, subject to the terms and conditions of Paragraph 2 below.

2. The BANK agrees to apply the interest accrued upon said Principal, or portion thereof as necessary, to subsidize BANK loans for home improvements and repairs in Shaker Heights, so as to achieve a fixed loan rate of five percent (5%) for borrowers meeting the criteria established by the CITY and attached hereto as Exhibit A. It is understood and agreed that the BANK will transfer no more than fifty percent (50%) of the total amount of each loan closed from the Public Funds Sweep Account into a non-interest bearing subsidy account ("Subsidy Account") which will accrue interest at the Bank's Reinvestment Rate, adjusted quarterly. The Subsidy Account will be used by the BANK to compensate for the difference in interest between the 5% subsidized interest rate the borrower is to be charged by the BANK through the Shaker Heights Loan Program and the Home Improvement Market Rate (hereinafter defined) which is the actual interest rate the BANK will be charging and for which the Subsidy Account will be providing such compensation. The BANK will calculate how much subsidy will be required to offset the interest rate at the time the BANK closes the loan. The BANK will then transfer the sum needed into the Subsidy Account. In no event may the BANK require or transfer more than 50% of the loan amount. In the event the amount needed to subsidize the interest rate according to the BANK exceeds 50% of the loan amount, the BANK agrees to absorb the difference. At the start of each quarter, the BANK will recompute the required City subsidy which will be based on the average daily balance of the loans for the previous quarter

and the BANK's current quarter Reinvestment Rate. It is understood and agreed that loan subsidy requirements will be computed based upon the month of maturity of a loan, not the day of maturity of a loan.

3. Neither this provision nor this contract shall be construed to constitute a promise or commitment by the CITY to guarantee repayment of any loans provided by the BANK pursuant to this contract, nor shall the CITY's Principal, or any portion thereof, be applied as a subsidy or guarantee of any such loan, except as provided in Paragraph 5 below.

4. The BANK will charge borrowers an interest rate based upon the Bank's current Home Improvement Market Rate, adjusted quarterly as of the first day of January, April and August of each year. This rate will be subsidized as described in paragraph 2 and illustrated in Exhibit B attached hereto and made a part hereof. No loan fee may be charged by the BANK on any loan, provided a borrower does not exceed 100% of the current Shaker Heights Median Income, as shown on Exhibit C, subject to updating by The CITY annually. No service fee may be charged by the BANK to the CITY. The CITY will not be responsible for the processing of any loan, provided, however, it is understood and agreed that the CITY will be monitoring all work to be done by or on behalf of the borrower. The CITY will review the specifications and scope of work requested by the borrower. Both the BANK and the CITY will proceed with the loans in accordance with the procedures established in Exhibit A. The BANK will release no funds to the borrower unless and until the Department of Planning and Development advises the BANK in writing that the work was done satisfactorily. The proceeds of each loan shall be paid in the name of the borrower by the BANK. The BANK will require that all contractors must provide the property owner with lien release certificates that all materialmen, laborers, and subcontractors have been paid or have delivered releases of their rights to assert mechanic's liens upon the property before any funds are disbursed for work performed.

5. Within 30 days after each calendar quarter, the BANK will provide to the CITY comprehensive quarterly written reports containing information related to loan activity and loan payments by borrowers including, but not limited to, names, addresses, monthly amount of borrower's loan payments, compensating loss balance, type of work and status. Such reports shall be in a form as approved by the CITY. The BANK will provide to the CITY a monthly list of borrowers (approved and denied) and an explanation regarding denial. The BANK agrees to secure a release from each borrower so that it may provide such information to the CITY. This paragraph and its terms shall survive the termination of this Agreement until all loans are repaid. It is understood that in the event the BANK is not willing to loan funds because of poor credit history or other concerns, it shall inform the CITY, the CITY shall have the right to request to guarantee such loan. In the event the BANK agrees, the CITY shall deposit a maximum of 50% of the outstanding Principal of the loan into a separate account at the BANK as such guarantee. The BANK hereby agrees not to refuse any reasonable request by the CITY.

6. Delinquent loans may be subject to collection procedures instituted by the BANK in accordance with banking custom and applicable state and federal law, provided: (a) the CITY is given written notice of a delinquency; and (b) within ten (10) days after such notice, possible CITY intervention or other measures taken by or on behalf of the borrower have not

remedied the default. The foregoing notwithstanding, the BANK may institute a foreclosure proceeding after ninety (90) days from the date the loan is past due, as the BANK deems appropriate. The BANK may, in its reasonable discretion, charge reasonable and customary collection fees on to borrower on delinquent loans. In the event a loan is guaranteed by the CITY, for loans with an outstanding Principal not to exceed \$2,000, a default for the purposes of this AGREEMENT only is defined as a total of three (3) full payments in arrears. Before the CITY will pay the guarantee, the BANK must seek and obtain a valid deficiency judgment from the court. The amount of the guarantee shall be 50% of the outstanding Principal balance, reduced by one-half of any funds recouped by the BANK. For loans with an outstanding Principal greater than \$2,000, the BANK must pursue full legal foreclosure before the CITY will pay the guarantee. In this event, the proceeds of any sale shall be applied first to interest, second to principal, and lastly to BANK costs.

7. The BANK agrees that the loans authorized pursuant to this contract will conform to all applicable state and federal laws, including but not limited to Fair Housing laws, and further, that it will not discriminate in the processing, issuance or administration of such loans on the basis of race, color, creed, national origin, ancestry, age, sex, familial status, or handicap.

8. This AGREEMENT is renewable only upon written agreement of the parties. Either party hereto shall have the right and option to cancel this AGREEMENT for any cause whatsoever upon the giving of at least ninety (90) days prior written notice of one party to the other. In the event of a cancellation, a) the BANK agrees to continue to service open loans until they are paid in full and b) the CITY shall have the right to remove any unobligated fund balance.

This AGREEMENT shall be deemed to contain all the terms and conditions agreed to between the parties, who both agree that no representations or promises of any kind whatsoever have been made other than herein contained, and this AGREEMENT shall be binding upon both parties and their respective heirs, administrators, executors, successors, and assigns.

IN WITNESS WHEREOF, the parties to this AGREEMENT have hereunto set their hands as of the day and year first above written.

Signed in the presence of:

**FIFTH THIRD BANK OF
NORTHEASTERN OHIO**

By _____

And _____

THE CITY OF SHAKER HEIGHTS

By _____
Mayor

And _____
Director of Finance

APPROVED AS TO FORM:

By _____
Director of Law

DRAFT 9/4/97

LIST OF EXHIBITS

Exhibit A	Term Definition, Criteria and Credit Guidelines
Exhibit B	Rate Subsidy Illustration
Exhibit C	Income Eligibility Chart

EXHIBIT A

The BANK shall provide home improvement loans to approved loan applicants in Shaker Heights whose income is at or below 100% of the Shaker Heights Median Income, subject to adjustment annually by the CITY. See Exhibit C.

TERM: Maximum fifteen (15) years

INTEREST: Shall be determined and calculated by the following:

- a) Loan Rate to Borrower: the Bank's Home Improvement Market Rate, adjusted to five (5%) percent annual percentage rate.
- b) City Principal: rate established for the Bank's Public Funds Sweep Account, adjusted quarterly.
- c) Subsidy Rate: rate established for the Bank's Reinvestment Rate, adjusted quarterly which will be credited to City for funds held in a non-interest bearing Subsidy Account used to offset the interest loss on the borrower's 5% rate.
- d) Unsubsidized Loan Rate to Borrower: rate established for the Bank's Home Improvement Market Rate, adjusted quarterly.

AMOUNT OF LOAN: UP TO \$30,000

CRITERIA:

The BANK understands and agrees that the CITY must approve the scope and type of work to insure that such work is in keeping with the quality and type of work which the CITY is prepared to subsidize. To that end, the borrower must obtain two bids from registered City contractors (if the work to be performed requires such registration). Once the CITY has reviewed the specifications for the work, the CITY will forward to the BANK an authorization to proceed once the CITY has approved the scope of work. The CITY will monitor the work through procedures that the CITY establishes from time-to-time. The BANK will release funds only in accordance with paragraph 4 of this AGREEMENT.

CREDIT GUIDELINES

The BANK will use special credit guidelines for this loan program which includes a debt ratio guide as follows:

Gross Annual Income	Gross Monthly Income	Ratio Guide
\$40,000 or less	\$3,333 or less	41%
\$40,001 and up	\$3,334 or more	44%

Non traditional references will be considered, i.e., payment of utilities, rent, etc. Applicant should have a clean credit history for the last 24 months. Bankruptcies must have been discharged for at least three years.

EXHIBIT B

Community Development Home Improvement Program

Loan 31,000
 Reinvestment Rate 8.75%

Loan Term (Mths)	8 % Loans		
	Interest Loss	Comp. Bal. Term (Mths)	Comp. Bal. % Avg. Bal.
12	22.32	3.84	63%
24	43.21	7.84	64%
36	64.38	11.38	63%
48	85.84	15.17	63%
60	107.57	18.01	63%
72	129.57	22.80	64%
84	151.88	28.84	64%
96	174.42	30.83	64%
108	197.25	34.88	65%
120	220.37	38.95	65%
132	243.78	43.08	65%
144	267.41	47.28	65%
156	291.35	51.49	65%
168	315.58	55.77	66%
180	340.02	60.09	67%

	8 % Loans
6/2/87 Second Mortgage Rate	9.10%
Servicing %	0.00%
Market Rate	9.10%
Subsidized Rates	5.00%
Yield Rate Loss	4.10%

EXHIBIT C

Income Eligibility

1 person household	\$38,500
2 person household	51,000
3 person household	74,000
4 person household	89,500
5 person household	98,500
6 person household	108,500
7 person household	120,000
8 person household	133,000

City of Shaker Heights
Housing Preservation

LOAN REVIEW COMMITTEE

Netta Berman
3641 Pennington Road (20)
991-1066 home

Carl Ewing
2928 Sedgewick Road (20)
382-0545 work
552-4586 beeper
752-9069 home

Jim Frolking
18675 Parkland Drive #301 (22)
752-1829 home

Nancy Parham
3105 Van Aken Boulevard (20)
283-2853 home

Reid Robbins
2750 Wicklow Road (20)
321-7131 home
751-9204 work

Bob Callister
3666 Traynham Road (22)
283-5181 home
473-4519 work

RESOLUTION NO. 97-161

BY: Kenneth J. Kovach

Expressing appreciation to KEN KANGAS for his contributions to the Shaker Heights community.

WHEREAS, KEN KANGAS is a physical education teacher at Boulevard Elementary School, and an assistant football coach at Shaker Heights High School; and

WHEREAS, for two years, KEN KANGAS has contributed his time, energy and talents to the success of the Shaker Heights 24 Hour Relay, serving as its co-chairperson in 1997, and chairperson of its public relations committee in 1996; and

WHEREAS, MR. KANGAS spent several hours after school and football, and during free periods at school, recruiting team members for the 24 Hour Relay; and

WHEREAS, KEN KANGAS also personally contacted dozens of local merchants and corporations soliciting financial support for the 24 Hour Relay; and

WHEREAS, during the relay, MR. KANGAS provided significant support and encouragement to the participants; and

WHEREAS, KEN KANGAS has demonstrated tireless dedication to youth, and has proven to be an exemplary role model for the young people in the Shaker Heights community; and

WHEREAS, this Council desires to recognize KEN KANGAS and to honor him for his contributions to the success of the Shaker Heights 24 Hour Relay.

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

Section 1. This Council expresses its appreciation to KEN KANGAS for his contributions to the success of the Shaker Heights 24 Hour Relay, and for his dedication to the young people of Shaker Heights, and extends to KEN KANGAS its best wishes for continued good health and prosperity.

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

Adopted October 27, 1997.

Approved this 27th day of October, 1997.

Kenneth J. Kovach

Stephanie W. Turner

Margaret H. Jorgensen

Judith H. Rawson

David E. Weiss

Jan M. Devereaux

Allen D. Foster, Sr.

PATRICIA S. MEARNS, Mayor

Attest:

FRANK J. BRICHACEK
Clerk of Council Pro Tem

ORDINANCE NO. 97-162
BY: David E. Weiss

Amending Section 753.04(d) of the General Offenses Code ("Firearm and Handgun Control") to incorporate certain provisions of the Brady Act, for persons owning handguns, in the City of Shaker Heights.

WHEREAS, the City Council desires to incorporate certain provisions of the federal Brady Handgun Violence Prevention Act ("Brady Act") into Section 753.04(d) of the Shaker Heights General Offenses Code, pertaining to the qualifications for owning a handgun within the City.

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

Section 1. Section 753.04(d) of the General Offenses Code, relative to handgun owner's identification cards, is hereby amended to read as follows:

- (d) An identification card shall not be issued to:
- (1) A person now or hereafter prohibited by Ohio R.C. §2923.13 from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;
 - (2) A minor;
 - (3) ~~A person who has been adjudicated for mental incompetence or a person who has been committed to a mental institution or has received hospital treatment for any mental disorder, alcoholism or narcotic addiction within the previous ten (10) years, unless a physician indicates in writing that such person is completely recovered and of sufficient mental capacity to own or possess a handgun;~~
 - (4) A person convicted of an illegal use or possession of narcotics;
 - (5) A person with more than one conviction of being drunk and disorderly or driving a motor vehicle while intoxicated, either of which occur within one year of the date of application;
 - (6) A person who is under indictment for, or has been convicted of, or who has been adjudged a juvenile delinquent for commission of, any felony or a violation of subsection (e) hereof;

- (7) Any person with more than one conviction of a misdemeanor involving the use of force and violence or the threat of the use of force and violence against the person of another within three (3) years prior to his application for such Identification Card;
- (8) A person under indictment for, or convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;
- (9) A person who is an alien who is illegally or unlawfully in the United States;
- (10) A person who has been discharged from the Armed Forces under dishonorable conditions;
- (11) A person who, having been a citizen of the United States, has renounced such citizenship;
- (12) A person who has been convicted in any court of a misdemeanor crime of domestic violence.

Section 2. Section 753.04(d) of the General Offenses Code, as heretofore in effect, and all ordinances amendatory thereto, are hereby repealed, but in all other respects Section 753.04 shall remain in full force and effect.

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

Enacted January 26, 1998.

Approved this 27th day of January, 1998.

PATRICIA S. MEARNS, Mayor

Attest:

WILLIAM J. SCHUCHART
Clerk of Council