
MEMORANDUM

TO: Members of Council
FROM: Tanisha R. Briley, City Manager
DATE: September 14, 2018
RE: September 17, 2018

MEETINGS & REMINDERS

Monday, September 17	-	5:30 p.m.	-	Board of Control
	-	6:15 p.m.	-	Committee of the Whole
	-	7:15 p.m.	-	Swearing In Ceremony
	-	7:30 p.m.	-	City Council
Thursday, September 20	-	6:00 p.m.	-	Meet Your Police
	-	7:00 p.m.	-	Architectural Board of Review
	-	7:00 p.m.	-	Charter Review Commission
Friday, September 21	-	9:30 a.m.	-	Commission on Aging

LEGISLATION

1. Cedar Fairmount SID
2. Cedar Lee SID
3. Bond Foreclosure (Business)
4. Bond Foreclosure (Residential)
5. Noble Quilliams ODOT Legislation
6. Euclid Heights Boulevard Townhouses - Vacant Lot
7. Meadowbrook Boulevard Reconstruction
8. Amending Immigration Task Force

GENERAL INFORMATION

1. Enclosed are the Council Update and Agenda.
2. Enclosed is an agenda for Board of Control.
3. Enclosed is a Community Outreach update from the Vice City Manager.
4. Enclosed are updates from the Public Works Director.
5. Enclosed is an update from the Planning and Development Director.
6. Enclosed is an update from the Economic Development Director.
7. Enclosed is an update from the Parks and Recreation Director.
8. Enclosed is the weekly activity report from the Fire Chief.
9. Enclosed is the weekly activity report from the Police Chief.
10. Enclosed is a flier for Local History Programs.

TRB/jkw
Enclosures



COUNCIL UPDATE

SEPTEMBER 14, 2018

1. LEGISLATION

- Cedar Fairmount SID. This legislation authorizes the City Manager to enter into an agreement with the Cedar Fairmount Special Improvement District, Inc. (“Cedar Fairmount SID”) for advancement of funds in anticipation of assessment.
- Cedar Lee SID. This legislation authorizes the City Manager to enter into an agreement with the Cedar Lee Special Improvement District for advancement of funds in anticipation of assessment.
- Bond Foreclosure Legislation (Business). This legislation amends Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, Business Maintenance Code, of the Codified Ordinances of Cleveland Heights to enact a provision requiring a cash bond upon foreclosure of vacant commercial properties.
- Bond Foreclosure Legislation (Residential). This legislation amends Chapter 1351, “Basic Standards for Residential Occupancy,” of Title Five, Housing Code, of the Codified Ordinances of Cleveland Heights by enacting a new Subsection 1351.33(d) to enact a provision requiring a cash bond upon foreclosure of vacant residential properties.
- Noble Quilliams ODOT Legislation. This legislation authorizes ODOT to proceed with the project of upgrading the traffic signals and pedestrian crossing facilities at Noble Road and Quilliams Road in Cleveland Heights.
- Euclid Heights Boulevard Townhouses. This legislation authorizes the sale of City-owned vacant lots between 3217 and 3219 Euclid Heights Boulevard, commonly referred to as the Boulevard Townhomes.

- Meadowbrook Blvd. This legislation declares the official intent and reasonable expectation of Cleveland Heights on behalf of the State to reimburse the City's Street Construction Fund for the Meadowbrook Boulevard Reconstruction, Project CA18V, with the proceeds of tax exempt debt of Ohio.
- Immigration Task Force Amendment. This legislation amends Resolution No. 84-2018 to further amend the term of the Immigration Task Force until October 31, 2018.



CLEVELAND HEIGHTS

Committee of the Whole

September 17, 2018

Agenda

1. Report of City Council Members 6:15 p.m. – 6:25 p.m.
Goal: Mayor and City Council members will provide updates on items of interest
2. Discussion of Staff Reports 6:25 p.m. – 6:35 p.m.
Goal: Council members will ask staff questions about their reports and/or activities
3. Legislation Overview 6:35 p.m. – 6:45 p.m.
Goal: Discuss proposed legislation
4. Boulevard Townhomes Land Sale 6:45 p.m. – 7:05 p.m.
Goal: Staff will present an update on the Boulevard Townhomes land sale

A Public Safety Swearing In Ceremony will be held at 7:15 p.m.

Council will reconvene after the City Council meeting to continue Committee of the Whole.

1. Foreclosure Bond 25 Minutes
Goal: Staff will present foreclosure bond legislation
2. Tobacco 21 25 Minutes
Goal: Staff will present Tobacco 21 legislation
3. Executive Session 25 Minutes
1.) To consider the terms of a purchase of real property for public purposes and 2.) To discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim



CLEVELAND HEIGHTS

Board of Control
Cleveland Heights, Ohio

Notice is hereby given that the special meeting of the Board of Control of the City of Cleveland Heights will be held at **5:30 p.m. on Monday, September 17, 2018**, in Council Chambers at City Hall, 40 Severance Circle, Cleveland Heights, Ohio.

AGENDA

1. Roll Call
2. **BOC 2018-04: Greater Heights Institute, 3492 Mayfield** (formerly Regal Cinemas), S-1 Mixed-Use District, requests conditional use permit for 14-theater indoor commercial entertainment facility with marquee which will be used for movie screenings, musical concerts, visual and theatrical performances, classes, per Code sections 1111, 1113, 1115, 1143, 1151, 1153, 1161, & 1163.
3. Old Business
4. New Business
5. Adjournment

The Board of Control administers the provisions contained in Chapters 1141 and 1143 of the Zoning Code of the City of Cleveland Heights. More specifically, the Board reviews detailed development plans and plan amendments in the areas of the City classified as "S-1" Mixed Use District.

The Board of Control is composed of five members: The Mayor; the Chairperson of the Planning and Development Committee of Council; the City Manager; the Chairperson of the Planning Commission; and the Chairperson of the Board of Zoning Appeals.

TO: TANISHA R. BRILEY, CITY MANAGER

FROM : SUSANNA NIERMANN O'NEIL, ASSISTANT CITY MANAGER

RE: COMMUNITY OUTREACH UPDATE

DATE: SEPTEMBER 14, 2018

COMMUNITY RELATIONS:

- **Reminder – This Sunday, September 16th is the annual HCC Tour.**
- **This Saturday is the Cedar Lee Music Hop. They will be using the Meadowbrook and Lee lot to showcase electric cars.**
- **The Homecoming Parade on Friday October 11th at 5:00pm will also use the Meadowbrook and Lee lot as “a reviewing stand” area for families(which they did last year).**
- **Community Improvement Award applications are coming in for the ceremony on Thursday October 18th**

COMMUNICATION OUTREACH:

- **The branding survey is definitely out there – 823 filled out as of today. Staff is also collecting good narratives from residents about living in Cleveland Heights. This will make it easy to have a testimonial campaign in 2019.**
- **The bimonthly newsletter went out to the 12,000 on the email blast.**

SOCIAL MEDIA:

- **Facebook: THE Heights Music Hop; Wine Spot winning a Cleveland Magazine award; Hts High Golf Team wins the LEL Championship; the Happy 5K (October 7th) and the ever popular Shredding Day (October 27th).**

MEMORANDUM

To: Tanisha Briley-City Manager
From: Alex Mannarino-Director of Public Works
Date: September 14, 2018
Re: Capital Projects Weekly Update

Legislation Request

Safe Routes to Schools – ODOT Project 101112

This legislation authorizes the Ohio Department of Transportation to sell and construct a traffic signal at the intersection of Quilliams and Noble as a part of the Safe Routes to Schools Program.

Meadowbrook Boulevard Reconstruction – OPWC Project CA18V

This legislation authorizes the reimbursement of project funds by the State.

Edgehill/Overlook Intersection – ODOT Project 106749

We respectfully request that you ask for permission to go to bid for the above referenced project.

Community Center – Dugway East Culvert Rehabilitation

Our Engineers are waiting for Contech to respond to a couple of questions regarding the shop drawings. We anticipate that the review should be approved by the middle of next week.

Cedar Road Resurfacing/Cedar-Fairmount Streetscape

All of the punch list work is completed. We are waiting for all of the final paperwork to close out the project.

Cuyahoga County Aggregated Solar Project

The project is being delayed due to some language requirements with another agency.

Meadowbrook Boulevard Reconstruction

Legislation is scheduled for approval authorizing the Ohio Public Works Commission to reimburse the City of Cleveland Heights for project costs related to the above referenced project. We should have a signed cooperative agreement early next week. Design should start shortly thereafter.

Mayfield Signalization

Terrace construction has been continuing with foundation drilling. They have also been drilling pot holes to jack conduit from one side of the street to the other.

Safe Routes to Schools – ODOT PID 101112

Final legislation is scheduled for approval authorizing ODOT to sell the project.

#18-01 North Park – Buffered Bike Lane – ODOT PID 106001

Final project documents have been sent to the contractor. We are waiting for them to be returned.

Edgehill and Overlook Intersection Re-Design – ODOT PID 106749

Project has received federal authorization and is on schedule to be sold in November.

2018 Street Resurfacing Program

We are currently waiting for the contractor to provide us with an updated work schedule.

2018 Surface Treating Program

We are currently waiting for the contractor to submit his final payment submittal.

2018 Pavement Striping Program

We are currently waiting for the contractor to submit his final payment submittal.

Dominion East Ohio

Washington Boulevard PIR-3047

The contractor started boring and pulling pipe.

Euclid Heights Boulevard PIR-3036-C

Work is scheduled on Euclid Heights Boulevard (both sides) from Rock Court to Cumberland Road. Construction is tentatively scheduled for late 2018.

Hillstone Road PIR-2590

Work is scheduled on all of the streets between Hillstone Road and Quarry Road between Bluestone Road and Monticello Boulevard. Construction is tentatively scheduled for 2019.

Lee & Superior PIR-2228

Work is scheduled on all streets between Yorkshire Road and Superior Road between Lee Road and Goodnor Road. Construction is tentatively scheduled for 2019.

MEMORANDUM

To: Tanisha Briley, City Manager
From: Richard Wong, Planning Director
Date: September 14, 2018
Subject: Weekly Update

Mayfield Corridor

Tuesday's final public meeting at the South Euclid Community Center was lightly attended. A report will be finished in a couple weeks after which staff of Cleveland Heights will discuss collaborations with the South Euclid to enhance the Mayfield Warrensville Center area. All four cities now qualify for NOACA TLCI funds to implement parts of the plan.



College Club

Federal and state tax credits have received formal approval. The federal tax credit approval required additional help from preservation consultant Heather Rudge. Developer WXZ is working through a few Building Department comments about the construction documents.

**City of Cleveland Heights
Economic Development**



To: City Manager Tanisha Briley
From: Economic Development Director Tim Boland
Subject: Activities Report – September 14, 2018

Activities and Initiatives:

1. SID Legislation

There are two pieces of legislation in the Council packet related to the renewals of the **Cedar Lee** and **Cedar Fairmount Special Improvement Districts**. These resolutions authorize the City Manager to enter into an agreement with each SID to advance them funds in anticipation of monies to be collected as part of the recently approved assessments associated with each SID's renewal. We are requesting Council consideration of this legislation at this time.

2. Boulevard Townhomes

Legislation has been provided in the Council packet regarding the sale/transfer of two vacant City-owned parcels to the Boulevard Townhomes Association. As previously presented to and discussed with Council, the Boulevard Townhomes Association, representing the property owners of the townhomes in the development at the intersection of Euclid Heights Boulevard and Lee Road, has requested that the City transfer parcels 684-30-008 and 684-30-009 to the Association. We are requesting Council consideration of this legislation at this time.



3. Marketing & Outreach

- Attended the FutureHeights Planning & Development Committee meeting;
- Attended the 2018 NOACA Annual Meeting;
- Attended and presented an update on the Top of the Hill project at the Cedar Fairmount SID Trustee meeting;
- Staff met with the new economic development director for University Heights and discussed collaborative efforts along the Taylor Road Corridor

September 14, 2018

- The next in our series of videos for the **Cleveland Heights Business Channel** platform has been completed featuring **evo DOMUS** located on S. Taylor Road, and went live on the City's website and social media on Tuesday, September 11. This video and our previous two videos ("In The 216" and "Zagara's Marketplace" can be found at: <https://www.clevelandheights.com/1058/Cleveland-Heights-Business-Channel>, as well as on YouTube and as posted to social media.



Thank you,

Timothy M. Boland

Timothy M. Boland

Economic Development Director

Memorandum

To: Tanisha Briley, City Manager
From: Joseph P. McRae, Parks and Recreation Director
Subject: Parks and Recreation Department Update
Date: September 14, 2018

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

General Announcements

- State Representative Janine Boyd and others will host a voter registration event at the Community Center on Thursday, Sept. 20. The Board of Elections and League of Women Voters will be present.
- The League of Women’s Voters and the NAACP will have a “Get Out the Vote” Forum on Thursday, Sept. 27 at 7pm in the Senior Center. The event will be hosted by Harry Boomer, Channel 19.
- The ceremony to rename Caledonia Park to Barbara H. Boyd Park will take place on Sunday, Sept. 30 at 1pm. Ms. Boyd is the former Mayor of Cleveland Heights and was instrumental in acquiring the property to be used as a park.
- The Heights High indoor pool opened for public access on Tuesday, Sept 4. Pool passes for the indoor pool can be purchased at the Community Center.
- Repair work on the sinkhole on the north lawn of the Community Center continues. The area has been closed to the public.
- The Happy 5k/10k Run will take place on Sunday, October 7. Visit the city website (www.chparks.com) to register. All sponsorship proceeds go to the Cleveland Heights Youth Scholarship Fund.

Ice Programs

- The new ammonia based ice refrigeration systems, as well as the new dehumidification system, have been installed at the North Rink of the Community Center. The rink has been turned on and ice is being made. The plan is to re-open to the public on Monday, September 17.
- Contractors have begun connecting the South Rink. The floor pipes have been cleaned and flushed out. The plan is to activate the South Rink in mid-October.



Cleveland Heights Fire Department

Weekly Activity Report

Total Emergency Calls Year To Date	4,950
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Total Emergency Calls for Period	165
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Report Date Period: 09/06/2018 - 09/13/2018

Fire Data

	<u>Current Period</u>	<u>Year to Date</u>	<u>Last Year to Date</u>	<u>Current Year % of Run Count</u>
Emergency Fire Run Count	45	1,036	838	21.88 %
Emergency Structure Fire Count	1	52	50	
Emergency Non Structure Fire Count	44	978	784	
Emergency Vehicle Fire Count		6	4	

Emergency Medical Data

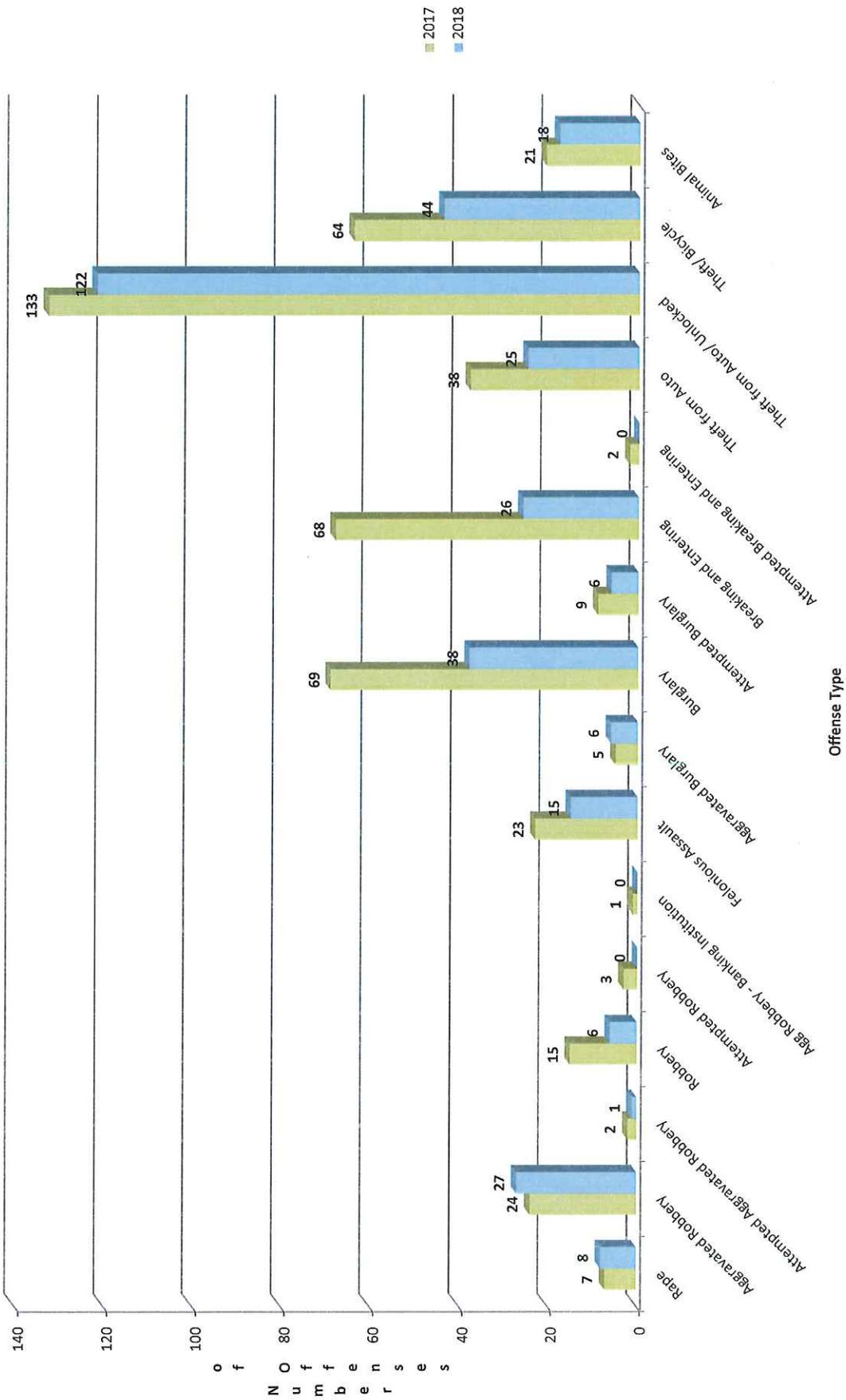
Total Emergency Run Count	120	3,914	3,705	78.12 %
Emergency Medical Run Count	115	3,780	3,599	
Automobile Accident Run Count	5	134	106	
Advanced Life Support Run Count	34	1,002	1,021	
Basic Life Support Run Count	84	2,880	2,674	
Total EMS Transports	80	2,575	2,445	
Total EMS Non Transports	37	1,175	1,090	

Mutual Aid Run Count to Date

Mutual aid received	SEFD A - 43 SHFD A - 39 ECFD A - 16 UHFD A - 40
Mutual aid given	SEFD A - 42 SHFD A - 32 ECFD A - 18 UHFD A - 10
Automatic aid received	SEFD A - 5 SHFD A - 17 ECFD A - 7 UHFD A - 11
Automatic aid given	SEFD A - 2 SHFD A - 10 ECFD A - 0 UHFD A - 3

<u>Fire Prevention Bureau</u>	<u>Current Period</u>	<u>Year to Date</u>
Total Completed Fire Inspections	33	1,146
Company Fire Inspections	14	502
Fire Prevention Fire Inspections		10
Fire Alarm Test Inspections		
Kitchen Supression Test Inspections		
Sprinkler Test Inspections		
Other Inspections	19	634
Smoke Detectors Distributed		111

**Crime Comparison:
January 1 - September 14, 2017 Compared to January 1 - September 14, 2018**



Cleveland Heights Juvenile Diversion Program



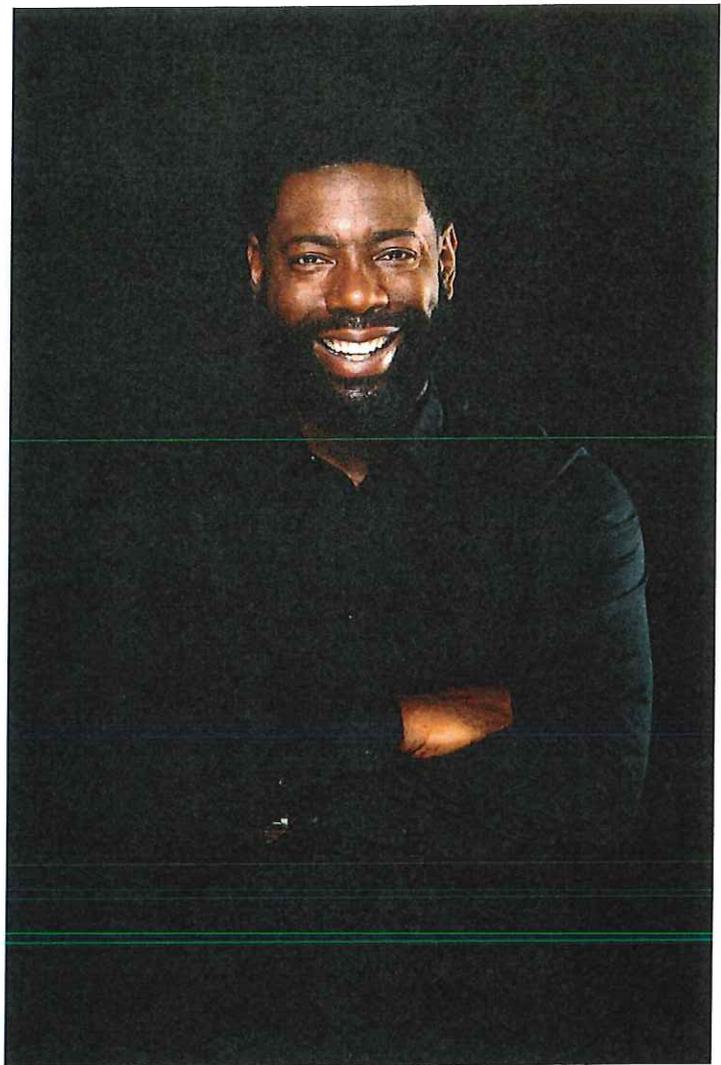
Presents:

CJ Blair Speaks

September 20, 2018

Deborah S. Delisle
Educational Options Center
14780 Superior Rd.
Cleveland Heights, Ohio 44118

**“We are born to succeed,
but programmed to fail.
Success comes when we
discover our ability to
EVOLVE.” -CJ BLAIR**



Youth Culture Advisor

A subject matter expert on the changing trends of youth culture and the effective strategies on reaching this evolving demographic, CJ provides insight into understanding the ever-evolving generation.

Life Enhancement and Empowerment Coach

For youth requiring more one on one specialized engagement, CJ trains youth workers on the proper care and methodologies in this growing industry.

Juvenile and Law Enforcement Relations Advisor

From speaking to law enforcement to advising Judicial officials on stronger community relations, CJ Blair advises on clear and concise methods to improve community engagement and effective ways to redirect youth using programs designed to strengthen character development and foster better decision making.

Fall 2018

Local History Programs



In My Day: Recording Oral History in the Heights

September 2018-May 2019

Heights Libraries will be using the Simply Told App to record the stories of local residents to help share and preserve our unique history for future generations.

For more information: Call (216) 932-3600, Ext. 1248 or email Local History Librarian, Jessica Robinson at jrobinso@heightslibrary.org

Heights Libraries' In My Day project is made possible in part by state tax dollars allocated by the Ohio Legislature to the Ohio Arts Council (OAC). The OAC is a state agency that funds and supports quality arts experiences to strengthen Ohio communities culturally, educationally, and economically.

“Queue-ration” How to Manage Personal Collections Like a Pro

Monday, October 1, 7 p.m.

Lee Road branch, 2345 Lee Rd

Speaker: Jennifer Souers Chevraux, Illumine Creative Solutions, LLC

Objects have power! They serve as talismans and touchstones to the past-- your past, your family's past, our community's past, and even the deepest reaches of humanity's past. Preserve these powerful remnants of past, and we can learn from them in the future. In her program Jennifer will share insider tips to help you care for and carry forward your personal collections and family heirlooms to build a lasting legacy for generations to come.

Best of the Bricks Bike Tour

Saturday, October 6, 10 a.m. – 11:30 a.m.

Meet at corner of Roxboro Road and W. St. James Parkway, just north of Roxboro Elementary

Leader: Mary Dunbar, Cleveland Heights City Councilmember

Best of the Bricks: Join us for an all-skills bike ride to learn about the history and architecture of some of our most noteworthy and impressive brick buildings.

Cosponsored by:



Maintenance & Efficiency for Your Home

Thursday, October 11, 7 p.m.

Lee Road branch, 2345 Lee Rd

Thursday, October 25, 7 p.m.

Noble Neighborhood branch, 2800 Noble Rd

Speaker: Margaret Lann, Cleveland Restoration Society

All houses need continual maintenance to keep them looking their best. We will take a top to bottom approach at typical old house maintenance issues. The session will outline ways to spot problems before they become headaches and provides useful information on ways to make your older home more energy efficient without breaking the bank.

Writing Your Family History with Literary Cleveland and Lee Chilcote

Tuesday, October 23, 30 and Nov 6, 13 from

6:30-8:30 p.m.

Lee Road branch, 2345 Lee Rd

Your family is rich in story, and you may have a few heirlooms, a mind full of memorable tales, or many boxes of keepsake letters, journals and clippings. Learn organizing and gathering techniques for writing your family history with the goal of publishing it or preserving it for friends or for generations to come. In this class, we will use writing examples, prompts and research as a jumping off point for exploring family history.

Register at <http://www.litcleveland.org/writing-your-family-history.html>

Randolph Neighborhood—History & Architecture

Monday, November 5, 7 p.m.

Noble Neighborhood branch, 2800 Noble Rd

Speaker: Ursuline College Historic Preservation Students

Learn about the architecture and neighborhood history of Cleveland Heights' Randolph neighborhood bounded by Woodview, Randolph, Quilliams and Noble roads.



CLEVELAND HEIGHTS

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

Monday, September 17, 2018
Regular Meeting
7:30 p.m.

Cleveland Heights City Hall
40 Severance Circle
Cleveland Heights, Ohio

- 1) **Roll Call of Council Members**
- 2) **Excuse absent members**
- 3) **Approval of the minutes of the Special Variance Hearing held Monday, July 30, 2018 and the regular Council meeting held Tuesday, September 4, 2018.**
- 4) **Personal communications from citizens**
- 5) **Report of the City Manager**

Request permission to go to bid for project #18-06 Edgehill/Overlook – TCLI - Intersection reconstruction

- 6) **Report of the Director of Finance/Clerk of Council**
- 7) **Committee Reports**

a.) FINANCE COMMITTEE

RESOLUTION NO. 108-2018 (F). A Resolution authorizing the City Manager to enter into an agreement with the Cedar Fairmount Special Improvement District, Inc. (“Cedar Fairmount SID”) for advancement of funds in anticipation of assessment

Introduced by Council Member _____

Vote	_____	_____	_____
	For	Against	No. Reading

RESOLUTION 109-2018 (F). A Resolution authorizing the City Manager to enter into an agreement with the Cedar Lee Special Improvement District for advancement of funds in anticipation of assessment

**AGENDA (tentative) CITY OF CLEVELAND HEIGHTS
TUESDAY, SEPTEMBER 4, 2018**

Introduced by Council Member _____

Vote _____
For Against No. Reading

b.) HOUSING AND TRANSPORTATION COMMITTEE

ORDINANCE NO. 110-2018 (HT), First Reading. An Ordinance amending Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, Business Maintenance Code, of the Codified Ordinances of Cleveland Heights to enact a provision requiring a cash bond upon foreclosure of vacant commercial properties.

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 111-2018 (HT), First Reading. An Ordinance amending Chapter 1351, “Basic Standards for Residential Occupancy,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights by enacting a new Subsection 1351.33(d) to enact a provision requiring a cash bond upon foreclosure of vacant residential properties.

Introduced by Council Member _____

Vote _____
For Against No. Reading

RESOLUTION NO. 112-2018 (HT). A Resolution authorizing ODOT to proceed with the project of upgrading the traffic signals and pedestrian crossing facilities at Noble Road and Quilliams Road in Cleveland Heights

Introduced by Council Member _____

Vote _____
For Against No. Reading

c.) PLANNING AND DEVELOPMENT COMMITTEE

**AGENDA (tentative) CITY OF CLEVELAND HEIGHTS
TUESDAY, SEPTEMBER 4, 2018**

ORDINANCE NO. 50-2018 (PD). An Ordinance authorizing the sale of City-owned vacant lots between 3217 and 3219 Euclid Heights Boulevard, commonly referred to as the Boulevard Townhomes

Introduced by Council Member _____

Vote _____
For Against No. Reading

d.) RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE

e.) SAFETY AND MUNICIPAL SERVICES COMMITTEE

RESOLUTION 113-2018 (SMS). A Resolution declaring the official intent and reasonable expectation of Cleveland Heights on behalf of the State to reimburse the City's Street Construction Fund for the Meadowbrook Boulevard Reconstruction, Project CA18V, with the proceeds of tax exempt debt of Ohio

Introduced by Council Member _____

Vote _____
For Against No. Reading

RESOLUTION NO. 114-2018 (SMS). A Resolution amending Resolution No. 84-2018 to further amend the term of the Immigration Task Force until October 31, 2018

Introduced by Council Member _____

Vote _____
For Against No. Reading

f.) ADMINISTRATIVE SERVICES COMMITTEE

8) Mayor's Report

9) Adjournment

(Council members and staff will stay following adjournment to discuss questions informally with citizens.)

**AGENDA (tentative) CITY OF CLEVELAND HEIGHTS
TUESDAY, SEPTEMBER 4, 2018**

NEXT MEETING OF COUNCIL: WEDNESDAY, OCTOBER 3, 2018

Proposed: 9/17/2018

ORDINANCE NO. 50-2018 (PD)

By Council Member

An Ordinance authorizing the sale of City-owned vacant lots between 3217 and 3219 Euclid Heights Boulevard, commonly referred to as the Boulevard Townhomes; and declaring an emergency.

WHEREAS, Section 110.06 authorizes the sale of an unimproved residential lot to adjoining owner(s) for One Hundred (\$100), if the City Manager has determined that the lot is not needed for municipal purposes; and

WHEREAS, Section 110.06 requires the sale of such vacant lots be offered only to adjoining single-family and/or two-family properties; and

WHEREAS, the City Manager has determined that the City-owned vacant lots named Permanent Parcel Nos. 684-30-008 and 684-30-009, located between 3217 and 3219 Euclid Heights Boulevard which is commonly referred to as the Boulevard Townhomes, are not needed for municipal purposes; and

WHEREAS, said vacant lots do not have adjoining single-family and/or two family properties but rather are adjoined by lots owned by Boulevard Townhouse Association, Inc. and are used as common areas for townhouse parking; and

WHEREAS, Section 110.04 of the Codified Ordinances of Cleveland Heights permits the sale of City-owned property by an alternative process enacted by ordinance.

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

SECTION 1. The City Manager is hereby authorized to sell Permanent Parcel Nos. 684-30-008 and 684-30-009, located between 3217 and 3219 Euclid Heights Boulevard which is commonly referred to as the Boulevard Townhomes, to the adjoining property owner Boulevard Townhomes Association, Inc., for the total amount of Two Hundred Dollars (\$200). The transfer shall be by quit-claim deed that includes a right of first refusal in favor of the City and approved as to form by the Director of Law.

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to transfer the property as soon as possible to end the City's responsibility to maintain said vacant lots. Wherefore, provided it

ORDINANCE NO. 50-2018 (PD)

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

CAROL ANN ROE, Mayor
President of Council

LAURIE SABIN
Clerk of Council

PASSED:

Proposed: 9/17/2018

RESOLUTION NO. 108-2018 (F)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Cedar Fairmount Special Improvement District, Inc. ("Cedar Fairmount SID") for advancement of funds in anticipation of assessment; and declaring an emergency.

WHEREAS, under Ordinance No. 88-2018 (F), this Council has determined to proceed with the assessment on participating properties within the Cedar Fairmount SID to fund a public services plan for the District in the amount of Sixty-Six Thousand Two Hundred Seventy-Five Dollars (\$66,275) for Year One through Year Five, for a total of Three Hundred Thirty-one Thousand Three Hundred Seventy-five Dollars (\$331,375), for the five (5) year period of the plan; and

WHEREAS, the Cedar Fairmount SID has immediate need of the funds for which the City will be reimbursed through assessment tax collection; and

WHEREAS, it would be in the City's best interest and the interest of the overall welfare of the Community to advance to the SID the yearly monies for the public services plan in anticipation of collection of special assessment monies.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with the Cedar Fairmount Special Improvement District, Inc. ("Cedar Fairmount SID") for advancement of funds in the amount of each year's assessment to be used for the five-year public services plan for the District, which plan has been approved by this Council through Resolution No. 76-2018. The City shall be reimbursed for the funds advanced herein by funds collected through special assessments on the landowners within the District.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being that in order to begin implementing the public services plan for the District, it is necessary that the within Resolution become effective at the earliest time permitted by law. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this

RESOLUTION NO. 108-2018 (F)

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

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

Proposed: 9/17/2018

RESOLUTION NO. 109-2018 (F)

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with the Cedar Lee Special Improvement District for advancement of funds in anticipation of assessment; and declaring an emergency.

WHEREAS, under Ordinance No. 100-2018(F), this Council has determined to proceed with the assessment on participating properties within the Cedar Lee Special Improvement District (“Cedar Lee SID”) to fund a public services plan for the District in the amount of One Hundred Fifty-Five Thousand Eight Hundred Eighty-Eight Dollars (\$155,888) for Year One through Year Five, for a total of Seven Hundred Seventy-Nine Thousand Four Hundred Forty Dollars (\$779,440), for the five (5) year period of the plan; and

WHEREAS, the Cedar Lee SID has immediate need of the funds for which the City will be reimbursed through assessment tax collection; and

WHEREAS, it would be in the City’s best interest and the interest of the overall welfare of the Community to advance to the SID the yearly monies for the public services plan in anticipation of collection of special assessment monies.

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into an agreement with the Cedar Lee Special Improvement District (“Cedar Lee SID”) for advancement of funds in the amount of each year’s assessment to be used for the five-year public services plan for the District, which plan has been approved by this Council through Resolution No. 95-2018. The City shall be reimbursed for the funds advanced herein by funds collected through special assessments on the landowners within the District.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being that in order to begin implementing the public services plan for the Cedar Lee SID, it is necessary that the within Resolution become effective at the earliest time permitted by law. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this

RESOLUTION NO. 109-2018 (F)

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

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

Proposed: 9/17/2018

ORDINANCE NO. 110-2018 (HT), *First Reading*

By Council Member

An Ordinance amending Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, *Business Maintenance Code*, of the Codified Ordinances of Cleveland Heights to enact a provision requiring a cash bond upon foreclosure of vacant commercial properties.

WHEREAS, the City of Cleveland Heights wishes to proactively address potential blight resulting from foreclosures on vacant commercial real property within the City; and

WHEREAS, the posting of a cash bond will encourage responsible behavior on the part of foreclosing property owners and will provide further incentive for them to consider every option available to keep a property occupied; and

WHEREAS, in the event that keeping a property occupied is not achievable, the bond requirement will encourage the owners to do everything in their power to ensure the property remains well-maintained and code compliant; and

WHEREAS, if a foreclosing property owner does not fulfill responsibility to ensure property maintenance and code compliance, the posting of a cash bond will mitigate the public costs of maintaining distressed properties.

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

SECTION 1. Section 1369.17, “Basic Standards for Business Occupancy,” of Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, *Business Maintenance Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended so that Subsection 1369.17(a) shall be, and is hereby amended to read as follows:

(a) The owner(s) of any business structure, including but not limited to commercial, industrial and institutional structures, that has become vacant as defined in Section 1361.18 subsection (e) of this Section 1369.17, shall within sixty (60) days after the structure becomes vacant register with the Commissioner of Buildings and designate an authorized agent located in Cuyahoga County for each vacant structure. The registration shall remain valid until December 31 of the year of the date of issuance for one (1) year from the date of registration. The owner shall be required to annually renew the registration by January 1 of each subsequent year for as long as the structure remains vacant and shall pay an annual registration fee of one hundred dollars (\$100.00) for each registered structure. The annual registration fee shall not be prorated. The owner shall notify the Commissioner of Buildings within twenty (20) days of any

ORDINANCE NO. 110-2018 (HT), *First Reading*

change in the registration information by filing an amended registration statement on a form provided by the Commissioner of Buildings for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the structure. The failure of the owner of the vacant structure to obtain a deed for the property or to file the deed with the County Fiscal Office shall not excuse the owner from compliance with this Section 1369.17. Registration under Section 1369.16 of the Codified Ordinances shall not negate the requirements for registration under this Section 1369.17 or any other requirement of Chapter 1369.

SECTION 2. Section 1369.17, “Basic Standards for Business Occupancy,” of Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, *Business Maintenance Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended so that Subsection 1369.17(b) shall be henceforth renumbered as Subsection 1369.17(c).

SECTION 3. Section 1369.17, “Basic Standards for Business Occupancy,” of Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, *Business Maintenance Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended so that Subsection 1369.17(c) shall be henceforth renumbered as Subsection 1369.17(b).

SECTION 4. Section 1369.17, “Basic Standards for Business Occupancy,” of Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, *Business Maintenance Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended so that Subsection 1369.17(d) shall be henceforth renumbered as Subsection 1361.18, VACANT, of Chapter 1341, “Definitions,” of Title Seven, *Business Maintenance Code*, of the Codified Ordinances of Cleveland Heights. All references to the definition of “vacant,” including the one set forth in Subsection 1369.17(a) shall be accordingly updated to the renumbering set forth herein.

SECTION 5. Section 1369.17, “Basic Standards for Business Occupancy,” of Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, *Business Maintenance Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to enact and adopt a new Subsection 1369.17(d) to read as follows:

(d) Any plaintiff in a foreclosure action meeting the provisions of Subsection 1369.17(c) herein, shall, in addition to all other requirements of this Section, provide a cash bond to the Director of Public Works or designee, in the sum of Fifteen Thousand Dollars (\$15,000.00), to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any fees owed and expenses incurred in inspecting, securing, repairing and/or making such building safe by any legal

ORDINANCE NO. 110-2018 (HT), *First Reading*

means including, but not limited to, demolition.

SECTION 6. Section 1369.17, “Basic Standards for Business Occupancy,” of Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, *Business Maintenance Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to enact and adopt a new Subsection 1369.17(e) to read as follows:

(e) An annual administrative fee of One Thousand Five Hundred Dollars (\$1,500.00) will be deducted from the bond by the City for administrative expenses including, but not limited to, the processing, accounting, inspecting, securing, and other related functions inherent in the administration of the foreclosure bond. The fee will be deducted if the bond is in the possession of the City for the entire year, or any portion thereof. This annual fee is in addition to all other allowable expenses or related fines charged off against the bond. The annual fee shall be due January 1 of each calendar year. The first fee shall be prorated based upon the date the plaintiff in a foreclosure action meets the provisions of Subsection 1369.17(c) herein.

SECTION 7. Section 1369.17, “Basic Standards for Business Occupancy,” of Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, *Business Maintenance Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to enact and adopt a new Subsection 1369.17(f) to read as follows:

(f) In the event the City or one of its contractors, due to a lack of response of an owner or agent, is required to take action to abate a nuisance at a vacant property, the owner will be billed for the cost of abatement in accordance with Chapter 553, “Abatement of Nuisances,” or if the property is subject to a foreclosure bond as set forth in Subsection 1369.17(d) herein, said bond will be drawn upon to cover such costs.

SECTION 8. The above described amendments shall read as follows in Exhibit A. Existing language that has not moved is indicated by black font; language that has moved but otherwise not amended is indicated by blue font; and language that is newly enacted or amended is indicated by red font.

SECTION 9. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 10. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

ORDINANCE NO. 110-2018 (HT), *First Reading*

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

EXHIBIT A

KEY:

Black font	Existing language that has not moved
Blue font	Language that has moved but otherwise not amended
Red font	language that is newly enacted or amended

1361.18 VACANT.

“Vacant” means a structure which is lacking habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful occupancy has ceased, or which is substantially devoid of contents. In determining whether a business structure is vacant, it is relevant to consider, among other factors, the percentage of the overall square footage of the structure or floor area to the occupied space, the frequency with which persons are on the premises, the condition and value of any items in the structure and the presence of rental or for sale signs on the property; provided that a structure shall not be deemed vacant if it has been used for commercial, industrial or institutional purposes by a person entitled to possession for a period of at least three (3) months within the previous nine (9) month period and a person entitled to possession intends to resume occupation of the property. A structure containing multiple units with at least one (1) shared entrance to the individual units shall be deemed vacant if, and only if, each and every unit within said structure is vacant.

1369.17 VACANT BUSINESS STRUCTURES.

(a) The owner(s) of any business structure, including but not limited to commercial, industrial and institutional structures, that has become vacant as defined in **Section 1361.18**, shall within sixty (60) days after the structure becomes vacant register with the Commissioner of Buildings and designate an authorized agent located in Cuyahoga County for each vacant structure. The registration shall remain valid **until December 31 of the year of the date of issuance**. The owner shall be required to annually renew the registration **by January 1 of each subsequent year for** as long as the structure remains vacant and shall pay an annual registration fee of one hundred dollars (\$100.00) for each registered structure. **The annual registration fee shall not be prorated.** The owner shall notify the Commissioner of Buildings within twenty (20) days of any change in the registration information by filing an amended registration statement on a form provided by the Commissioner of Buildings for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the structure. The failure of the owner of the vacant structure to obtain a deed for the property or to file the deed with the County Fiscal Office shall not excuse the owner from compliance with this Section 1369.17. Registration under Section 1369.16 of the Codified Ordinances shall not negate the requirements for registration under this Section 1369.17 or any other requirement of Chapter 1369.

ORDINANCE NO. 110-2018 (HT), *First Reading*

(b) The registration statement shall include the name, street address and telephone number of a natural person eighteen (18) years of age or older, designated by the owner(s) as the authorized agent for receiving, on behalf of such owner(s), notices of violation of City ordinances and for receiving process in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or the structure including, but not limited to, notices and processes served in connection with the enforcement of the Business Maintenance Code and the Building Code. The authorized agent must maintain a physical office in Cuyahoga County, Ohio or must actually reside within Cuyahoga County, Ohio. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself or herself as agent. By designating an authorized agent under the provisions of this Section 1369.17, the owner is consenting to receive any and all notices of violations of City ordinances and to receive process in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or business structure including, but not limited to, proceedings related to the enforcement of the Business Maintenance Code and the Building Code, by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Commissioner of Buildings in writing of a change of authorized agent or until the owner files a new annual registration statement.

(c) If a foreclosure action has been filed with respect to property containing a vacant business structure, the plaintiff in the foreclosure action shall be required to comply with the provisions of this Section 1369.17 if both of the following apply:

- (1) The plaintiff in the foreclosure action is a mortgagee of the property; and
- (2) The plaintiff in the foreclosure action has assumed possession or control of the property.

(d) Any plaintiff in a foreclosure action meeting the provisions of Subsection 1369.17(c) herein, shall, in addition to all other requirements of this Section, provide a cash bond to the Director of Public Works or designee, in the sum of Fifteen Thousand Dollars (\$15,000.00), to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any fees owed and expenses incurred in inspecting, securing, repairing and/or making such building safe by any legal means including, but not limited to, demolition.

(e) An annual administrative fee of One Thousand Five Hundred Dollars (\$1,500.00) will be deducted from the bond by the City for administrative expenses including, but not limited to, the processing, accounting, inspecting, securing, and other related functions inherent in the administration of the foreclosure bond. The fee will be deducted if the bond is in the possession of the City for the entire year, or any portion thereof. This annual fee is in addition to all other allowable expenses or related fines charged off against the bond. The annual fee shall be due January 1 of each calendar year. The first fee shall be prorated based upon the date the plaintiff in a foreclosure action meets the provisions of Subsection 1369.17(c) herein.

ORDINANCE NO. 110-2018 (HT), *First Reading*

(f) In the event the City or one of its contractors, due to a lack of response of an owner or agent, is required to take action to abate a nuisance at a vacant property, the owner will be billed for the cost of abatement in accordance with Chapter 553, "Abatement of Nuisances," or if the property is subject to a foreclosure bond as set forth in Subsection 1369.17(d) herein, said bond will be drawn upon to cover such costs.

Proposed: 9/17/2018

ORDINANCE NO. 111-2018 (HT), *First Reading*

By Council Member

An Ordinance amending Chapter 1351, “Basic Standards for Residential Occupancy,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights by enacting a new Subsection 1351.33(d) to enact a provision requiring a cash bond upon foreclosure of vacant residential properties.

WHEREAS, the City of Cleveland Heights wishes to proactively address potential blight resulting from foreclosures on vacant residential real property within the City; and

WHEREAS, the posting of a cash bond will encourage responsible behavior on the part of foreclosing property owners and will provide further incentive for them to consider every option available to keep a property occupied; and

WHEREAS, in the event that keeping a property occupied is not achievable, the bond requirement will encourage the owners to do everything in their power to ensure the property remains well-maintained and code compliant; and

WHEREAS, if a foreclosing property owner does not fulfill responsibility to ensure property maintenance and code compliance, the posting of a cash bond will mitigate the public costs of maintaining distressed properties.

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

SECTION 1. Section 1351.33, “Basic Standards for Business Occupancy,” of Chapter 1369, “Basic Standards for Business Occupancy,” of Title Seven, *Business Maintenance Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended so that Subsection 1351.33(a) shall be, and is hereby amended to read as follows:

(a) The owner(s) of any dwelling structure that has become vacant as defined in ~~Subsection (e) of this Section 1351.33~~ Section 1341.27, shall within sixty (60) days after the structure becomes vacant register with the Commissioner of Buildings and designate an authorized agent located in Cuyahoga County for each vacant structure. The registration shall remain valid until December 31 of the year of the date of issuance~~for one (1) year from the date of registration~~. The owner shall be required to annually renew the registration by January 1 of each subsequent year for as long as the structure remains vacant and shall pay an annual registration fee of one hundred dollars (\$100.00) for each registered structure. The annual registration fee shall not be prorated. The owner shall notify the Commissioner of Buildings within twenty (20) days of any

ORDINANCE NO. 111-2018 (HT)

change in the registration information by filing an amended registration statement on a form provided by the Commissioner of Buildings for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the structure. The failure of the owner of the vacant structure to obtain a deed for the property or to file the deed with the County Fiscal Office shall not excuse the owner from compliance with this Section 1351.33. Registration under Section 1351.34 of the Codified Ordinances shall not negate the requirements for registration under this Section 1351.33 or any other requirement of Chapter 1351.

SECTION 2. Section 1351.33, “Basic Standards for Residential Occupancy,” of Chapter 1351, “Basic Standards for Residential Occupancy,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended so that Subsection 1351.33(b) shall be henceforth renumbered as Subsection 1351.33(c).

SECTION 3. Section 1351.33, “Basic Standards for Residential Occupancy,” of Chapter 1351, “Basic Standards for Residential Occupancy,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended so that Subsection 1351.33(c) shall be henceforth renumbered as Subsection 1351.33(b).

SECTION 4. Section 1351.33, “Basic Standards for Residential Occupancy,” of Chapter 1351, “Basic Standards for Residential Occupancy,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended so that Subsection 1351.33(d) shall be henceforth renumbered as Subsection 1341.27, VACANT, of Chapter 1341, “Definitions,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights. All references to the definition of “vacant,” including the one set forth in Subsection 1351.33(a) shall be accordingly updated to the renumbering set forth herein.

SECTION 5. Section 1351.33, “Basic Standards for Residential Occupancy,” of Chapter 1351, “Basic Standards for Residential Occupancy,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to enact and adopt a new Subsection 1351.33(d) to read as follows:

(d) Any plaintiff in a foreclosure action meeting the provisions of Subsection 1351.33(c) herein, shall, in addition to all other requirements of this Section, provide a cash bond to the Director of Public Works or designee, in the sum of Fifteen Thousand Dollars (\$15,000.00), to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any fees owed and expenses incurred in inspecting, securing, repairing and/ or making such building safe by any legal

ORDINANCE NO. 111-2018 (HT)

means including, but not limited to, demolition.

SECTION 6. Section 1351.33, “Basic Standards for Residential Occupancy,” of Chapter 1351, “Basic Standards for Residential Occupancy,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to enact and adopt a new Subsection 1351.33(e) to read as follows:

(e) An annual administrative fee of One Thousand Five Hundred Dollars (\$1,500.00) will be deducted from the bond by the City for administrative expenses including, but not limited to, the processing, accounting, inspecting, securing, and other related functions inherent in the administration of the foreclosure bond. The fee will be deducted if the bond is in the possession of the City for the entire year, or any portion thereof. This annual fee is in addition to all other allowable expenses or related fines charged off against the bond. The annual fee shall be due January 1 of each calendar year. The first fee shall be prorated based upon the date the plaintiff in a foreclosure action meets the provisions of Subsection 1351.33(c) herein.

SECTION 7. Section 1351.33, “Basic Standards for Residential Occupancy,” of Chapter 1351, “Basic Standards for Residential Occupancy,” of Title Five, *Housing Code*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to enact and adopt a new Subsection 1351.33(f) to read as follows:

(f) In the event the City or one of its contractors, due to a lack of response of an owner or agent, is required to take action to abate a nuisance at a vacant property, the owner will be billed for the cost of abatement in accordance with Chapter 553, “Abatement of Nuisances,” or if the property is subject to a foreclosure bond as set forth in Subsection 1351.33(d) herein, said bond will be drawn upon to cover such costs.

SECTION 8. The above described amendments shall read as follows in Exhibit A. Existing language that has not moved is indicated by black font; language that has moved but otherwise not amended is indicated by blue font; and language that is newly enacted or amended is indicated by red font.

SECTION 9. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 10. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

ORDINANCE NO. 111-2018 (HT)

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

EXHIBIT A

KEY:

Black font	Existing language that has not moved
Blue font	Language that has moved but otherwise not amended
Red font	language that is newly enacted or amended

1341.27 VACANT.

“Vacant” means a structure which is lacking habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful residential occupancy has ceased, or which is substantially devoid of contents. In determining whether a dwelling structure is vacant, it is relevant to consider, among other factors, the percentage of the overall square footage of the structure or floor area to the occupied space, the condition and value of any items in the structure and the presence of rental or for sale signs on the property; provided that a dwelling structure shall not be deemed vacant if it has been used as a residence by a person entitled to possession for a period of at least three months within the previous nine month period and a person entitled to possession intends to resume residing at the property; and further provided that a dwelling structure containing more than one dwelling unit shall be considered vacant when all of the dwelling units within the structure are vacant. If an owner fails to obtain a Certificate of Occupancy for any structure for which a Certificate of Occupancy is required pursuant to Chapter 1347 of the Codified Ordinances, the structure will be presumed vacant.

1351.33 REGISTRATION OF VACANT DWELLING STRUCTURES.

(a) The owner(s) of any dwelling structure that has become vacant, as defined in **Section 1351.27**, shall within sixty (60) days after the structure becomes vacant, or within thirty (30) days after the effective date of this Section 1351.33, whichever is later, register with the Commissioner of Buildings and designate an authorized agent located in Cuyahoga County for each vacant dwelling structure. The registration shall remain valid **until December 31 of the year of the date of issuance**. The owner shall be required to annually renew the registration **by January 1 of each subsequent year for** as long as the dwelling structure remains vacant and shall pay an annual registration fee of \$100.00 for each registered dwelling structure. **The annual registration fee shall not be prorated.** The owner shall notify the Commissioner of Buildings within twenty (20) days of any change in the registration information by filing an amended registration statement on a form provided by the Commissioner of Buildings for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the dwelling structure. The failure of the owner of the vacant dwelling structure to obtain a deed for the property or to file the deed with the county recorder shall not excuse the owner from compliance with this Section 1351.33. Registration under Section 1351.34 shall not negate the requirement for registration under this Section 1351.33.

(b) In addition to any other information required by the Commissioner of Buildings,

ORDINANCE NO. 111-2018 (HT)

the registration statement shall include the name, street address and telephone number of a natural person eighteen (18) years of age or older, designated by the owner or owners as the authorized agent for receiving, on behalf of such owner or owners, notices of violations of City ordinances and for receiving process, in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or the dwelling structure, including but not limited to notices and processes served in connection with the enforcement of the Housing Code. The authorized agent must maintain a physical office in Cuyahoga County, Ohio, or must actually reside within Cuyahoga County, Ohio. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent. By designating an authorized agent under the provisions of this Section 1351.33, the owner is consenting to receive any and all notices of violations of City ordinances and to receive process, in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or dwelling structure, including but not limited to proceedings related to the enforcement of the Housing Code, by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Commissioner of Buildings in writing of a change of authorized agent or until the owner files a new annual registration statement.

(c) If a foreclosure action has been filed with respect to property containing a vacant dwelling structure, the plaintiff in the foreclosure action shall be required to comply with the provisions of this Section 1351.33 if both of the following apply:

- (1) The plaintiff in the foreclosure action is a mortgagee of the property; and
- (2) The plaintiff in the foreclosure action has assumed possession or control of the property.

(d) Any plaintiff in a foreclosure action meeting the provisions of Subsection 1351.33(c) herein, shall, in addition to all other requirements of this Section, provide a cash bond to the Director of Public Works or designee, in the sum of Fifteen Thousand Dollars (\$15,000.00), to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any fees owed and expenses incurred in inspecting, securing, repairing and/ or making such building safe by any legal means including, but not limited to, demolition.

(e) An annual administrative fee of One Thousand Five Hundred Dollars (\$1,500.00) will be deducted from the bond by the City for administrative expenses including, but not limited to, the processing, accounting, inspecting, securing, and other related functions inherent in the administration of the foreclosure bond. The fee will be deducted if the bond is in the possession of the City for the entire year, or any portion thereof. This annual fee is in addition to all other allowable expenses or related fines charged off against the bond. The annual fee shall be due January 1 of each calendar year. The first fee shall be prorated based upon the date the plaintiff in a foreclosure action meets the provisions of Subsection 1351.33(c) herein.

(f) In the event the City or one of its contractors, due to a lack of response of an owner or agent, is required to take action to abate a nuisance at a vacant property, the owner will be billed

ORDINANCE NO. 111-2018 (HT)

for the cost of abatement in accordance with Chapter 553, "Abatement of Nuisances," or if the property is subject to a foreclosure bond as set forth in Subsection 1351.33(d) herein, said bond will be drawn upon to cover such costs.

Proposed: 9/17/18

RESOLUTION NO. 112-2018 (HT)

By Council Member

A Resolution authorizing ODOT to proceed with the project of upgrading the traffic signals and pedestrian crossing facilities at Noble Road and Quilliams Road in Cleveland Heights; and declaring an emergency.

WHEREAS, on October 16, 2017, City of Cleveland Heights (“LPA”) enacted Resolution No. 108-2017, legislation which authorized cooperation with the Director of Transportation for the described project:

The project consists of upgrading the traffic signals and pedestrian crossing facilities at Noble Road and Quilliams Road, lying within the City of Cleveland Heights; and

WHEREAS, the LPA shall cooperate with the Ohio Director of Transportation in the above described project as follows:

The City agrees to assume and bear One Hundred Percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid Safe Routes to School, including Toll Revenue Credit, funds set aside by the Ohio Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Twenty Six Thousand One Hundred Eighty and 00/100 Dollars (\$26,180.00), less Toll Revenue Credit in the amount of Twenty Six Thousand One Hundred Eighty and 00/100 Dollars (\$26,180.00), leaving a balance of Zero Dollars (\$0.00). Therefore, the LPA will not be required to deposit any funds at this time, but said estimated amount is to be adjusted in order that the LPA’s ultimate share of said improvement shall correspond with actual costs when said actual costs are determined; and

WHEREAS, the ODOT 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, the LPA desires the Ohio Director of Transportation to proceed with the aforesaid highway improvement.

RESOLUTION NO. 112-2018 (HT)

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

SECTION 1. The City of Cleveland Heights (“LPA”) hereby requests the Ohio Director of Transportation to proceed with the aforesaid highway improvement project.

SECTION 2. This Council hereby directs the LPA through its City Manager to enter into a contract with the State; and City Manager shall be, and is hereby, authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

SECTION. 3. The LPA shall transmit to the Ohio Director of Transportation a fully executed copy of this Resolution.

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

SECTION 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being to promote highway safety. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

Proposed: 9/17/2018

RESOLUTION NO. 113-2018 (SMS)

By Council Member

A Resolution declaring the official intent and reasonable expectation of Cleveland Heights on behalf of the State to reimburse the City's Street Construction Fund for the Meadowbrook Boulevard Reconstruction, Project CA18V, with the proceeds of tax exempt debt of Ohio; and declaring an emergency.

WHEREAS, pursuant to the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

WHEREAS, pursuant to Section 164.06 and 164.05 of the Ohio Revised Code, the District One Public Works Integrating Committee has been created to accept, evaluate and recommend, and the Ohio Public Works Commission to accept and approve, applications for state financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County; and

WHEREAS, The City has submitted an application for financial assistance for the Meadowbrook Boulevard Reconstruction Project (between South Taylor Road and the eastern border).

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

SECTION 1. The City of Cleveland Heights (the "City") reasonably expects to receive a reimbursement for the project named Meadowbrook Boulevard Reconstruction as set forth in Appendix A of the Project Agreement with the proceeds of bonds to be issued by the State of Ohio (the "Borrower"). Appendix A of the Project Agreement is currently on file with the Clerk of Council and readily available for inspection.

SECTION 2. The maximum aggregate principal amount of bonds, other than for costs of issuance, expected to be issued by the State of Ohio for reimbursement to the City is One Million Forty-Nine Thousand Seven Hundred Twenty-Nine Dollars and No Cents (\$1,049,729.00).

SECTION 3. The fiscal officer of the City, its Finance Director, is hereby directed to file a copy of this Resolution with the City of Cleveland Heights for the inspection and examination of all persons interested therein and to deliver a copy of this Resolution to the Ohio Public Works Commission.

SECTION 4. This Council finds and determines that all formal actions of concerning and relating to the adoption of this Resolution were taken in an open meeting of the Council of the City of Cleveland Heights and that all deliberations of this City and any of its committees

RESOLUTION NO. 113-2018 (SMS)

that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

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

SECTION 6. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely apply to the State of Ohio for reimbursement. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

Proposed: 9/17/2018

RESOLUTION NO. 114-2018 (SMS)

By Council Member

A Resolution amending Resolution No. 84-2018 to further amend the term of the Immigration Task Force until October 31, 2018; and declaring an emergency.

WHEREAS, pursuant to Resolution No. 32-2018, an Immigration Task Force has been regularly meeting to identify and examine immigration issues and any possible future action to be taken by the City; and

WHEREAS, in July 2018, the Immigration Task Force recognized the need for additional time before it could summarize its findings and recommendations, if any, to Council and was given an extension from July 31, 2018, to September 30, 2018; and

WHEREAS, the Immigration Task Force has recognized a need to further extend the term of the Immigration Task Force from September 30, 2018, to October 31, 2018.

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

SECTION 1. Section 1 and Section 2 of Resolution No. 32-2018, the “Immigration Task Force Resolution,” shall be and hereby is amended to henceforth read as follows:

SECTION 1. An Immigration Task Force is hereby established. The Committee shall consist of nine (9) members. The members shall include: the Chief of Police, the City Manager or designee, and the Mayor. The members additionally shall include the following, all of whom shall be appointed by the Mayor: a member of Council; a member of the Ohio Patrolmen’s Benevolent Association who is a classified service captain, lieutenant, or sergeant for the City of Cleveland Heights; a member of the Ohio Patrolmen’s Benevolent Association who is a classified police officer or unclassified service basic patrol officer for the City of Cleveland Heights; a Cleveland Heights resident who is a member of an immigration advocacy group, or other similar group; a Cleveland Heights resident who is concerned about immigration issues; and a Cleveland Heights resident who is intimately familiar with immigration and/or constitutional law. Appointed membership shall be until ~~July 31, 2018~~ ~~September 30, 2018~~ October 31, 2018. In the event of a vacancy, the vacancy shall be filled by mayoral appointment. No compensation shall be paid to any member of said task force for services performed.

SECTION 2. The purpose of said Immigration Task Force shall be to identify and examine immigration issues including, but not limited to, issues relating to the civil immigration enforcement that affect the City of Cleveland Heights and its residents and employees. Said task force should further examine

RESOLUTION NO. 114-2018 (SMS)

any possible future actions to be taken by the City in response to the issues identified. Said Task Force shall, in writing, summarize its findings and recommendations, if any, to City Council by no later than ~~July 31, 2018~~ ~~September 30, 2018~~ October 31, 2018.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to allow the Immigration Task Force to continue to meet uninterrupted. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:



CLEVELAND HEIGHTS

September 4, 2018 Minutes

COMMITTEE OF THE WHOLE

6:22 – 7:23 p.m.

Mayor Roe presiding

Roll Call: Present: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow
Excused: None

Staff present: Boland, Briley, Clinkscale, Freeman, Juliano, Lambdin, Mannarino, McRae, Mecklenburg, Niermann O'Neil, Sabin, Smith, Wong

Topics discussed: Report of City Council Members, Legislation Overview, Staff Reports and Draft Amendments to Codified Ordinances

Executive Sessions

7:16 – 7:23 p.m.

Vice Mayor Yasinow made a motion to begin Executive Session, which was seconded by Councilman Ungar, to discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow
Nays: None

Councilman Ungar made a motion to end Executive Session which was seconded by Vice Mayor Yasinow.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow
Nays: None

CITY COUNCIL

7:35 – 8:16 p.m.

Mayor Roe presiding

Roll Call: Present: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow
Excused: None

Staff present: Boland, Briley, Clinkscale, Freeman, Juliano, Lambdin, Mannarino, McRae, Mecklenburg, Niermann O'Neil, Sabin, Smith, Wong

The minutes of the special Council meeting held Monday, July 30, 2018 were approved with corrections submitted.

Personal communications from citizens

Mark Washington made a statement about the houses neighboring 3552 Silsby Rd. needing repair. Mayor Roe referred him to Allan Butler who met with him at that time.

Jason Smith asked for clarification for the increased rate due to the ruling of the EPA. Tanisha Briley stated that it did increase to \$41.03 per mcf as a result of a Consent Decree with the EPA for compliance with the Clean Water Act. There is extensive information available at www.clevelandheights.com. Collette Clinkscale met with him at that time for further explanation.

Report of the City Manager

Tanisha Briley requested permission to issue Request for Qualifications for bond counsel.

Matter of Record

Councilwoman Dunbar moved to grant permission to issue Request for Qualifications for bond counsel. Vice Mayor Yasinow seconded the motion.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow
Nays: None

Motion Passed

Tanisha Briley reminded residents that there is a branding initiative and residents can participate in a survey by clicking the link at www.clevelandheights.com.

The Passport Parking app has been installed on 916 meters including our three major garages and the four large surface lots serve our main commercial areas. There are also 106 spaces in smaller lots that will receive the app over the next couple of months. More information is available online.

Report of the Director of Finance/Clerk of Council

Nothing to report

Committee Reports

ADMINISTRATIVE SERVICES COMMITTEE

Nothing to report

FINANCE COMMITTEE

ORDINANCE NO. 100-2018 (F). An Ordinance determining to proceed with the implementation through assessment of a public services plan for the Cedar Lee Special Improvement District

Introduced by Council Member Stephens, Seconded by Council Member Ungar

Roll Call: Ayes: Roe, Seren, Stein, Stephens, Ungar, Yasinow, Dunbar
Nays: None

Legislation Passed

ORDINANCE NO. 101-2018 (F). An Ordinance levying an assessment for a public services plan for the Cedar Lee Special Improvement District

Introduced by Council Member Dunbar, Seconded by Council Member Ungar

Roll Call: Ayes: Seren, Stein, Stephens, Ungar, Yasinow, Dunbar, Roe
Nays: None

Legislation Passed

RESOLUTION NO. 102-2018 (F). A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2018 tax year collection pursuant to Section 321.34 of the Ohio Revised Code

Introduced by Council Member Stephens, Seconded by Council Member Ungar

Roll Call: Ayes: Stein, Stephens, Ungar, Yasinow, Dunbar, Roe, Seren
Nays: None

Legislation Passed

RESOLUTION 103-2018 (F). A Resolution accepting the amounts and rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer

Introduced by Council Member Stephens, Seconded by Council Member Ungar

Roll Call: Ayes: Stephens, Ungar, Yasinow, Dunbar, Roe, Seren, Stein
Nays: None

Legislation Passed

ORDINANCE 104-2018 (F). An Ordinance determining to proceed with the assessment of a portion of the expense of improvement of streets and parkways, including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon within the City of Cleveland Heights; levying assessments for said purpose

Introduced by Council Member Stephens, Seconded by Council Member Dunbar

Roll Call: Ayes: Ungar, Yasinow, Dunbar, Roe, Seren, Stein, Stephens
Nays: None

Legislation Passed

ORDINANCE NO. 105-2018 (F). An Ordinance determining to proceed with the assessment of a portion of the expense of street lighting within the City of Cleveland Heights; levying assessments for said purpose

Introduced by Council Member Stephens, Seconded by Council Member Dunbar

Roll Call: Ayes: Yasinow, Dunbar, Roe, Seren, Stein, Stephens, Ungar
Nays: None

Legislation Passed

HOUSING AND TRANSPORTATION COMMITTEE

Council Member Dunbar stated that Community Improvement Award nominations are due September 21. Nomination forms are available at the Community Relations office, by calling (216) 291-2323 or on the website.

The Heights Community Congress Heights Heritage Home and Garden Tour will be September 16. Discounts are available if you ride your bike to the bike fix-it station at the corner of Coventry and North Park between 11:00 a.m. and 3:00 p.m. Volunteers receive free tickets.

There is public meeting regarding the Mayfield Road Corridor Multi-Modal Plan on Tuesday, September 11 at 5:00 p.m. at the South Euclid Community Center, 1370 Victory Drive, South Euclid, OH.

The free public shuttle serving University Circle, Little Italy and Coventry will continue another year running 6:30 a.m. to 6:00 p.m. Monday through Friday and Noon – 6:00 p.m. Saturday and Sunday.

The fitness center has new equipment.

PLANNING AND DEVELOPMENT COMMITTEE

RESOLUTION 92-2018 (PD), Third Reading. A Resolution authorizing the City Manager to apply for a grant through the Ohio Historic Preservation Tax Credit Pipeline Initiative to nominate an historic district at Taylor Road and Superior Park Drive, historically known as “Stadium Square,” or “Monroe Subdivision” including 1932-46 S. Taylor Road (PPN 684-27-001), 1912-26 S. Taylor Road (PPN 684-26-012), 1908 S. Taylor Road (PPN 684-26-011), 3433 Superior Park Drive (PPN 684-26-013), 3440 Superior Park Drive (PPN 684-27-009), and eligible residential properties along Superior Park Drive, subject to approval by the Ohio Historic Preservation Office

Introduced by Vice Mayor Yasinow, Seconded by Council Member Dunbar

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow
 Nays: None

Legislation Passed

Mayor Roe gave an update about Top of the Hill. Council Member Ungar gave a summary of the Top of the Hill Design Focus Group held on August 30. Details are available at <https://www.clevelandheights.com/988/Top-of-the-Hill>. Council Member Dunbar made a statement of support for the project.

Council Member Yasinow stated that elementary and middle schools will be closed tomorrow due to heat.

RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE

RESOLUTION NO. 106-2018 (RCER). A Resolution joining communities throughout the nation in proclaiming September 2018 Prostate Cancer Awareness Month

Introduced by Council Member Seren, Seconded by Council Member Dunbar

Roll Call: Ayes: Roe, Seren, Stein, Stephens, Ungar, Yasinow, Dunbar
 Nays: None

Legislation Passed

Council Member Seren stated that the Immigration Task Force will be held September 13 in Council Chambers.

SAFETY AND MUNICIPAL SERVICES COMMITTEE

RESOLUTION 107-2018 (SMS). A Resolution proclaiming September 2018, *National Preparedness Month*

Introduced by Council Member Ungar, Seconded by Council Member Dunbar

Roll Call: Ayes: Seren, Stein, Stephens, Ungar, Yasinow, Dunbar, Roe
Nays: None

Legislation Passed

Council Member Ungar thanked the Charter Review Committee members for their work.

Mayor's Report

Mayor Roe made a statement about the loss of John McCain, Aretha Franklin and Cleveland Heights resident Mark Harris.

The next Committee of the Whole meeting will be on Wednesday, September 12.

The joint meeting with the School Board will be held on Monday, September 25 in Council Chambers.

Mayor Roe will be attending the Ohio Council Mayors Summit on Educational Attainment and will give a report at a later date.

The dedication of the Barbara Boyd Park will be Sunday, September 30 at 1:00 p.m.

Trash collection will be discussed at a Safety and Municipal Services Committee meeting in October.

Mayor Roe thanked Karen Knittel on behalf of Noble Neighbors for publicizing the Noble Gardeners Market. There is one more market this Saturday.

NEXT MEETING OF COUNCIL: MONDAY, SEPTEMBER 17, 2018

Respectfully submitted,

Carol Roe, Mayor

Laurie Sabin, Clerk of Council
/jkw



CLEVELAND HEIGHTS

July 30, 2018 Minutes

USE VARIANCE HEARING

6:15 – 6:41 p.m.

Mayor Roe presiding

Roll Call: Present: Dunbar, Roe, Seren, Ungar, Yasinow

Mayor Roe called Calendar Number 3458, applicant Lachelle Crawl, Mayfield Road, PPN 681-20-022. Mayor Roe reviewed the purpose and procedures of the hearing. The Mayor stated that Zoning Code Section 1115.07(e)(2) factors must be met to demonstrate clear and convincing evidence.

Everyone who was going to testify stood and was sworn in by Elizabeth Rothenberg.

The BZA application dated May 23, 2018 for Calendar Number 3458, the staff report dated June 12, 2018 and the staff BZA PowerPoint presented on June 20, 2018, the signed BZA minutes from June 20, 2018 and the Board of Zoning Appeals findings for Calendar Number 3458 be entered into the record.

Karen Knittel gave the presentation which follows as Exhibit 4. She presented zoning history for the block. The future land use plan shows this parcel being used as an attached or multi-family home. She gave an overview of use for surrounding parcels which include non-conforming parcels. She provided an overview of facts about the special variance and the surrounding area as outlined in Exhibit 3.

Karen Knittel stated the findings of the Board of Zoning Appeals and how the applicant met the factors from Zoning Code Section 1115.07(e)(2) that must be met to demonstrate clear and convincing evidence. Further details about how these were met are available in Exhibit 5.

- A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
- B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- C. The hardship condition is not created by actions of the applicant;
- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- E. The granting of the variance will not adversely affect the public health, safety or general welfare;
- F. The variance will be consistent with the general spirit and intent of the Zoning Code; and
- G. The variance sought is the minimum which will afford relief to the applicant.

CH Cod. Ord. §1115.07(e)(2).

Councilwoman Dunbar asked how this fit with Mayfield Corridor becoming a Tech Corridor according to the Master Plan. Karen Knittel replied that there was recognition that some of that was zoned residential and it would remain so, where some are zoned commercial, and that the intent is to think along those lines as we go forward.

Councilwoman Dunbar asked how the first houses got established there. Karen Knittel replied that they were established prior to the Zoning Code changing.

Councilwoman Dunbar asked if this house had to go to the Architectural Board of Review for the garage to be in front of the house. Karen Knittel replied that it does go to the Architectural Board of Review and summarized the standards of what is permitted for garages.

Councilman Ungar asked what staff's position was on this project when it was at the Board of Zoning Appeals level or before. Karen Knittel replied that staff doesn't make a recommendation, but looked at the facts which were presented tonight. Elizabeth Rothenberg asked Karen Knittel to remind everyone what the conditions were. Karen reviewed the recommendations for conditions were including that approval of any required site plan variances by the Board of Zoning Appeals needed to be completed, approval of the Architectural Board of Review and receipt of the building permit and construction within 24 months of the effective date of the variance.

Councilman Ungar asked if the applicant had been lucky enough to be wishing to do this before the zoning code was changed, though zoned multi-family, she could have constructed a single-family home. Karen Knittel replied that was correct. Councilman Ungar asked for the history of the change and whether they were thinking specifically of this area. Karen Knittel replied that they were probably not thinking specifically of this area since people typically do not want to build single-family homes along the heavily traveled corridor.

Councilman Seren asked about the parcel in the area that has a multi-family. Karen Knittel stated there was a group home and none of the non-conforming ones have multi-family homes.

The Mayor invited Lachelle Crawl to speak. Lachelle Crawl introduced herself as the parcel owner. Eli Mayler introduced himself as the architect on the project. The Mayor asked if they had anything they would like to add to the presentation.

Eli Mayler stated that as a single-family home, they do need the variance of 8 feet on each side. The property on the right side is 45 feet away from the property line and adding 8 additional feet would give them 53 feet between houses. On the left hand side, there are vacant lots. The garage would not be facing the street, but at a right angle to the street. By granting this variance of the side yard, it makes it more feasible and more attractive than having an elongated single-family house actually taking more room in the rear of that property.

Elizabeth Rothenberg clarified that he only needed to speak to the use. Lachelle Crawl thanked Karen for presenting all the information.

As there were no further questions, the Mayor thanked the applicant and architect. The Mayor asked if there were any members of the public that would like to speak regarding the proceedings and there were not. The Mayor asked for any final comments or questions.

Councilwoman Stephens commented she would like to vote in favor of this and encourage the applicant to spend her money in Cleveland Heights.

Vice Mayor Yasinow made a motion to approve BZA's action granting the Use Variance for Calendar Number 3458 to permit a single-family house to be constructed at permanent parcel number 681-20-022, where it is not permitted, and in making this motion, she did so after accepting the BZA's finding that all seven criteria as set forth in Zoning Code §1115.07(e)(2) have all been met by clear and convincing evidence. Councilwoman Stephens seconded the motion.

Councilman Seren wished the applicant a happy building experience if the motion passed.

Councilman Ungar stated that he found all seven criteria satisfied and joined his colleagues in welcoming her to Cleveland Heights.

Roll Call: Ayes: Dunbar, Roe, Seren, Ungar, Yasinow
 Nays: None

Motion Passed

Mayor Roe adjourned the meeting.

Respectfully submitted,

Carol Roe, Mayor

Laurie Sabin, Clerk of Council
/jkw

Board of Zoning Appeals

STAFF REPORT FOR THE JUNE 20, 2018 BZA MEETING

Staff contact: Karen Knittel, City Planner
291-4855 or kknittel@clvhts.com
Date of report: JUNE 12, 2018

Cal No. 3458 L. Crawl, Mayfield Rd. PPN 681-20-022, 'MF1' Multiple-family, requests use variance to Section 1123.02 and 1123.03 to permit single family house to be constructed (not permitted).

Context

- The parcel is zoned 'MF-1' Multiple-family
- North-single family houses on Rumson Road, zoned 'A' Single-family
- East- Help Inc., a vacant lot, a two-family house, 2 vacant lots, a single family house and the Wieder-Silver Manor Apartments at the corner of Mayfield Road and Forest Hills Boulevard. Zoned 'MF-1' Multiple-family.
- West- side yard and a single-family house, a vacant lot, single family house, and the Forest Hill Inc.'s lot at the corner of Mayfield Road and Burlington Road. Zoned 'MF-3' Multiple-family. Zoned 'MF-1' Multiple-family.
- South- across Mayfield Road is Saints Constantine & Helen Greek Orthodox Cathedral. Zoned 'MF-1' Multiple-family.

History

- The zoning for this area of Mayfield Road has changed over the years:
 - 1921 – zoned 'U5' commercial
 - 1954 – zoned 'A' single-family
 - 1970 - zoned 'A' single-family
 - 1976 - zoned 'MF1' multiple-family
- Prior to the 1993 Zoning Code amendment, single family uses were permitted in multi-family districts.

Facts

- Code Section 1123.01 (a) provides the purpose of 'MF1' Multiple-Use Districts to be:
The MF-1 District is established to provide for townhouses and garde-type apartments where buildings are low (two (2) stories) and there is ample open space and parking on surface lots usually in the rear of the buildings. These are placed in the MF-1 District which has a minimum lot area per dwelling unit resulting in a density of approximately twelve (12) dwelling units an acre.
- Code Section 1123.03 provides that the principal uses permitted in a MF1 district are:
 - (a) Townhomes
 - (b) Multiple-family dwellings
 - (c) Cluster development
 - (d) Public parking (surface lot)

- Permanent Parcel Number 681-20-022 is a nonconforming lot as it is 70 feet wide and 14,700 square feet in area. A conforming MF1 Multiple-family parcel is a minimum of 100 feet wide at the building line and has a minimum of 20,000 square feet in area.
- This parcel is located on the north side of Mayfield Road between Forest Hills Boulevard and Burlington Road.
- To the north and the rear of the property are single family properties with Rumson Rd. addresses.
- The corner parcel at Forest Hills Boulevard and Mayfield Road is the Wieder-Silver Manor Apartments with a Forest Hills Boulevard address (1452 Forest Hills Blvd). This property has 152 feet of frontage and is 31,681 square feet.
- There are twelve parcels on the blockface along the north side of Mayfield Road between Burlington Road and Forest Hills Boulevard. Ten of these are nonconforming parcels as all are 70 feet wide and 14,700 square feet in area (including the applicant's parcel). Only one of these 6 vacant parcels is owned by the same owner as an adjacent parcel. Permanent Parcel Number 681-20-021 is owned by the same owner as the parcel 681-20-020 that has a single family house.
- Of the ten nonconforming parcels 3 have single family houses and 1 has a two-family house.
- In 1995, a Use Variance was granted to construct the single family home in a multi-family district at 3315 Mayfield Road (PPM 681-20-020) (Calendar Number 2561)
- Two parcels are conforming in terms of area:
 - one is permanent parcel number 681-20-001 which is owned by the Forest Hill Homeowners, Inc. and is vacant. It has 109' of frontage along Mayfield Road and is 21,800 square feet. This parcel is located at the corner of Mayfield and Burlington.
 - The second parcel is Permanent Parcel Number 681-20-023 that is owned by Help, Inc. and has apartments.
- As PPN 681-20-022 is a nonconforming parcel, to build a multi-family dwelling variances would be required which include:
 - to the minimum development area; this parcel is 14,700 and the minimum development area is 20,000.
 - to the building line width as this parcel is 70 feet wide and the minimum building line width required is 100 feet.
- The Future Land Use Map from the Master Plan shows this parcel as being used for attached or multi-family, which would include a range of high-density options including townhomes and apartment buildings.

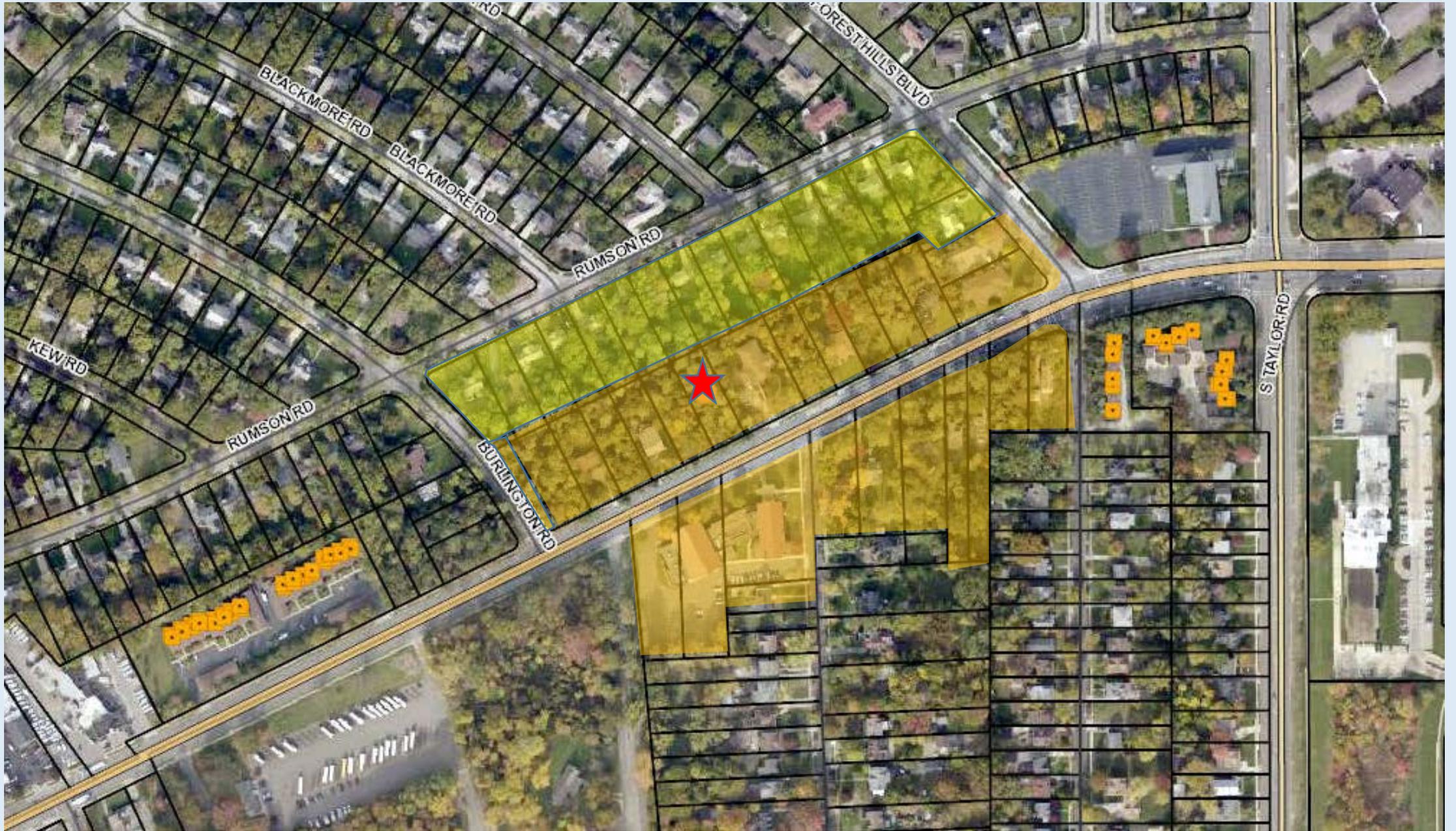
The applicant's statement of hardship is attached.

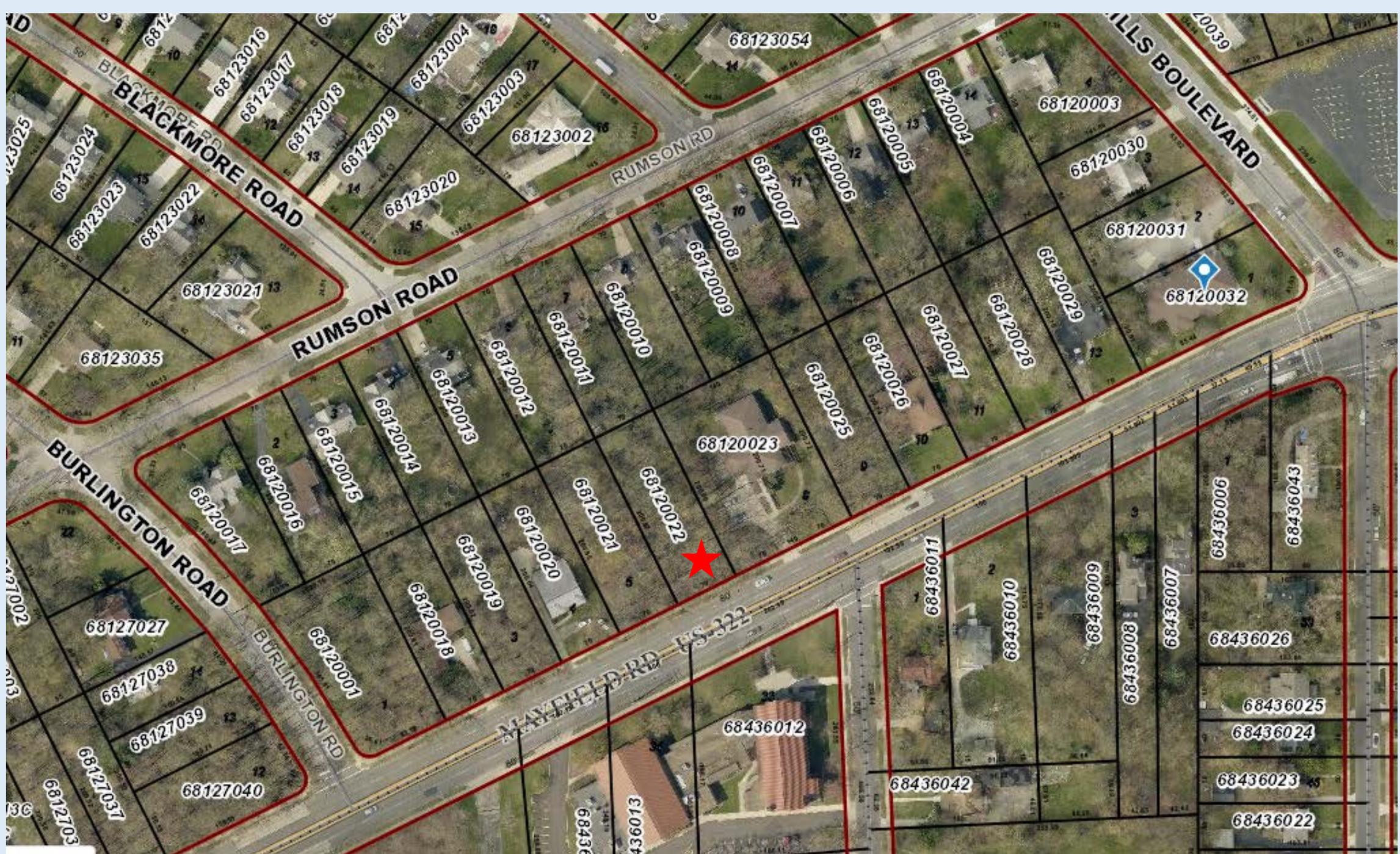
If approved, conditions should include:

1. Approval of any required site plan variances by the Board of Zoning Appeals;
2. Approval of the Architectural Board of Review;
3. Receipt of a Building Permit; and
4. Complete construction within 24 months of the effective date of this variance.

Criteria for Demonstrating Hardship by Clear and Convincing Evidence

- A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
- B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- C. The hardship condition is not created by actions of the applicant;
- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- E. The granting of the variance will not adversely affect the public health, safety or general welfare;
- F. The variance will be consistent with the general spirit and intent of the Zoning Code; and
- G. The variance sought is the minimum which will afford relief to the applicant.

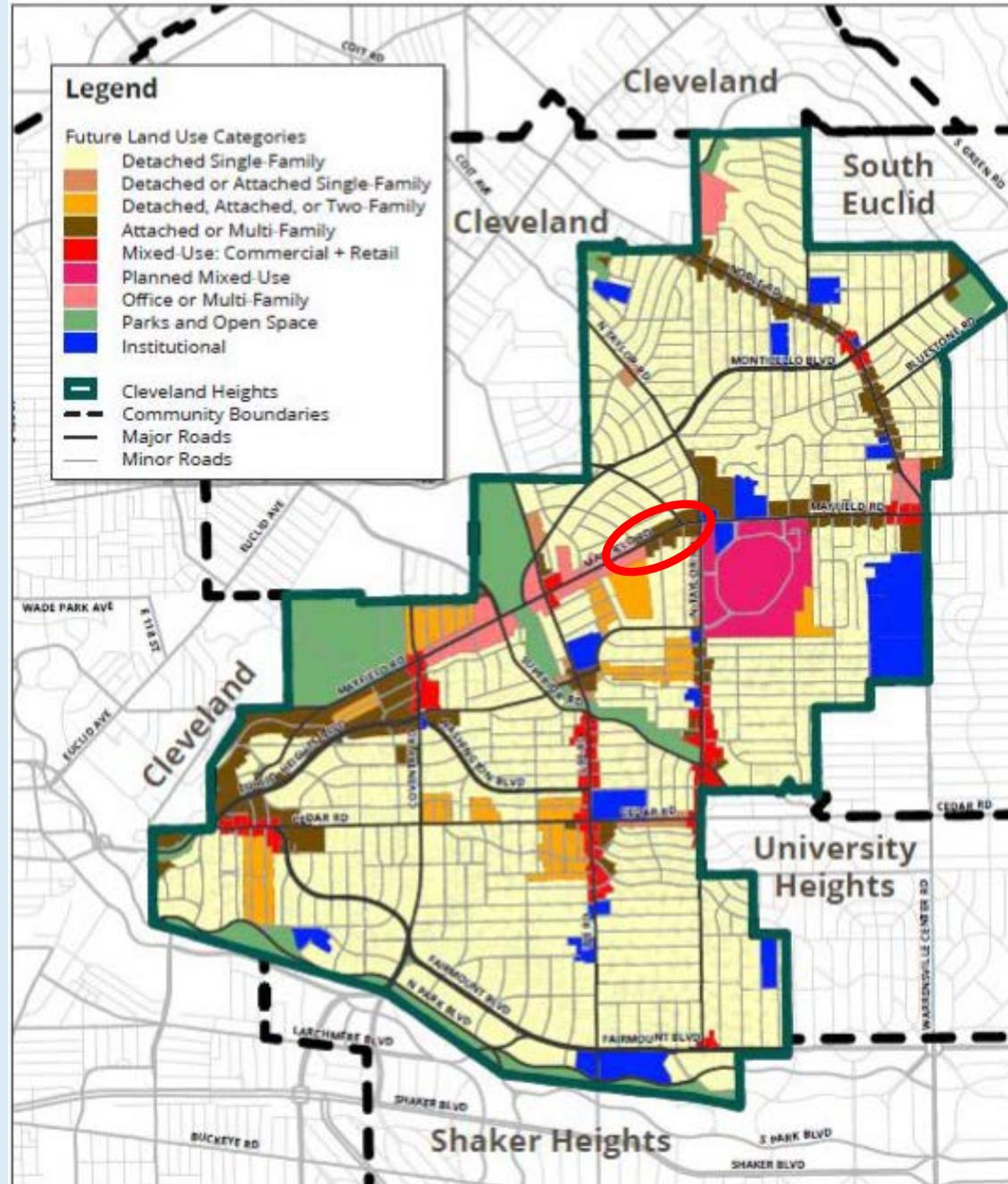


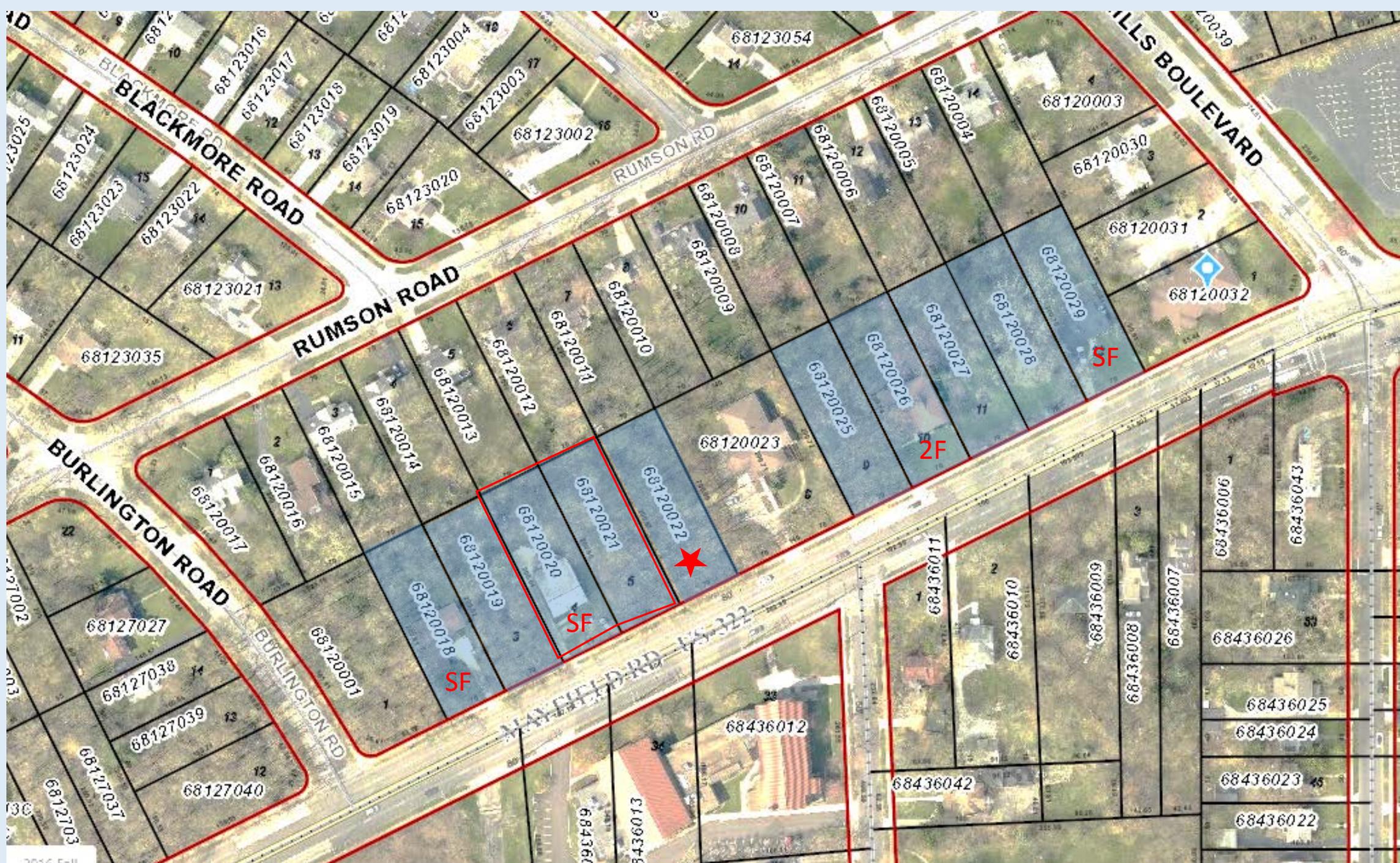


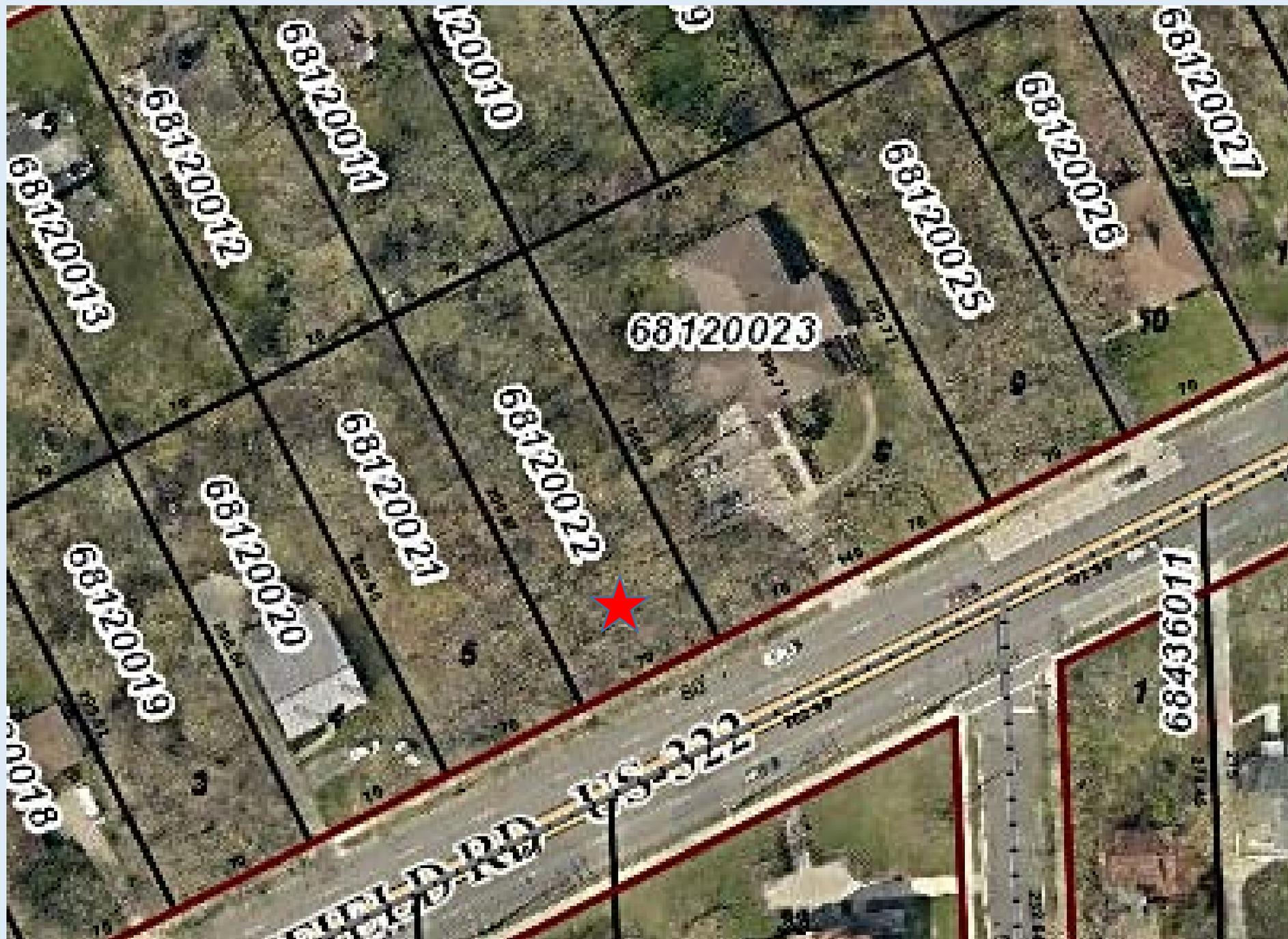
North

- A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
- B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- C. The hardship condition is not created by actions of the applicant;
- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- E. The granting of the variance will not adversely affect the public health, safety or general welfare;
- F. The variance will be consistent with the general spirit and intent of the Zoning Code; and
- G. The variance sought is the minimum which will afford relief to the applicant.

Map 21 Future Land Use







CLEVELAND HEIGHTS

BOARD OF ZONING APPEALS USE VARIANCE APPROVAL FINDINGS

Calendar No. 3458

Lachelle Crawl

Mayfield Road, PPN 681-20-022

On June 20, 2018, after reviewing the application, staff report, and other submissions, and hearing the evidence under oath during a public hearing, the Board of Zoning Appeals found the following facts and made the following conclusions of law:

- The property cannot be put to any economically viable use under any of the permitted uses in the zoning district.
- The lot size is not sufficient to properly develop a multi-family residence, for which the district is zoned.
- The lot is only 70 feet wide and 14,070 square feet in area so it does not meet the minimum code requirements of a multi-family residence of 100 feet wide at building line and 20,000 square feet in area.
- The parcel, as configured, would only allow a density of three units which is not economically viable for a multi-family development.
- The variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district in that this is a fictional multi-family district because the lots sizes as drawn are insufficient to develop a code-conforming, multi-family residence.
- What is unique about this property is that, unlike other properties in multi-family districts, it cannot be used for its designated multi-family zoning in a code-conforming manner.
- The hardship condition was not created by the actions of the applicant but rather the condition was created by the boundaries and zoning designation.
- The granting of the variance will not adversely affect the rights of adjacent property owners or residents because other single-family homes are already on the block;
- The granting of the variance will not adversely affect the public health, safety or general welfare as evidenced by the existence of other single-family homes in this multi-family district.
- A single-family house uses much less land and would minimize the potential storm water issues that neighbors have expressed concerns about, as compared to a more dense use like a multi-family residence.
- The variance is consistent with the general spirit and intent of the Zoning Code because the lot is not large enough to build a code-conforming, multi-family home.
- The variance sought is the minimum which will afford relief to the applicant because a code-conforming multi-family house cannot be building on the lot.

The Board of Zoning Appeals concluded that the applicant for the use variance had demonstrated that the applicant would suffer unnecessary hardship if strict compliance with the terms of the Zoning Code was required and that the applicant had met the burden of demonstrating such hardship by clear and convincing evidence.

Based on these findings of facts and conclusions of law, the BZA approved (5-0) the following use variances to Zoning Code Sections 1123.02 and 1223.03 to permit a single-family house to constructed (not permitted) with the following conditions:

1. Approval of any required site plan variances by the Board of Zoning Appeals;
2. Approval of the Architectural Board of Appeals;
3. Receipt of a Building Permit; and
4. Complete construction within 24 months of the effective date of this variance.

I hereby certify that the above findings were made by the Board of Zoning Appeals on June 20, 2018.



Richard Wong, Secretary for Board of Zoning Appeals

A copy of this resolution was filed with the Clerk of Council on Monday, July 23, 2018.



Laurie Sabin, Clerk of Council

ELI MAHLER ASSOCIATES

Architects and Planners

3947 West Ash Lane
Cleveland, Ohio 44122
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May 21, 2018

Board of Zoning and Planning
Cleveland Heights Building Department
40 Severance Circle
Cleveland Heights, Ohio 44118

RE: Variances – P.P.N. 681-20-022 Mayfield Road

Dear Zoning Board:

My client, Ms. Lachelle Crawl is requesting that the property be changed from a Multi-Family to Single Family lot with a reduced side yard variance of eight feet on both sides of the house.

The adjacent lots between Burlington and Forest Hills Boulevard are all non-conforming multi-family lots, 70 feet wide. By granting this variance, it will become a single family lot, the same as the adjacent parcels.

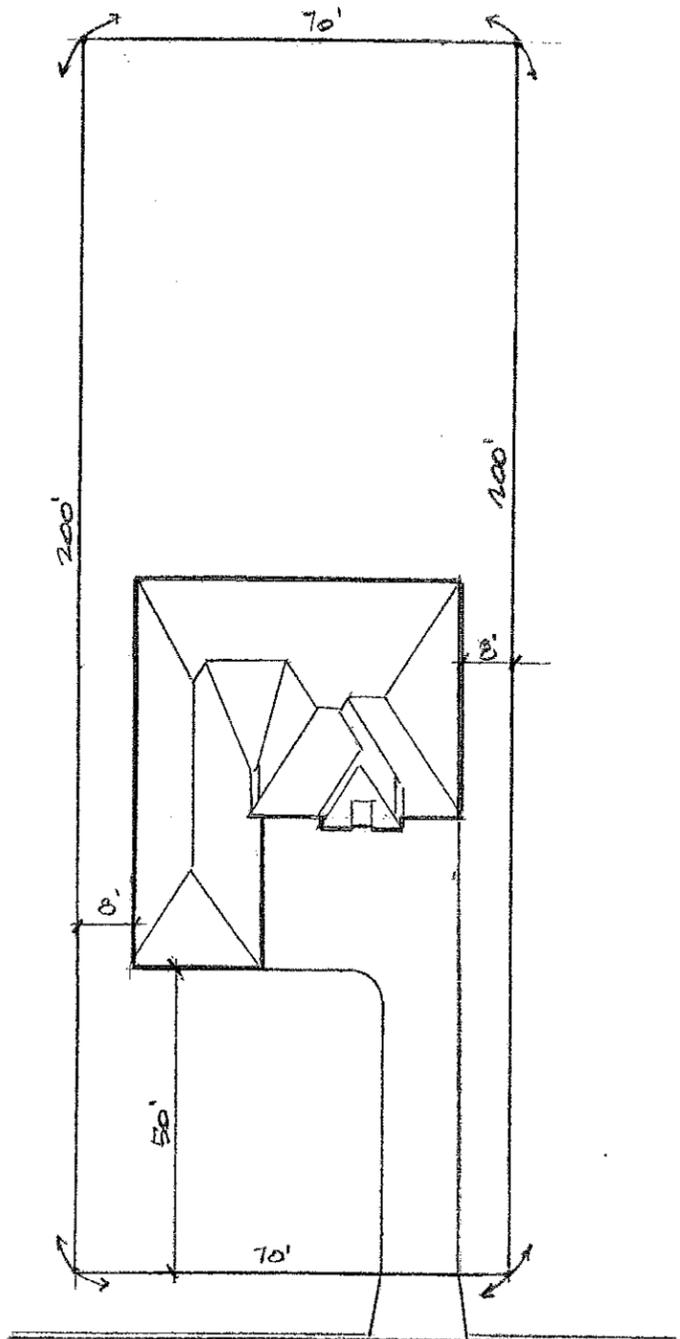
The second variance request for 8 feet side yard set back in lieu of 15 feet, will make it feasible to construct a single family, one-story house, making the best use of the land. The hardship created by the zoning restriction makes it impossible to build a single-story house which will be shared by Mrs. Crawl and her elderly mother.

Respectfully submitted,



Eli Mahler

LACHELLE CRAWL RESIDENCE



70 x 200 = 14000
sq. area



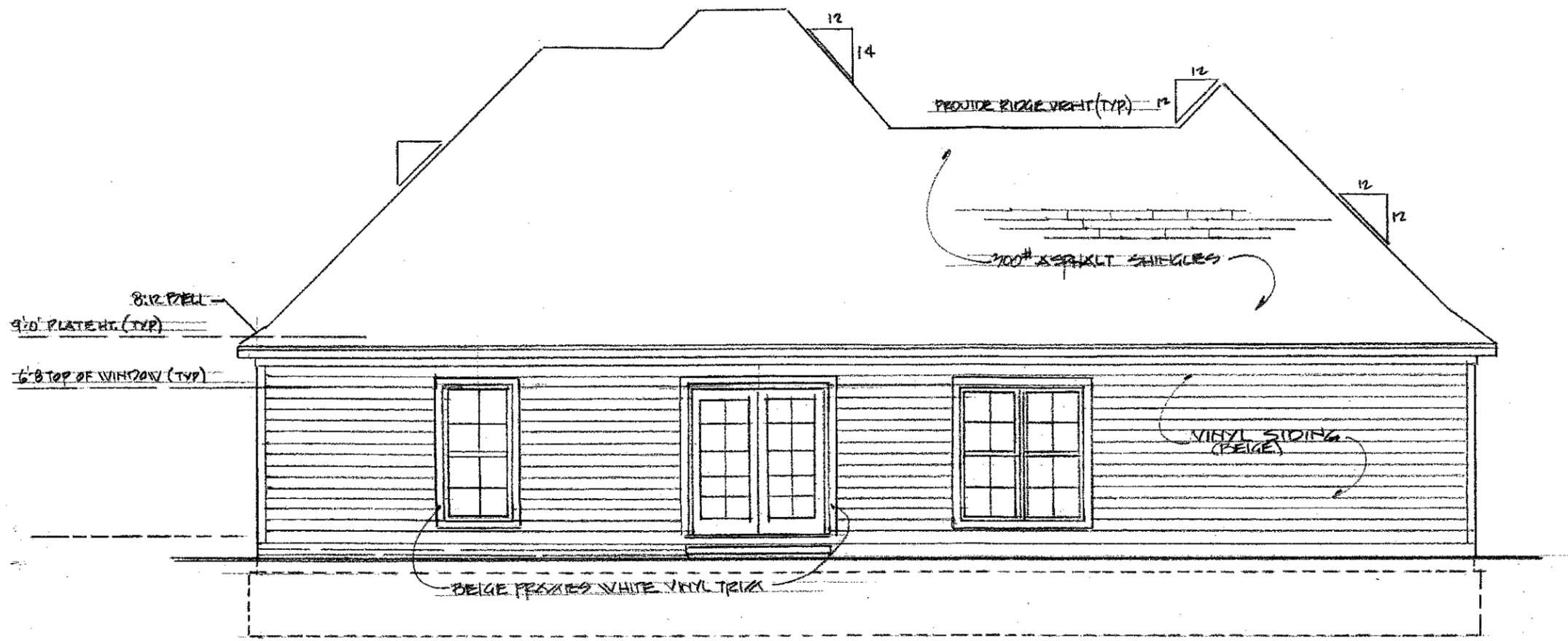
MAYFIELD ROAD
 Plot Plan
 SCALE 1"=20'-0"

NEW RESIDENCE FOR:
 LACHELLE CRAWL
 P.P.N. 681-20-022 MAYFIELD RD
 CLEVELAND HTS., OHIO

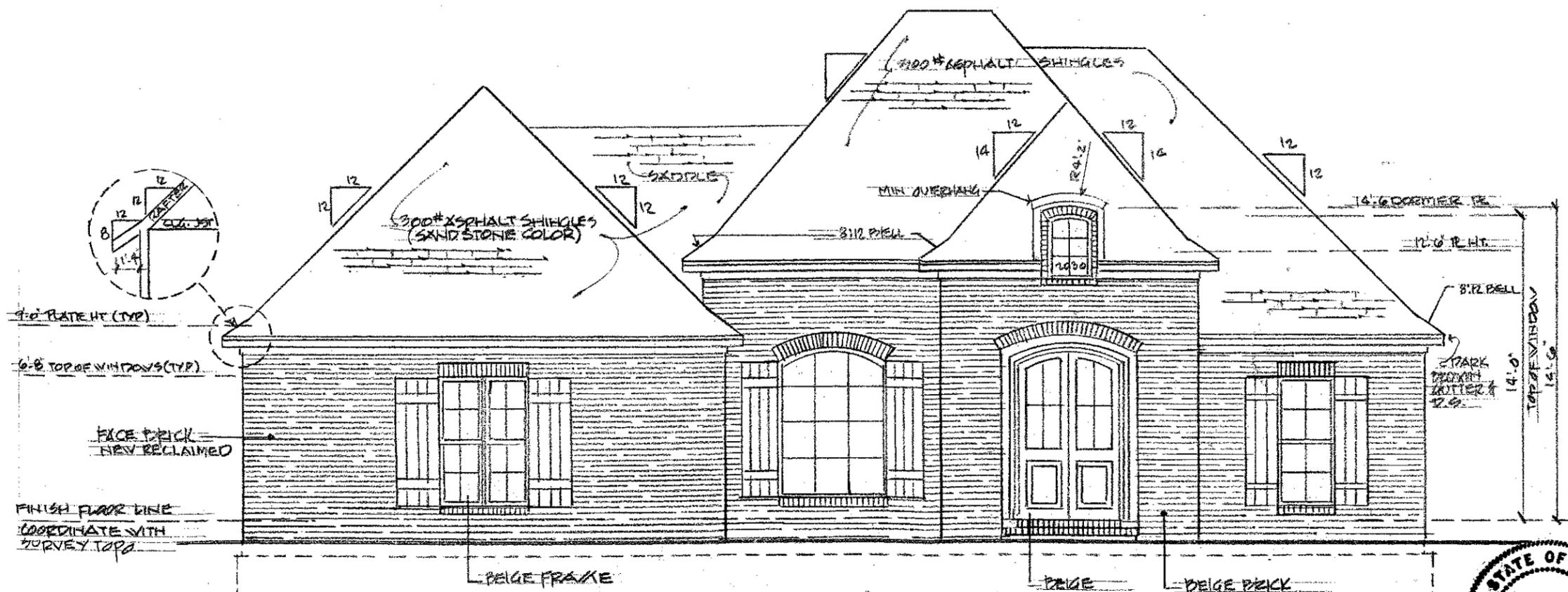
ELI MAHLER - ASSOCIATES
 ARCHITECTS & PLANNERS
 3947 WEST ASH LANE
 TEL. (216) 831-3947
 CLEVELAND, OHIO 44122

DRAWN
CHECKED
DATE MAY 7, 2018
SCALE
JOB NO.
SHEET





REAR ELEVATION
SCALE 1/4" = 1'-0"



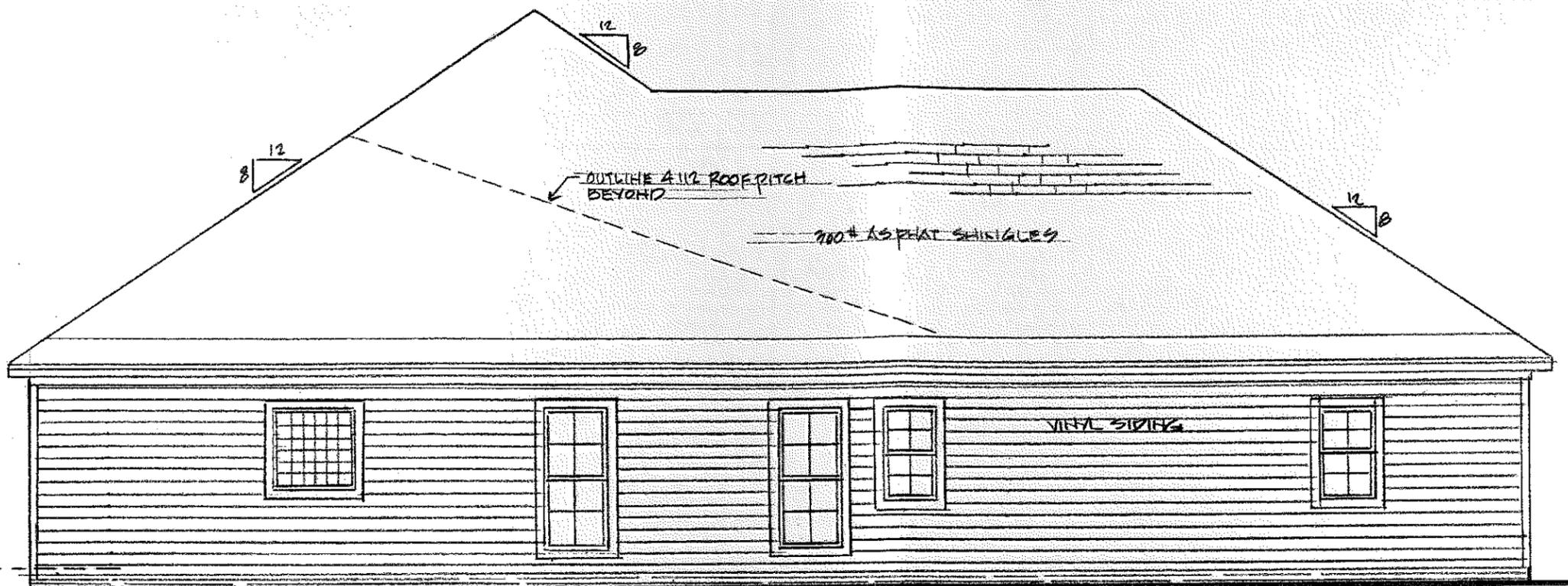
REVISIONS	BY

NEW RESIDENCE FOR
LACHELLE CRAWL
P.P.N. 681-20-022 MAYFIELD RD
CLEVELAND HTS., OHIO

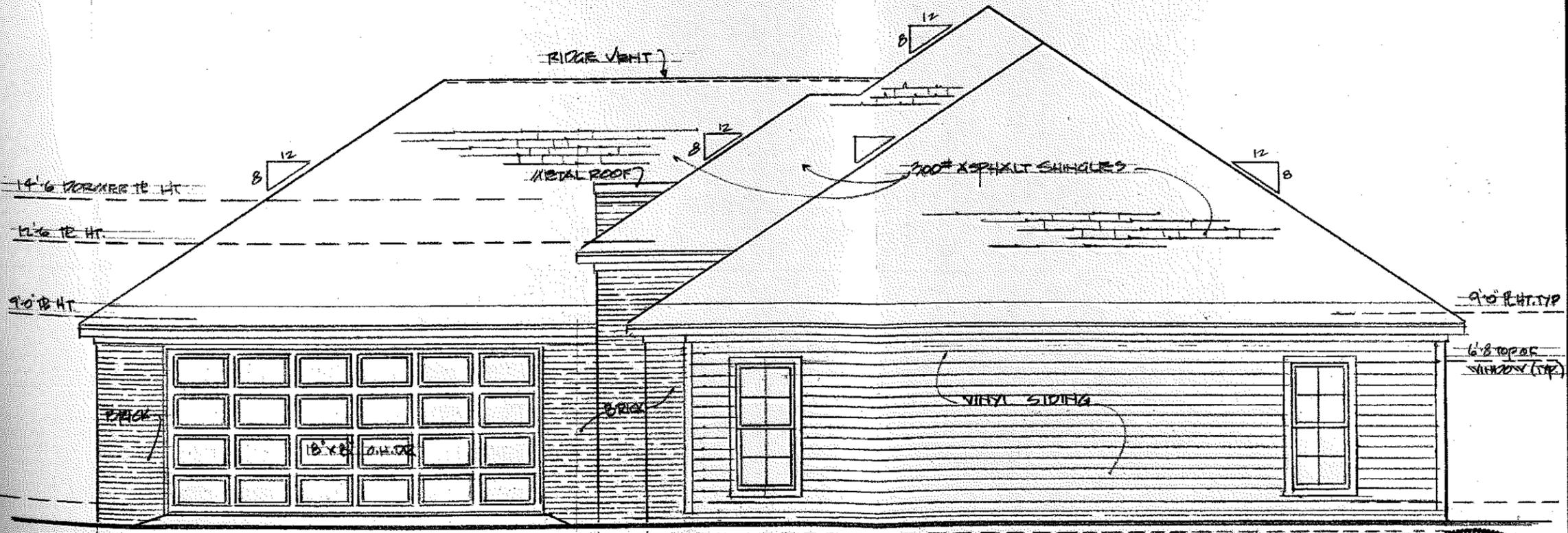
ELI MAHLER - ASSOCIATES
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CLEVELAND, OHIO 44122
3947 WEST ASH LANE
TEL. (216) 831-3947

DRAWN
CHECKED
DATE MAY 7, 2018
SCALE
JOB NO.
SHEET

REVISIONS	BY



LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"



NEW RESIDENCE PART
LACHEME CRAWL
P.P.N. 681-20-012 WATFIELD RD
CLEVELAND HTS., OHIO

ELI MAHLER - ASSOCIATES
ARCHITECTS & PLANNERS
3947 WEST ASH LANE
TEL. (216) 831-3947
CLEVELAND, OHIO 44122



DRAWN
CHECKED
DATE MAY 7, 2018
SCALE
JOB NO.
SHEET

Board of Zoning Appeals

STAFF REPORT FOR THE JUNE 20, 2018 BZA MEETING

Staff contact: Karen Knittel, City Planner
291-4855 or kknittel@clvhts.com
Date of report: JUNE 12, 2018

Cal No. 3458 L. Crawl, Mayfield Rd. PPN 681-20-022, 'MF1' Multiple-family, requests use variance to Section 1123.02 and 1123.03 to permit single family house to be constructed (not permitted).

Context

- The parcel is zoned 'MF-1' Multiple-family
- North-single family houses on Rumson Road, zoned 'A' Single-family
- East- Help Inc., a vacant lot, a two-family house, 2 vacant lots, a single family house and the Wieder-Silver Manor Apartments at the corner of Mayfield Road and Forest Hills Boulevard. Zoned 'MF-1' Multiple-family.
- West- side yard and a single-family house, a vacant lot, single family house, and the Forest Hill Inc.'s lot at the corner of Mayfield Road and Burlington Road. Zoned 'MF-3' Multiple-family. Zoned 'MF-1' Multiple-family.
- South- across Mayfield Road is Saints Constantine & Helen Greek Orthodox Cathedral. Zoned 'MF-1' Multiple-family.

History

- The zoning for this area of Mayfield Road has changed over the years:
 - 1921 – zoned 'U5' commercial
 - 1954 – zoned 'A' single-family
 - 1970 - zoned 'A' single-family
 - 1976 - zoned 'MF1' multiple-family
- Prior to the 1993 Zoning Code amendment, single family uses were permitted in multi-family districts.

Facts

- Code Section 1123.01 (a) provides the purpose of 'MF1' Multiple-Use Districts to be:
The MF-1 District is established to provide for townhouses and garde-type apartments where buildings are low (two (2) stories) and there is ample open space and parking on surface lots usually in the rear of the buildings. These are placed in the MF-1 District which has a minimum lot area per dwelling unit resulting in a density of approximately twelve (12) dwelling units an acre.
- Code Section 1123.03 provides that the principal uses permitted in a MF1 district are:
 - (a) Townhomes
 - (b) Multiple-family dwellings
 - (c) Cluster development
 - (d) Public parking (surface lot)

- Permanent Parcel Number 681-20-022 is a nonconforming lot as it is 70 feet wide and 14,700 square feet in area. A conforming MF1 Multiple-family parcel is a minimum of 100 feet wide at the building line and has a minimum of 20,000 square feet in area.
- This parcel is located on the north side of Mayfield Road between Forest Hills Boulevard and Burlington Road.
- To the north and the rear of the property are single family properties with Rumson Rd. addresses.
- The corner parcel at Forest Hills Boulevard and Mayfield Road is the Wieder-Silver Manor Apartments with a Forest Hills Boulevard address (1452 Forest Hills Blvd). This property has 152 feet of frontage and is 31,681 square feet.
- There are twelve parcels on the blockface along the north side of Mayfield Road between Burlington Road and Forest Hills Boulevard. Ten of these are nonconforming parcels as all are 70 feet wide and 14,700 square feet in area (including the applicant's parcel). Only one of these 6 vacant parcels is owned by the same owner as an adjacent parcel. Permanent Parcel Number 681-20-021 is owned by the same owner as the parcel 681-20-020 that has a single family house.
- Of the ten nonconforming parcels 3 have single family houses and 1 has a two-family house.
- In 1995, a Use Variance was granted to construct the single family home in a multi-family district at 3315 Mayfield Road (PPM 681-20-020) (Calendar Number 2561)
- Two parcels are conforming in terms of area:
 - one is permanent parcel number 681-20-001 which is owned by the Forest Hill Homeowners, Inc. and is vacant. It has 109' of frontage along Mayfield Road and is 21,800 square feet. This parcel is located at the corner of Mayfield and Burlington.
 - The second parcel is Permanent Parcel Number 681-20-023 that is owned by Help, Inc. and has apartments.
- As PPN 681-20-022 is a nonconforming parcel, to build a multi-family dwelling variances would be required which include:
 - to the minimum development area; this parcel is 14,700 and the minimum development area is 20,000.
 - to the building line width as this parcel is 70 feet wide and the minimum building line width required is 100 feet.
- The Future Land Use Map from the Master Plan shows this parcel as being used for attached or multi-family, which would include a range of high-density options including townhomes and apartment buildings.

The applicant's statement of hardship is attached.

If approved, conditions should include:

1. Approval of any required site plan variances by the Board of Zoning Appeals;
2. Approval of the Architectural Board of Review;
3. Receipt of a Building Permit; and
4. Complete construction within 24 months of the effective date of this variance.