
MEMORANDUM

TO: Members of Council
FROM: Tanisha R. Briley, City Manager
DATE: September 21, 2018
RE: September 24, 2018

MEETINGS & REMINDERS

Monday, September 24	-	6:15 p.m.	-	Joint Meeting with CH-UH School Board
Thursday, September 27	-	6:00 p.m.	-	Meet Your Police
	-	7:00 p.m.	-	Immigration Task Force

LEGISLATION

- **Bond Foreclosure Legislation (Business) *Second Reading***. 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), *Second Reading***. 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.
- **Breast Cancer Awareness**. A Resolution joining communities throughout the nation in proclaiming October 2018 *National Breast Cancer Awareness Month*; October 13, 2018, *Metastatic Breast Cancer Awareness Day*; and October 19, 2018, *National Mammography Day*.
- **Tobacco 21, *First Reading***. An Ordinance enacting Chapter 729, *Tobacco Product Vendors; Sales to Persons Under 21*, of the Codified Ordinances of Cleveland Heights to prohibit sales to persons under 21 and to provide for permitting of businesses who sell tobacco products; and repealing Section 537.16, “Illegal Distribution of Cigarettes, Other Tobacco Products Or Alternate Tobacco

Products,” in Chapter 537, *Offenses Against Person*, of the Codified Ordinances of Cleveland Heights.

GENERAL INFORMATION

1. Enclosed is the Agenda.
2. Enclosed are monthly financials from the Finance Director.
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 Housing Director.
8. Enclosed is an update from the Parks and Recreation Director.
9. Enclosed is the weekly activity report from the Fire Chief.
10. Enclosed is the weekly activity report from the Police Chief.
11. Enclosed is the Board of Zoning Appeals agenda.

TRB/jkw
Enclosures



CLEVELAND HEIGHTS

AGENDA (tentative) – CH-UH BOARD OF EDUCATION AND CLEVELAND HEIGHTS CITY COUNCIL JOINT MEETING

COUNCIL CHAMBERS

Monday, September 24, 2018
Joint Meeting
6:30 p.m.

Cleveland Heights City Hall
40 Severance Circle
Cleveland Heights, Ohio

Call to Order	6:30 – 6:35
Introductions	6:35 – 6:40
City Items	
Immigration Task Force (Director Nancy Levin, Heights Libraries)	6:40 – 6:55
Mayor’s Educational Attainment Summit (Mayor Carol Roe)	6:55 – 7:00
Economic Development Update - Top of the Hill, Meadowbrook and Lee, and Reinvestment (City Staff)	7:00 – 7:15
Area-wide Broadband Update (Mayor Carol Roe)	7:15 – 7:17
Joint Items	
Tobacco 21 Legislation (City)	7:17 – 7:23
Ongoing Indoor Pool Collaboration (Mayor Carol Roe)	7:23 – 7:24
Thank you to City Safety Forces (School Board President Jim Posch)	7:24 – 7:25
School Items	
State Report Card Update (Superintendent Dr. Talisa Dixon)	7:25 – 7:30
Wraparound Services Initiative (Superintendent Dr. Talisa Dixon)	7:30 – 7:40

**AGENDA (tentative) CITY OF CLEVELAND HEIGHTS
MONDAY, SEPTEMBER 24, 2018**

Career & Technical Education Programs (Superintendent Dr. Talisa Dixon)	7:40 – 7:42
Five-Year Forecast - <i>Extending the Levy from 3 to 4 Years Discussion</i> (CFO & Treasurer Scott Gainer)	7:42 – 7:52
Middle School Project Update & High School Warranty (Superintendent Dr. Talisa Dixon)	7:52 – 7:57
Facilities Phase II Discussion – Preliminary Plans (School Board President Jim Posch)	7:57 – 8:02
Lay Finance Committee & Advocacy Committee Announcement (School Board President Jim Posch)	8:02 – 8:03
Closing	
Other Announcements and Call for Additional Items	8:03 – 8:05
Adjournment	

Memo

To: Tanisha Briley, City Manager
From: Laurie Sabin
Date: September 12, 2018
Re: August 2018 Financial Statements

Attached please find the August 2018 Unencumbered Balances Statement for All Funds and Review of General Fund Statement.

Review of General Fund Statement

Revenue:

As of August 31, 2018, General Fund revenues are \$1,996,636 higher than 2017. This is mainly comprised of an increase of \$306,716 in property taxes, an increase of \$637,010 in income taxes, an increase of \$462,451 in landfill fees, an increase of \$114,391 in criminal fines and costs, and an increase in other revenue of \$13,878 for Workers Compensation premium refunds. As you know, in 2017, landfill fees were billed monthly in January and February and were billed quarterly thereafter. Year-to-date August 2018 landfill fees are at 70% of budget in comparison to 49% in prior year. Year-to-date August 31, 2018 General Fund revenues have exceeded budget for property taxes, interest earnings, other revenues, and sale of assets by a total of \$474,287 and are on track for the remaining line items.

Expenditures:

Total General Fund expenditures are at 68% of the budgeted amount and were 64% of the total yearly expenditures for August 2017. August 2018 total General Fund expenditures are \$1,351,673 higher than prior year. This total increase is the combination of personal services expense increases of \$760,428 and other than personal services expense increases of \$591,245.

August 2018 personal services are \$760,428 higher than prior year and are at 67% of the 2018 budgeted amount. As previously explained, this increase is the combination of a decrease in personal services and, due to decreased prefunding in 2018, increases in Workers Compensation and hospitalization. There were two pay period ends in January 2018 compared to three pay period ends in January 2017. Salaries are \$669,075 lower than prior year. Workers Compensation was not prefunded in 2018 and is \$384,988 higher than prior year. Hospitalization was prefunded \$1,000,000 in 2017 and \$500,000 in 2018 and is \$593,774 higher than prior year.

Expenses other than personal services as of August 2018 are \$591,245 higher in comparison to prior year. August 2018 encumbrances are \$152,793 higher than prior year. Expenditures are \$438,452 higher than prior year mainly due to differences in budgeted transfer amounts of \$385,523 for Joint Dispatch, increased material and supplies expense for vehicle and equipment repairs of \$79,379 in the Vehicle Maintenance Department, and timing differences of payments to outside contractors in the Building Department of \$76,811. At 68% of total budget, General Fund expenses remain on target as of August 31, 2018.

**UNENCUMBERED BALANCES FOR ALL FUNDS
AS OF 8/31/18
Unadjusted for Revenue and Expense**

FUND NUMBER	FUND NAME	UNENCUMBERED BALANCE AS ADJUSTED AS OF 1/1/18	YTD CREDITS	YTD DEBITS	ESTIMATED UNENCUMBERED BALANCE 8/31/2018
101	GENERAL	\$6,272,206	\$34,705,591	\$29,831,051	\$11,146,746
102	BUDGET STABILIZATION ACCOUNT	\$1,100,000	\$0	\$0	\$1,100,000
201	STREET CONSTRUCTION	\$7	\$1,183,104	\$1,717,566	(\$534,456)
202	FOUNDATION GRANTS	\$0	\$0	\$21,749	(\$21,749)
203	FIRST SUBURBS CONSORTIUM	\$82,541	\$0	\$613	\$81,928
204	COMMUNICATION SYSTEMS OPERATION	\$194,283	\$681,523	\$1,060,923	(\$185,116)
205	PUBLIC WORKS FACILITY IMPROVEMENT	\$423	\$0	\$0	\$423
206	LAW ENFORCEMENT TRUST	\$363,813	\$34,481	\$30,674	\$367,620
207	DRUG LAW ENFORCEMENT TRUST	\$15,429	\$89,321	\$102,278	\$2,472
208	CDBG RESOURCE	\$9	\$1,146,528	\$1,302,720	(\$156,184)
210	EPA BROWNFIELD GRANT	\$0	\$0	\$0	\$0
211	HOME PROGRAM	\$26,200	\$200,279	\$148,797	\$77,682
212	FEMA	\$103,449	\$193,011	\$156,748	\$139,711
213	POLICE FACILITY IMPROVEMENT	\$40,957	\$21,700	\$18,000	\$44,657
214	LOCAL TV PROGRAMMING	\$1,084,350	\$411,383	\$367,978	\$1,127,755
215	CAIN PARK	\$22,498	\$718,696	\$858,332	(\$117,138)
216	RECREATION FACILITY IMPROVEMENT	\$438,638	\$519,606	\$580,378	\$377,865
217	PUBLIC RIGHT OF WAY	\$122,267	\$34,491	\$0	\$156,758
221	INDIGENT DUI TREATMENT	\$225,859	\$13,056	\$0	\$238,915
222	MUNICIPAL COURT COMPUTERIZATION	\$0	\$102,936	\$115,187	(\$12,251)
223	DUI - ENFORCEMENT/EDUCATION	\$107,013	\$3,112	\$0	\$110,125
225	MUNI COURT - SPECIAL PROJECTS	\$1,925,840	\$77,773	\$61,035	\$1,942,578
226	LEAD SAFE PROGRAM - CUYAHOGA CNTY	\$6,600	\$96,371	\$153,650	(\$50,679)
227	NEIGHBORHOOD STABILIZATION PRGM	\$123,599	\$0	\$0	\$123,599
230	STREET LIGHTING	\$809,998	\$1,117,382	\$623,486	\$1,303,894
231	TREE FUND	\$495,918	\$976,510	\$698,459	\$773,969
232	POLICE PENSION	\$1	\$815,267	\$579,285	\$235,983
233	FIRE PENSION	\$3	\$1,068,853	\$821,535	\$247,322
234	EARNED BENEFITS	\$235,103	\$0	\$125,554	\$109,550
237	FIRST SUBURBS DEVELOPMENT COUNCIL	\$57,752	\$0	\$0	\$57,752
301	G.O. BOND RETIREMENT	\$2,075,927	\$1,234,503	\$1,200	\$3,309,230
402	FINANCED CAPITAL PROJECTS	\$628,479	\$70,665	\$542,477	\$156,667
411	ECONOMIC DEVELOPMENT	\$1,454,061	\$186,949	\$143,527	\$1,497,483
412	CITY HALL MAINTENANCE AND REPAIR	\$63,030	\$17,020	\$0	\$80,050
415	SEVERANCE RING ROAD RECONSTRUCTION	\$35,045	\$0	\$0	\$35,045
601	WATER	\$2,336,432	\$414,325	\$795,103	\$1,955,654
602	SEWER	\$341,100	\$3,302,686	\$1,916,968	\$1,726,818
603	PARKING	\$490,296	\$588,810	\$638,684	\$440,421
606	AMBULANCE SERVICES	\$1,381,618	\$615,788	\$355,677	\$1,641,730
701	HOSPITALIZATION	\$500,000	\$0	\$500,000	\$0
703	WORKERS COMPENSATION	\$194,768	\$0	\$0	\$194,768
804	OFFICE ON AGING	\$9,225	\$3,222	\$5,685	\$6,763
808	YOUTH RECREATION SCHOLARSHIP	\$38,512	\$8,406	\$0	\$46,918
809	POLICE MEMORIAL TRUST FUND	\$10,607	\$0	\$0	\$10,607
810	YOUTH ADVISORY COMMISSION	\$71	\$0	\$0	\$71
811	JUVENILE DIVERSION PROGRAM	\$4,465	\$3,500	\$5,294	\$2,671
857	SALES TAX	\$346	\$12	\$10	\$349
858	MISCELLANEOUS AGENCY	\$350,297	\$146,615	\$83,773	\$413,139
864	NEORS	\$5	\$0	\$0	\$5
TOTALS		\$23,769,040	\$50,803,474	\$44,364,394	\$30,208,120

**CITY OF CLEVELAND HEIGHTS
REVIEW OF GENERAL FUND
AT AUGUST 31, 2018**

REVENUES:	8/31/2017 Actual	12/31/2017 Actual	Percentage 2017 Actual	2018 Budget	8/31/2018 Actual	Percentage 2018 Budget	Difference 2018 vs 2017
Property Taxes	\$6,415,102	\$6,597,397	97%	\$6,500,000	\$6,721,818	103%	\$306,716
Municipal Income Tax	\$19,557,937	\$27,770,905	70%	\$26,875,000	\$20,194,947	75%	\$637,010
Other Local Taxes	\$33,126	\$57,636	57%	\$90,000	\$41,578	46%	\$8,452
State Levied/Shared Taxes	\$948,744	\$1,425,910	67%	\$1,479,000	\$931,665	63%	(\$17,079)
Intergovernmental Grants & Contracts	\$477,740	\$951,915	50%	\$915,000	\$463,664	51%	(\$14,076)
Charges For Services	\$1,843,240	\$2,700,905	68%	\$3,300,000	\$2,280,063	69%	\$436,823
Fees, Licenses, Permits	\$1,155,449	\$2,287,185	51%	\$1,810,000	\$1,266,116	70%	\$110,667
Interest Earnings	\$39,081	\$242,877	16%	\$50,000	\$233,136	466%	\$194,055
Fines and Forfeitures	\$1,181,148	\$1,791,183	66%	\$1,610,000	\$1,328,271	83%	\$147,123
All Other Revenue	\$1,041,462	\$2,870,512	36%	\$1,165,000	\$1,197,423	103%	\$155,960
Sale of Assets	\$15,926	\$42,473	37%	\$10,000	\$46,910	469%	\$30,984
Total Revenues	\$32,708,955	\$46,738,896	70%	\$43,804,000	\$34,705,591	79%	\$1,996,636

EXPENDITURES:

Community Services	8/31/2017 Actual	12/31/2017 Actual	Percentage 2017 Actual	2018 Budget	8/31/2018 Actual	Percentage 2018 Budget	Difference 2018 vs 2017
Commission on Aging	\$0	\$0	--	\$250	\$0	0%	\$0
Community Relations Personal Services	\$34,147	\$48,169	71%	\$43,034	\$33,462	78%	(\$685)
Community Relations Other	\$8,986	\$11,872	76%	\$13,550	\$8,489	63%	(\$496)
Public Relations Personal Services	\$83,500	\$156,698	53%	\$213,027	\$140,991	66%	\$57,491
Public Relations Other	\$48,309	\$68,747	70%	\$107,000	\$42,391	40%	(\$5,918)
Community Services Admin Personal Services	\$185,790	\$272,950	68%	\$244,152	\$136,491	56%	(\$49,299)
Community Services Administration Other	\$589	\$589	100%	\$6,600	\$1,011	15%	\$422
Public Health Administration	\$182,584	\$183,174	100%	\$193,519	\$201,029	104%	\$18,445
Total Community Services	\$543,906	\$742,198	73%	\$821,132	\$563,865	69%	\$19,959

Parks and Recreation

Parks & Recreation Commission Personal Services	\$171,597	\$254,237	67%	\$236,564	\$158,809	67%	(\$12,789)
Parks & Recreation Commission Other	\$11,166	\$27,860	40%	\$36,150	\$21,207	59%	\$10,041
Swimming Pools Personal Services	\$250,212	\$278,197	90%	\$257,721	\$259,330	101%	\$9,118
Swimming Pools Other	\$29,710	\$35,184	84%	\$40,450	\$71,988	178%	\$42,279
Cain Park Transfer	\$46,667	\$95,000	49%	\$80,000	\$53,333	67%	\$6,666
Ice Programs Personal Services	\$138,202	\$221,603	62%	\$218,211	\$144,868	66%	\$6,666
Ice Programs Other	\$10,548	\$16,265	65%	\$20,850	\$15,629	75%	\$5,081
General Recreation Programs Personal Services	\$64,175	\$92,010	70%	\$130,632	\$57,984	44%	(\$6,192)
General Recreation Programs Other	\$8,893	\$27,613	32%	\$28,300	\$25,588	90%	\$16,696
Sports Programs Personal Services	\$93,871	\$122,823	76%	\$116,246	\$88,418	76%	(\$5,453)
Sports Programs Other	\$54,423	\$92,448	59%	\$106,500	\$41,092	39%	(\$13,331)
Community Center Personal Services	\$352,673	\$512,297	69%	\$499,420	\$283,459	57%	(\$69,214)
Community Center Other	\$304,163	\$425,476	71%	\$451,800	\$265,006	59%	(\$39,158)
Office on Aging Personal Services	\$93,061	\$138,791	67%	\$132,152	\$93,721	71%	\$659
Office on Aging Other	\$28,836	\$30,344	95%	\$32,894	\$27,425	83%	(\$1,411)
Total Parks and Recreation	\$1,658,196	\$2,370,147	70%	\$2,387,890	\$1,607,856	67%	(\$50,340)

Finance Department

Finance Department Personal Services	\$234,257	\$379,997	62%	\$453,113	\$269,560	59%	\$35,303
Finance Department Other	\$101,744	\$123,662	82%	\$112,154	\$92,877	83%	(\$8,866)
Income Tax	\$745,652	\$938,637	79%	\$991,500	\$694,922	70%	(\$50,730)
Total Finance Department	\$1,081,653	\$1,442,296	75%	\$1,556,767	\$1,057,359	68%	(\$24,294)

Planning & Development

Landmark Commission	\$27	\$35	76%	\$4,150	\$23	1%	(\$4)
Planning Department Personal Services	\$282,209	\$408,512	69%	\$378,543	\$257,229	68%	(\$24,980)
Planning Department Other	\$16,236	\$13,873	117%	\$23,975	\$11,142	46%	(\$5,094)
Planning Commission Personal Services	\$4,069	\$6,394	64%	\$7,670	\$2,907	38%	(\$1,163)
Planning Commission Other	\$1,158	\$856	135%	\$3,950	\$1,030	26%	(\$128)
Architectural Board of Review Personal Services	\$4,493	\$6,346	71%	\$5,478	\$3,710	68%	(\$783)
Architectural Board of Review Other	\$145	\$280	52%	\$800	\$120	15%	(\$25)
Board of Zoning Appeals Personal Services	\$2,914	\$3,592	81%	\$5,478	\$3,152	58%	\$238
Board of Zoning Appeals Other	\$1,169	\$910	128%	\$3,475	\$1,430	41%	\$261
Total Planning & Development	\$312,420	\$440,799	71%	\$433,519	\$280,742	65%	(\$31,678)

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CITY OF CLEVELAND HEIGHTS
REVIEW OF GENERAL FUND
AT AUGUST 31, 2018

Public Safety	8/31/2017 Actual	12/31/2017 Actual	Percentage 2017 Actual	2018 Budget	8/31/2018 Actual	Percentage 2018 Budget	Difference 2018 vs 2017
Traffic Signs & Signals Personal Services	\$37,506	\$58,221	64%	\$58,155	\$35,686	61%	(\$1,821)
Traffic Signs & Signals Other	\$122,657	\$134,277	91%	\$145,000	\$127,969	88%	\$5,312
Police Administration Personal Services	\$5,555,203	\$8,606,833	65%	\$8,535,705	\$5,445,226	64%	(\$109,978)
Police Administration Other	\$902,404	\$1,349,765	67%	\$1,359,730	\$953,395	70%	\$50,991
Police Academy Personal Services	\$3,974	\$3,974	100%	\$4,500	\$1,109	25%	(\$2,865)
Police Academy Other	\$57,334	\$69,512	82%	\$88,000	\$67,304	76%	\$9,970
Police Vehicle Maintenance Personal Services	\$0	\$0	--	\$0	\$0	--	\$0
Police Vehicle Maintenance Other	\$584	\$878	66%	\$0	\$585	--	\$1
Fire Administration Personal Services	\$4,472,558	\$6,780,787	66%	\$6,372,431	\$4,572,526	72%	\$99,968
Fire Administration Other	\$927,160	\$1,369,351	68%	\$1,782,359	\$1,028,787	58%	\$101,627
Joint Dispatch (Transfer)	\$296,000	\$444,000	67%	\$1,022,285	\$681,523	67%	\$385,523
Fire Prevention Personal Services	\$72,333	\$113,387	64%	\$109,100	\$27,997	26%	(\$44,336)
Fire Prevention Other	\$915	\$1,613	57%	\$5,850	\$770	13%	(\$145)
Building Department Personal Services	\$7,940	\$7,940	100%	\$0	\$0	--	(\$7,940)
Building Department Other	\$240,064	\$359,977	67%	\$361,700	\$356,663	99%	\$116,599
Housing Inspections Personal Services	\$322,681	\$506,157	64%	\$487,348	\$361,071	74%	\$38,390
Housing Inspections Other	\$31,948	\$40,421	79%	\$71,000	\$38,717	55%	\$6,769
Street Lighting (Transfer)	\$12,400	\$18,600	67%	\$18,600	\$12,400	67%	\$0
Animal Control Personal Services	\$49,643	\$74,955	66%	\$71,237	\$47,175	66%	(\$2,468)
Animal Control Other	\$14,789	\$22,387	66%	\$29,000	\$28,000	97%	\$13,211
Total Public Safety	\$13,128,094	\$19,963,033	152%	\$20,522,000	\$13,786,901	67%	\$658,807

Public Works

Service Administration Personal Services	\$256,931	\$376,972	68%	\$318,619	\$220,856	69%	(\$36,075)
Service Administration Other	\$1,559	\$2,161	72%	\$3,575	\$2,352	66%	\$793
Capital Projects Administration Personal Services	\$0	\$0	--	\$21,000	\$0	0%	\$0
Capital Projects Administration Other	\$115	\$21,150	1%	\$250	\$31,000	12400%	\$30,885
Refuse Collection Personal Services	\$1,110,739	\$1,731,891	64%	\$1,513,331	\$1,030,913	68%	(\$79,825)
Refuse Collection Other	\$405,106	\$504,193	80%	\$521,900	\$323,024	62%	(\$82,082)
Vehicle Maintenance Personal Services	\$487,358	\$765,281	64%	\$833,967	\$520,929	62%	\$33,571
Vehicle Maintenance Other	\$785,174	\$1,232,637	64%	\$1,278,375	\$1,147,197	90%	\$362,023
Street Maintenance Personal Services	\$804,129	\$1,247,185	64%	\$1,171,992	\$754,932	64%	(\$49,197)
Street Maintenance Other	\$10,775	\$88,886	12%	\$74,500	\$63,946	86%	\$53,171
Public Properties & Park Maint Personal Services	\$811,175	\$1,226,334	66%	\$953,887	\$744,887	78%	(\$66,288)
Public Properties & Park Maintenance Other	\$733,342	\$959,172	76%	\$983,350	\$822,385	84%	\$89,043
Forestry (Transfer)	\$14,843	\$26,405	56%	\$18,600	\$12,747	69%	(\$2,096)
Total Public Works	\$5,421,245	\$8,182,267	66%	\$7,693,346	\$5,675,169	74%	\$253,924

General Government

City Council Personal Services	\$53,805	\$80,765	67%	\$78,550	\$50,924	65%	(\$2,881)
City Council Other	\$4,567	\$5,610	81%	\$8,750	\$6,586	75%	\$2,019
City Manager Personal Services	\$331,747	\$483,935	69%	\$352,843	\$286,736	81%	(\$45,012)
City Manager Other	\$12,129	\$15,475	78%	\$19,620	\$13,240	67%	\$1,110
Civil Service Commission Personal Services	\$1,060	\$1,619	65%	\$1,096	\$1,489	136%	\$429
Civil Service Commission Other	\$2,259	\$12,519	18%	\$13,950	\$4,445	32%	\$2,186
General Operations Personal Services	\$58,803	\$59,327	99%	\$601,102	\$657,742	109%	\$598,940
General Operations Other	\$1,052,438	\$1,088,930	97%	\$1,447,900	\$474,835	33%	(\$577,604)
Management Information Systems Personal Services	\$239,903	\$365,097	66%	\$305,803	\$255,974	84%	\$16,071
Management Information Systems Other	\$72,607	\$89,719	81%	\$81,455	\$99,940	123%	\$27,333
County Fiscal Officer Deductions	\$201,322	\$202,227	100%	\$229,500	\$208,074	91%	\$6,752
Law Department Personal Services	\$337,248	\$495,199	68%	\$501,115	\$298,332	60%	(\$38,916)
Law Department Other	\$228,227	\$270,866	84%	\$265,100	\$279,287	105%	\$51,060
Special Improvement Districts	\$342,627	\$342,627	100%	\$371,131	\$347,255	94%	\$4,627
Municipal Court Personal Services	\$736,301	\$1,079,210	68%	\$1,039,343	\$664,268	64%	(\$72,033)
Municipal Court Other	\$67,637	\$109,842	62%	\$189,435	\$75,076	40%	\$7,439
Total General Government	\$3,742,680	\$4,702,967	80%	\$5,506,693	\$3,724,200	68%	(\$18,480)

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 CITY OF CLEVELAND HEIGHTS
 REVIEW OF GENERAL FUND
 AT AUGUST 31, 2018

Other	8/31/2017 Actual	12/31/2017 Actual	Percentage 2017 Actual	2018 Budget	8/31/2018 Actual	Percentage 2018 Budget	Difference 2018 vs 2017
Transfers & Advances	\$383,333	\$2,695,356	14%	\$600,000	\$333,333	56%	(\$50,000)
Hospitalization	\$2,207,851	\$3,784,704	58%	\$4,416,250	\$2,801,625	63%	\$593,774
Total Other	\$2,591,184	\$6,480,060	40%	\$5,016,250	\$3,134,958	62%	\$543,774
TOTAL GENERAL FUND EXPENDITURES	\$28,479,378	\$44,323,768	64%	\$43,937,597	\$29,831,051	68%	\$1,351,673
Excess Revenue Over/(Under) Expenses	\$4,229,577	\$2,415,129			\$4,874,540		
Unencumbered Balance 1/1/18 vs 1/1/17	\$3,857,077	\$3,851,345			\$6,272,206		
ADD:							
Balance of Previous Year Purchase Orders Voided in Current Fiscal Year		\$5,732					
Estimated Unencumbered Balance	\$8,086,654	\$6,272,206			\$11,146,746		
Total Personal Services	\$19,954,057	\$30,752,387	65%	\$30,688,815	\$20,714,485	67%	\$760,428
Total OTPS	\$8,525,320	\$13,571,380	63%	\$13,248,782	\$9,116,565	69%	\$591,245

TO: TANISHA R. BRILEY, CITY MANAGER

FROM: SUSANNA NIERMANN O'NEIL, ASSISTANT CITY MANAGER

RE: COMMUNITY OUTREACH UPDATE

DATE: SEPTEMBER 21, 2018

COMMUNITY RELATIONS:

Block parties this weekend:

- **Saturday Sept 22nd Kerrwood Rd 3:00pm-dusk**
- **Saturday Sept 22nd Shaker Rd 4:00pm-dusk**
- **Sunday Sept 23rd South Overlook 4:00pm-7:00pm**
- **Sunday Sept 23rd Chatfield 7:00am – dusk**
- **Sunday Sept 23rd Roxboro (Fairmount-W St James) 4:00pm-6:00pm**

Boyd Park Dedication – Sunday September 30th 1:30pm

Community Improvement Awards – October 18th 7:00pm in the Atrium

COMMUNICATION INITIATIVES:

- **Drone coverage has begun of the City, Parks and events. Film will be used for a short promotional video for web and social media.**
- **Branding update: Survey has had over 900 responses.**
- **An Economic Development Ad ran in Crain's**

SOCIAL MEDIA/Facebook promotion :

- **Shredding Day – October 27th**
- **Schools Community Open Houses in October**
- **Police Swearing in ceremony/photo**
- **Cleveland Magazine winners “Best of the Best”- Blush, Luna, Barrios, Wine Spot and Phoenix Coffee**



To: Tanisha Briley, City Manager
From: Alex Mannarino – Public Works Director
Collette Clinkscale – Assistant Public Works Director
Date: September 20, 2018
Subject: Public Works Weekly Update

Forestry:

- Tree Tracker work history through September 19, 2018.
 - YTD: Trimmed 288 trees, removed 279, planted 186 trees, stumps ground 249, and dumped 150 loads of woodchips and 59 loads of logs

Sewer:

- MACP inspections on-going in connection with SSES
- Cleaned sanitary mains on Parkdale, Summit Park and Alpine
- Assisted with lifting overflow plates in connection with SSES
- Inspected Forest hills pump station and bathrooms for cross country race
- Hauled spoils to Boyas
- Met CWD at Wynn Rd. main break, brought material to bulk head lateral
- Repaired curb drain at 2040 Hampstead
- Commenced televising sanitary main on Glenwood
- Jetted trouble spots on Parkway, Marlindale and Tullamore
- Cleaned sanitary main SSO at Edgehill and Euclid Hts. Blvd.
- Televised and located sewer lateral at 1788 Lee Rd
- Excavated lateral sewer at 1788 Lee Road to remove the test tee cap and completed repair on lateral
- Met with contractor to locate test tees at 2878 Hampshire
- Cleaned catch basin and replaced grate at 915 Vineshire
- Cleaned sanitary main on Ardmore

Sewer Service Calls:

- 2968 Yorkshire, 3034 Somerton, 3492 Bendemeer, 2171 Demington, 3500 Northcliffe, 3611 Runnymede, 3243 Kildare

Refuse:

- Transported 102.24 (7 loads) of refuse to Shiloh landfill and 158.71 tons (10 loads) to Harvard Transfer Station
- Transported 48.13 tons (5 loads) of mixed recycling to Kimble
- Participated in meeting regarding Refuse Dept.

Streets Maintenance:

- **Asphalt:** CWD cutouts – 2616 Norfolk, 2633 E Overlook, 3129 Yorkshire, 3425 Altamont, 13230 Cedar (2), 3239 Yorkshire, 3129 Yorkshire, 3309 Beechwood, 3425 Altamont, 1016 Quilliams

- **Complaints:** Lot #9 by Edwards Ct, Euclid Hts (2543, 2511, 2499, 2465), Coventry (at Edgehill, E Overlook, Berkshire), 2540 Fairmount, 2596 Fairmount, 2638 Fairmount
- **Construction Crew:** Cedar Rd (2 CWD cutouts, concrete, 1 West, 1 Eastbound 3x5, 7x7), 2616 Norfolk (sidewalk in tree lawn), maple at Wood (CWD cutout, concrete 10x10), 1016 Quilliams (CWD cutout, concrete 4x4), Lynn Park (1376, 1378, 1358 – sewer cutouts), 3819 Bendemeer (CWD cutout, concrete 6x6), 3742 Shannon (sinkhole), 3657 Shannon (CWD cutout, concrete 12x9), 3553 Shannon (CWD cutout, concrete 10x11 and 8ft of curb)
- **Crackseal:** cutouts – Mayfield at Lee Rd, Mayfield by Walgreens (apron), 1567 Kew, 676 Brinkmore, 3567 Randolph, 3431 Henderson, 988 Greyton, 3491 Edison, Fairmount at Queenston, Fairmount at Lee Rd, 13230 Cedar, 13047 Cedar, 1839 S Taylor, 2222 Delaware, 2485 Newbury, Taylor at Euclid Hts, Washington at S Taylor, 3469 Fairmount, 13041 Cedar, 2270 S Taylor, 3679 Fenley, 956 Nobleshire, 2298 S Taylor, 2562 Noble, 1018 Nelaview, 1088 Carver, 992 Nelaview, 3619 Washington, Fairmount at Taylor, 2605 E Overlook, 2617 E Overlook, 2733 E Overlook, 2660 Euclid Hts
- **Miscellaneous:**
Block Party – 3553 Fenley, 2803 Coleridge, 3081 Essex, 2915 Scarborough, 2237 Delamere, Heights Home and Garden Tour – Harcourt, E Overlook, Norfolk, Kingston, Kent, Derbyshire
- **Sweepers:** Garage, Parking lot
- **Sanitation Brush:** Ashton
- **Hauling:** Grinding leaves, woodchips, hauling mulch, yardwaste (Bremec/Kurtz Bro.)

Other:

- Street Department team leaders attended Sensible Salting Workshop conducted by Soil and Water Conservation District
- Vehicle Maintenance employees attended Good Housekeeping training provided by the Cuyahoga Board of Health required under the City's MS4 stormwater permit.
- Refuse Dept. employees conducted a Recycling presentation at the Community Center for participating seniors.

MEMORANDUM

To: Tanisha Briley-City Manager
From: Alex Mannarino-Director of Public Works
Date: September 21, 2018
Re: Capital Projects Weekly Update

Community Center – Dugway East Culvert Rehabilitation

Shop drawings have been approved by our Engineers. Additionally, our Engineers have finished designing the plans for installation of the new arches, and the tunnel lining plates. We are currently waiting for Contech to provide us with a more concrete lead time so Perk can schedule their work accordingly.

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 County has released the RFP. Submissions are due by October 12th, 2018.

The County decided that since they accepted non-binding letters of intent from local agencies, the local agencies would not be included in the RFP. They do believe that they have enough County facilities to warrant a competitive price. The County is including a provision in the RFP that will give the vendor the option to offer the same contract to local agencies under a cooperative purchasing agreement.

Meadowbrook Boulevard Reconstruction

The design consultant has been given the notice to proceed with Engineering and Design.

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.

We have notified ODOT about some concerns with ADA accessibility within the construction areas. They will investigate the work locations and make the necessary accommodations.

Safe Routes to Schools – ODOT PID 101112

No new updates

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

We anticipate the final project documents sometime next week.

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

Final project documents have been sent to the contractor.

2018 Pavement Striping Program

We are currently preparing the final project documents.

Dominion East Ohio

Washington Boulevard PIR-3047

The contractor has finished 1600 feet of pipe from Lee Road to Cottage Grove on the north side of the street. They have already started making the service connections to the houses, and once completed will start repairing sidewalks.

Once the service connections are completed within the 1600 foot span they will move on to the next span from Cottage Grove to Yorkshire.

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.

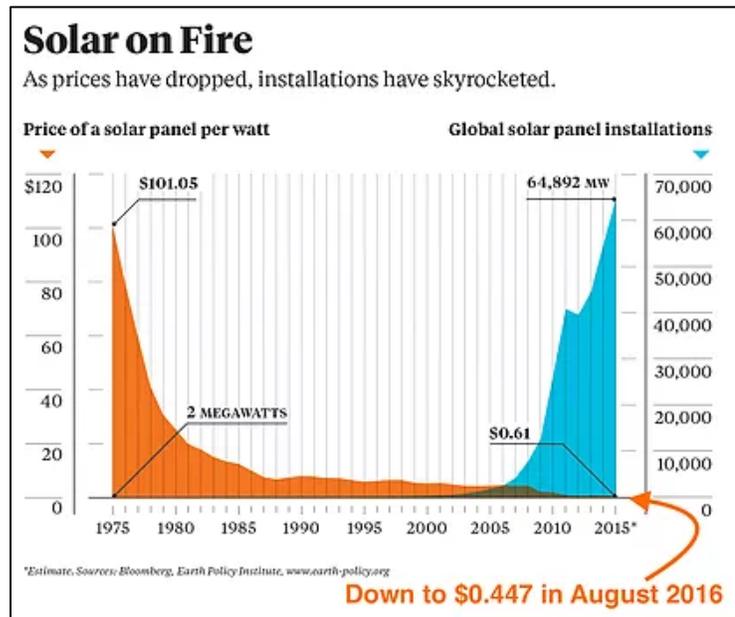
MEMORANDUM

To: Tanisha Briley, City Manager
From: Richard Wong, Planning Director
Date: September 21, 2018
Subject: Weekly Update

Architectural Board of Review

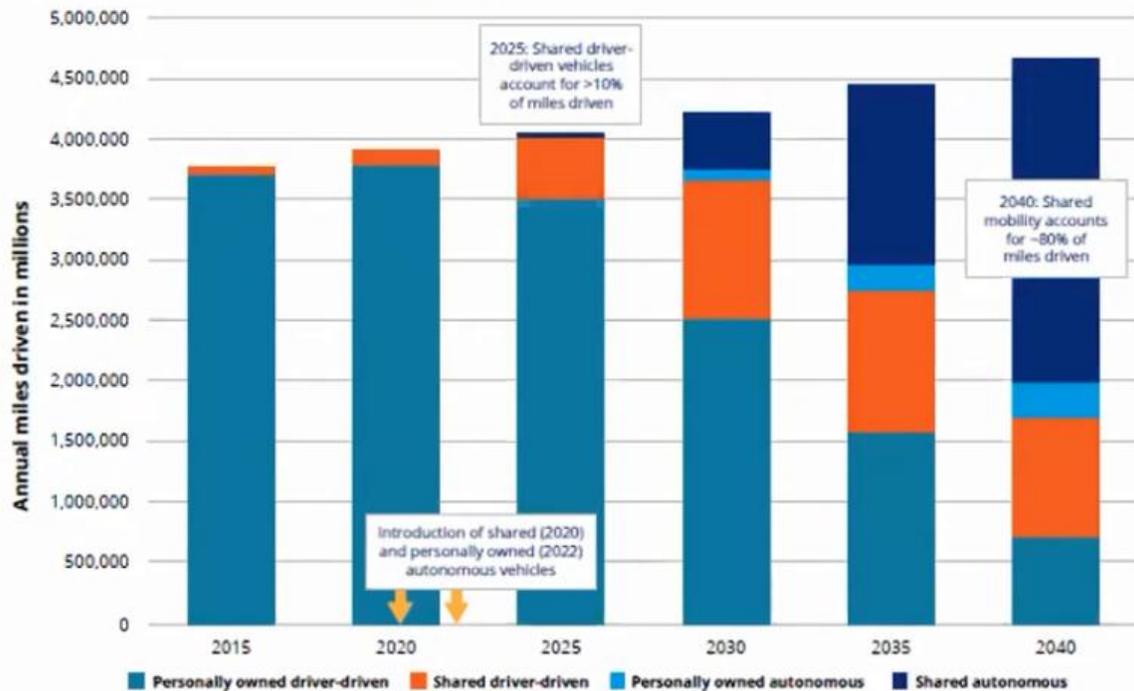
Thirteen cases were reviewed by 8:30.

One or two solar panel installations are on most ABR agendas. The chart shows how construction (in blue) has spiked as price (in orange) has hit an all-time low. Efficiency of electrical generation from panels has also increased each year.



Mr. Bruml, an occasional City Council meeting attendee, received approval for a 7.75 kilowatt system of 25 panels at 1768 Middlehurst (left). Like many in Cleveland Heights, he was proceeding because it was an ecologically sustainable action, not for the eventual financial payback.

Figure 2. Forecast of total miles driven in the United States



Source: Deloitte analysis based on publicly available information. See appendix for data sources.

Graphic: Deloitte University Press | DUPress.com

Planning for Transportation

A webinar on “Micro-mobility” trends showed how cities were planning for the onset of alternatives to traditional modes of transportation. Scooters, currently the rage, need a lot of attention to keep riders safe on the road and to prevent the equipment from being a sidewalk obstruction when parked. The graphs above illustrate how researchers predict a gradual but massive drop in privately owned vehicles as shared, autonomous vehicles take over.

City of Cleveland Heights Economic Development



To: City Manager Tanisha Briley
From: Economic Development Director Tim Boland
Subject: Activities Report – September 21, 2018

Activities and Initiatives:

1. Locker Room Barbershop

The **Locker Room Barbershop** at **2160 S. Taylor Road** and owner Bridget Reese have been approved for a **Microenterprise Loan**. This is the first Microenterprise Loan that the City has done since creating the program several years ago. The program is intended to assist small businesses, startups and entrepreneurs that do not have sufficient access to capital. The Locker Room Barbershop has been approved for a \$7,650 loan (to be repaid over three years at 6%) to make investments in the business, including new signage, the purchase of additional equipment, implementation of a marketing plan, and purchase of inventory for a branded line of retail products. This project continues the momentum of new investment along the **Taylor Road Corridor** which is a key revitalization area for the City.



2. Blank Canvas CLE

The City has pre-approved a project for participation in the **SBA Performance Grant program**, which was established in 2017. **Blank Canvas CLE** would be an art store, art gallery and custom framing shop. The business is currently working with lenders to secure SBA financing and looking at storefronts in the Cedar Lee District. Additional information will be shared with Council once the project details are finalized. The City established the **SBA Performance Grant program** with matching funds from the Cuyahoga County Development Department. In 2017, this program played an integral part in attracting a new owner and tenants to the formerly vacant Rite Aid property on Lee Road, which is now the location of **PAWS CLE**.

3. Marketing & Outreach

- The second of five advertisements in **Crain's Cleveland Business** entitled "**Why Cleveland Heights?**" ran on September 17. A copy is found at the end of this report. The next ad is scheduled to run in Crain's year-end "Book of Lists" edition in December.
- Staff met with **University Circle Inc.** staff to update each other on projects each is currently engaged in, such as **Top of the Hill**, and potential areas for greater collaboration.
- Staff attended and participated in the **Heights Hillcrest Chamber's** business breakfast discussing **Small Business Saturday**.

September 21, 2018

- Staff attended an open house held for real estate brokers at the former **Heights Youth Club** property (2065 Lee Road).
- The City will hold our next **Economic Development Breakfast on October 2** at 8am at the Community Center. **Ray Leach, CEO of JumpStart**, will be the featured speaker to offer insights into the entrepreneurial and startup ecosystem in Northeast Ohio.

Thank you,

Timothy M. Boland

Timothy M. Boland

Economic Development Director

Why Cleveland Heights?



**When you bring your business to Cleveland Heights,
you're not just opening a business, you are joining a community.**



www.clevelandheights.com

- Home to over 500 locally-owned, independent businesses
- "Main Street" style commercial districts
- Walkable business corridors
- Access to a large & diverse market of customers
- Highly educated workforce
- Streamlined review and permitting process

Contact **Tim Boland**, Economic Development Director for the City of Cleveland Heights, to learn more about becoming a part of Northeast Ohio's home for small business. (tboland@clvhts.com)



Memorandum

To: Tanisha Briley- City Manager
From: Allan Butler- Housing Programs Director
Date: September 21, 2018
Re: Weekly Update

- The First Suburbs Consortium Housing Committee met with Cuyahoga County Common Pleas Court Chief Magistrate Stephen Bucha on Thursday. Magistrate Bucha discussed the impact that Ohio House Bill 390, which took effect on September 25, has had on the foreclosure process within Cuyahoga County. The majority of the discussion was pertaining to the allowance of “private selling officers” to sell residential properties and accept “remote bidding”. Mag. Bucha explained that lenders can now motion to use an online auctioneer’s for the sale of the property instead of the Sheriff’s Sale. He explained the process and timelines in which a plaintiff with a judgement can motion to use an online auction site in lieu of a Sheriff’s Sale in order to collect on the judgement. He discussed some of the problems that have occurred through this new process and provided insight to corrective actions that the First Suburbs communities can use to help address any problems with these online auctioneers.
- FSCHC also received an update from Cuyahoga County Tax Administrator Michael Sweeney that the community partner letter initiative and the revamped “fishbowl” for collection of delinquent property tax have had some success. He stated that as a result of this outreach collaboration the County was able to collect approximately \$315,000, for this year’s May/June July collections and \$105,000 from August to date. He stated that the reinforced collection department efforts have collected approx. \$4.4 million in delinquent tax collection total. He indicated that another round of outreach mailing would be going out to individuals that had recently become delinquent on their taxes in an effort to intervene early while the debt is still manageable.
- Future Heights and the City staff met this week to discuss the property renovation projects and target areas for Future Heights. The Future Hts. team reviewed a list of potentially available properties previously submitted to them and flagged a number of properties between Taylor and Lee, from Cain Park to Cedar. All agreed that this target reinvestment area of the City surrounding CHUH High School was a good fit for them, while our other partner CDC’s and City staff could focus on other target investment areas within the City. Housing staff is assisting Future Heights by reviewing the identified properties to determine the timeline on availability and the overall condition of the structures. As a result of the City’s new CDC investment, Future Heights stated that they have been reviewing applications for the Director of Real Estate Development position that was posted earlier this month.

Memorandum

To: Tanisha Briley, City Manager
From: Joseph P. McRae, Parks and Recreation Director
Subject: Parks and Recreation Department Update
Date: September 21, 2018

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

General Announcements

- 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 1:30 pm. 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 North Ice Rink of the Community Center officially re-opened Monday, September 17 to nice reviews from the community. The plan is to re-open the South Rink in mid-October per usual.



Cleveland Heights Fire Department

Weekly Activity Report

Total Emergency Calls Year To Date	5,108
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Total Emergency Calls for Period	129
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Report Date Period: 09/14/2018 - 09/21/2018

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	33	1,073	868	21.97 %
Emergency Structure Fire Count	1	53	50	
Emergency Non Structure Fire Count	32	1,014	813	
Emergency Vehicle Fire Count		6	5	

Emergency Medical Data

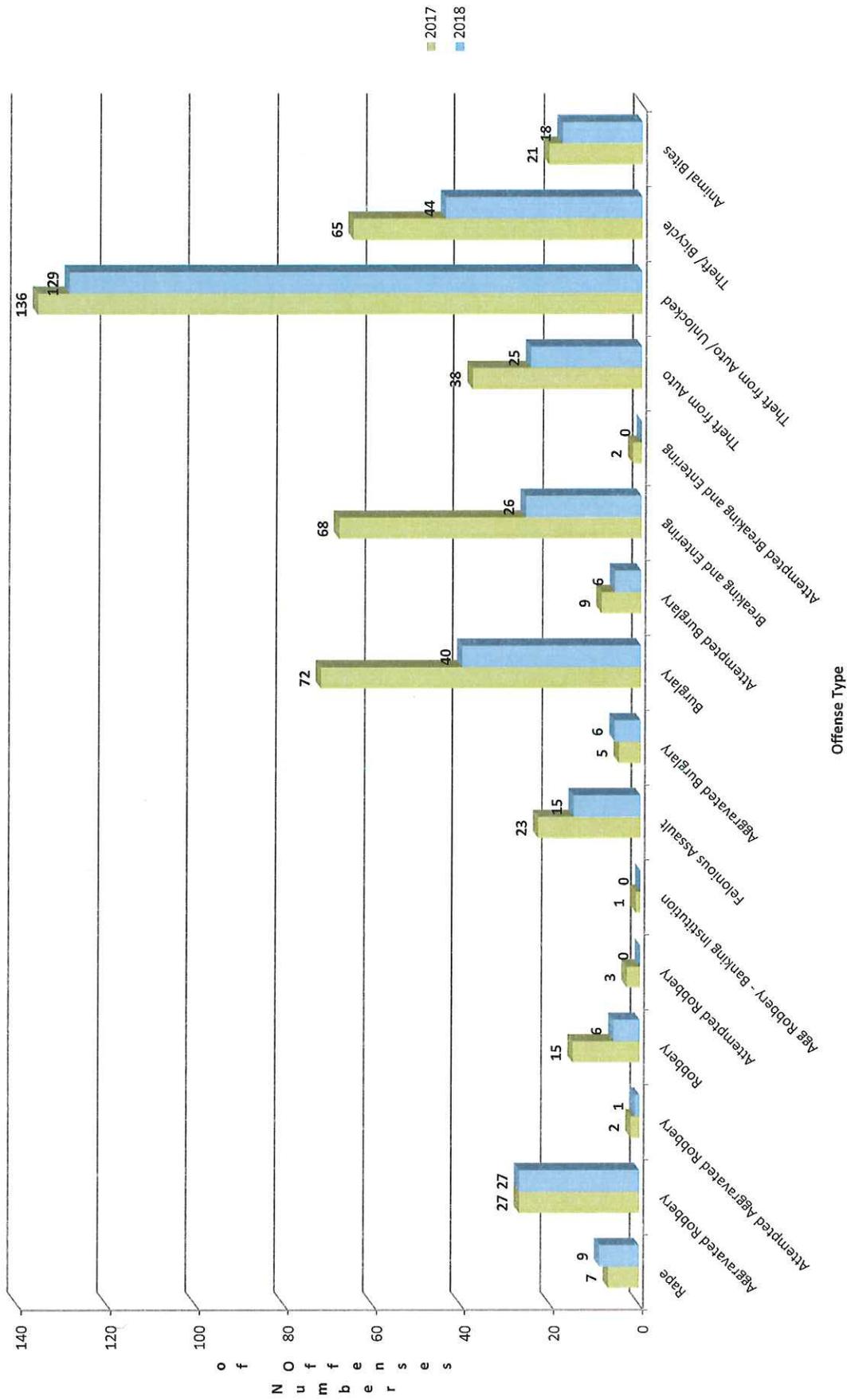
Total Emergency Run Count	96	4,035	3,818	78.03 %
Emergency Medical Run Count	93	3,897	3,709	
Automobile Accident Run Count	3	138	109	
Advanced Life Support Run Count	25	1,034	1,049	
Basic Life Support Run Count	71	2,969	2,757	
Total EMS Transports	70	2,662	2,521	
Total EMS Non Transports	25	1,208	1,118	

Mutual Aid Run Count to Date

Mutual aid received	SEFD A - 45 SHFD A - 41 ECFD A - 17 UHFD A - 41
Mutual aid given	SEFD A - 44 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 - 11 ECFD A - 0 UHFD A - 3

<u>Fire Prevention Bureau</u>	<u>Current Period</u>	<u>Year to Date</u>
Total Completed Fire Inspections	42	1,198
Company Fire Inspections	27	535
Fire Prevention Fire Inspections		10
Fire Alarm Test Inspections		
Kitchen Supression Test Inspections		
Sprinkler Test Inspections		
Other Inspections	15	653
Smoke Detectors Distributed	3	115

**Crime Comparison:
January 1 - September 21, 2017 Compared to January 1 - September 21, 2018**





The regularly scheduled meeting of the Board of Zoning Appeals of the City of Cleveland Heights, Ohio will be held on Wednesday, September 26, 2018 at 7:00 p.m. in Council Chambers, City Hall, 40 Severance Circle Drive.

ROLL CALL

ELECTION OF OFFICERS

APPROVAL OF THE MINUTES OF THE AUGUST 15, 2018 PUBLIC HEARING

PUBLIC HEARING – SEPTEMBER 26, 2018:

CAL. NO. 3468 Elizabeth & Thomas Brandt, 3559 Birch Tree Path, 'A' Single-family, requests a variance to Section 1121.08(a) (1) to permit a front yard addition with a setback of 23'11" (38.5' min setback req'd.).

Moved to: Grant Deny Continue Withdraw

Moved by _____ Seconded by _____

Motion Carried Failed

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Proposed: 9/17/2018

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

By Council Member Dunbar

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 or designee 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 or designee within

ORDINANCE NO. 110-2018 (HT)

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 or **designee** 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 Commissioner of Buildings **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,

ORDINANCE NO. 110-2018 (HT)

securing, repairing and/or making such building safe by any legal 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

ORDINANCE NO. 110-2018 (HT)

permitted by law.

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 **or designee** 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 **or designee** 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 **or designee** 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)

(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 or designee 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 at least one of the following apply:

- (1) The plaintiff in the foreclosure action is a mortgagee of the property; and/or
- (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 Commissioner of Buildings 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)

(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), *Second Reading*

By Council Member Dunbar

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 ~~or designee~~ 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.~~ 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 ~~or designee~~ within

ORDINANCE NO. 111-2018 (HT)

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 or designee 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 Commissioner of Buildings 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,

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securing, repairing and/ or making such building safe by any legal 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

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permitted by law.

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 **or designee** 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 **or designee** within twenty (20) days of any change in the registration information by filing an amended **or designee** registration statement on a form provided by the Commissioner of Buildings **or designee** 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.

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(b) In addition to any other information required by the Commissioner of Buildings or designee, 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 or designee 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 at least one of the following apply:

- (1) The plaintiff in the foreclosure action is a mortgagee of the property; and/or
- (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 Building Commissioner 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

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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.

Proposed: 10/3/2018

RESOLUTION NO. (RCER)

By Council Member

A Resolution joining communities throughout the nation in proclaiming October 2018 *National Breast Cancer Awareness Month*; October 13, 2018, *Metastatic Breast Cancer Awareness Day*; and October 19, 2018, *National Mammography Day*; and declaring an emergency.

WHEREAS, the American Cancer Society estimates that in 2017 about 252,710 cases of invasive breast cancer were diagnosed in women and 2,470 cases in men, and that about 40,610 women and 460 men die from the disease; and

WHEREAS, early detection and prompt treatment can significantly reduce suffering and deaths caused by this disease; and

WHEREAS, mammography is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt; and

WHEREAS, metastatic breast cancer refers to a condition in which stage IV breast cancer cells travel from the breast, either through the bloodstream or the lymphatic system, to other parts of the body, including the bones, liver, lungs, or brain, and continue to grow in their new location; and

WHEREAS, nearly 30 percent (30%) of women diagnosed with early stage breast cancer will develop stage IV advanced or metastatic cancer; and

WHEREAS, in 1997 the United States Conference of Mayors launched a Mayors' Campaign Against Breast Cancer, joining in the promotion of Breast Cancer Awareness Month and National Mammography Day; and

WHEREAS, in 2009 the United States Senate and House of Representatives passed Resolutions to designate the first National Metastatic Breast Cancer Awareness Day.

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

SECTION 1. This Council hereby proclaims October 2018, *National Breast Cancer Awareness Month*; October 13, 2018, *Metastatic Breast Cancer Awareness Day*; and October 19, 2018, *National Mammography Day*; and urges women and men in the community of all ages to

RESOLUTION NO. ()

obtain and utilize information about screening and mammography and to seek appropriate services.

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 pass this Resolution on a timely basis. 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: 10/3/2018

ORDINANCE NO. (SMS), *First Reading*

By Council Member

An Ordinance enacting Chapter 729, *Tobacco Product Vendors; Sales to Persons Under 21*, of the Codified Ordinances of Cleveland Heights to prohibit sales to persons under 21 and to provide for permitting of businesses who sell tobacco products; and repealing Section 537.16, "Illegal Distribution of Cigarettes, Other Tobacco Products Or Alternate Tobacco Products," in Chapter 537, *Offenses Against Person*, of the Codified Ordinances of Cleveland Heights.

WHEREAS, tobacco use is the foremost preventable cause of premature death in the United States, responsible for nearly half a million deaths per year in the United States and costing the nation approximately \$300 billion in healthcare and lost worker productivity costs each year; and

WHEREAS, if smoking continues at the current rate among youth in the United States, 5.6 million of today's Americans under the age of 18 will die early from a smoking-related illness; and

WHEREAS, ninety-five percent (95%) of all adult smokers begin smoking before they turn twenty-one (21) years old, and adolescence is a critical period when many smokers move from experimental smoking to regular, daily use; and

WHEREAS, there is strong evidence that people who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age; and

WHEREAS, electronic nicotine delivery system use among minors has recently tripled, and use of these systems is associated with and may encourage the use of conventional tobacco products; and

WHEREAS, data from the Cuyahoga County Youth Risk Behavior Survey in 2017 indicates that over thirty-five percent (35%) of students in Cuyahoga County reported having used an electronic vapor product and over fifteen percent (15%) of students in Cuyahoga County reported current use of an electronic vapor product; and

WHEREAS, raising the minimum legal sales age for all tobacco products to twenty-one (21) will reduce access to these products by youth, as youth often acquire such products from older friends: over eighty percent (80%) of people purchasing tobacco for minors are between eighteen (18) and twenty (20) years old; and

WHEREAS, over three hundred thirty (330) communities and six (6) states have enacted Tobacco 21 policies, covering over twenty-five percent (25%) of the nation's population; and

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WHEREAS, raising the age for tobacco sales to 21 and over in the City of Cleveland Heights would lessen the accessibility of tobacco to minors and would assist the City's interest in furthering the health, safety, and general welfare of the City's residents.

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

SECTION 1. Chapter 729, *Tobacco Product Vendors; Sales to Persons Under the Age 21*, of the Codified Ordinances of Cleveland Heights shall be, and is hereby, enacted and adopted in its entirety to read as Exhibit A attached hereto and fully incorporated herein. A complete copy of Exhibit A is also on file with the Clerk of Council.

SECTION 2. Section 537.16, "Illegal Distribution of Cigarettes, Other Tobacco Products Or Alternate Tobacco Products," in Chapter 537, *Offenses Against Person*, of the Codified Ordinances of Cleveland Heights is hereby repealed in its entirety.

SECTION 3. The Clerk of Council is hereby directed to mail letters attaching a copy of this Ordinance and declaring this Council's support that the legal age to purchase tobacco should be changed to twenty-one (21) years old throughout the rest of Ohio and across the nation to Governor John Kasich, Ohio Senate President Larry Obhof, Ohio House Speaker Ryan Smith, Ohio Senator Sandra Williams, Ohio Representative Janine Boyd, U.S. Representative Marcia Fudge, U.S. Senator Robert Portman, U.S. Senator Sherrod Brown, and President Donald Trump.

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

SECTION 5. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

Chapter 729
CIGARETTE AND TOBACCO VENDORS;
SALES TO PERSONS UNDER 21

729.01 DEFINITIONS.

For the purpose of this Chapter:

(a) “Distribute” means to furnish, give, or provide Tobacco Products to the ultimate consumer of the Tobacco Product.

(b) “Permit” means an annual permit issued by the City or the City’s Permitting Agent for retail sale of Tobacco Products pursuant to Section 729.03 herein.

(c) “Permittee” means the holder of a valid permit under this Chapter.

(d) “Permitting Agent” means an entity with which the City of Cleveland Heights has contracted to administer permit applications, enforcement, and/or provisions contained in this Chapter.

(e) “Person Under 21” means a natural person who has not yet reached the age of twenty-one (21) years of age.

(f) “Proof of Age” means a driver’s license, a commercial driver’s license, a military identification card, a passport, or an identification card issued under R.C. §§ 4507.50 to 4507.52 that shows that a person is twenty-one (21) years of age or older (i.e., not a Person Under 21).

(g) “Tobacco Product” means any product that is made from tobacco or derived from tobacco or that contains nicotine, whether natural or synthetic, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, snorted, sniffed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, cigarettes, e-liquids, cigars, little cigars, pipe tobacco, chewing tobacco, snuff, or snus. “Tobacco Product” also means electronic devices, including any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including, but not limited to, e-cigarettes, e-cigars, e-pipes, vapor products, or e-hookahs. Tobacco Product includes any component, part, or accessory used in the consumption of tobacco products, whether or not it contains nicotine including, but not limited to, filters, cartridges, pods, pens, rolling papers, or pipes. “Tobacco Product” does not include any of the following:

- (1) Any product that is a “drug” as that term is defined in 21 U.S.C. 321(g)(1);
- (2) Any product that is a “device” as that term is defined in 21 U.S.C. 321(h);
or
- (3) Any product that is a “combination product” as described in 21 U.S.C. 353(g).

SECTION 729.02 SALE TO PERSONS UNDER 21 PROHIBITED.

(a) No Permittee or agent of Permittee shall sell or otherwise distribute to any Person Under 21 any Tobacco Product within the City.

(b) Before selling or otherwise distributing any Tobacco Product to another person, the person selling or distributing the Tobacco Product shall verify the age of any person who appears to be under thirty (30) years of age by a Proof of Age.

(c) No person shall sell or otherwise distribute Tobacco Products by or from a vending machine except in an area within a business, office, or other place not open to the general public or in an area to which Persons Under 21 are not permitted.

(d) It shall not be a violation of this Section to sell or otherwise distribute any product that has been approved as a tobacco cessation aid by the United States Food and Drug Administration.

729.03 ANNUAL PERMIT REQUIRED.

(a) No person shall engage in retail sales or distribution of Tobacco Products within the City without a valid Permit issued by the City or its Permitting Agent.

(b) The following items shall be required in applying for a Permit, or renewing a Permit under this Section:

1. A valid vendor's license from the Ohio Department of Taxation;
2. If applicable, a license required by Revised Code Chapter 5743;
3. The location where the Permit applicant proposes to engage in retail sales of Tobacco Products;
4. A nonrefundable Permit administration fee of One Hundred Dollars (\$100.00); and
5. Such other information as determined by the City or its Permitting Agent to be necessary to administer the permitting system provided herein and to effectuate the purposes of this Chapter.

(c) A Permit granted under this Section shall be valid from the date of issuance until December 31 of the year of issuance.

(d) Permit administration fees, reinstatement fees, and civil penalties collected in administering this Chapter may be collected by the City or its Permitting Agent and shall be credited to the City's General Fund to defray the costs of administration and enforcement of this Chapter. Alternatively, the City and its Permitting Agent may agree that the Permitting Agent will retain all or a portion of the fees as compensation for its services as the Permitting Agent.

(e) For purposes of this Section, "valid Permit" means a Permit issued under this Section that has not expired, that is not within a period of suspension or failure-to-reinstate status, and that has not been revoked under this Chapter or any provision of applicable law.

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(f) A separate Permit shall be required for each retail sales location regardless of whether or not a person owns or operates more than one retail sales location within the City.

729.04 PERMIT REVOCATION, DENIAL, OR SUSPENSION

(a) Application for a Permit may be denied for any of the following reasons:

- (1) The Permit applicant had a Permit revoked within the previous three (3) years;
- (2) The Permit applicant is determined to have knowingly included false or misleading information in the Permit application or renewal Permit application;
- (3) The applicant's current Permit has been suspended and the period of suspension has not elapsed;
- (4) A business owned or operated by the Permit applicant engaging in the sale of Tobacco Products within the City is the subject of a court order or a city resolution or final order declaring such business to be a public nuisance, where said nuisance has not been abated, or where a court has ordered that sales of Tobacco Products shall cease pursuant to any temporary restraining order, preliminary injunction, or permanent injunction issued by said court;
- (5) The Permit applicant is in arrears with respect to any fine imposed for violation of this Chapter; and/or
- (6) The Permit applicant has failed to provide any of the items required under Subsection 729.03(b).

(b) For purposes of subdivision (a) of this Section, "applicant" shall include entities with common ownership or management to the entity or natural person listed on the application.

(c) A Permit may be suspended for a definite period, not to exceed six (6) months, as determined by the City or its Permitting Agent. Prior to reinstatement of the Permit following expiration of the suspension, the Permittee shall remit a One Hundred Dollars (\$100) Permit reinstatement administration fee. A Permit may be suspended for any of the following reasons:

- (1) A business owned or operated by the Permit applicant engaging in the sale of Tobacco Products within the City is the subject of a court order or city resolution or final order declaring such business to be a public nuisance where said nuisance has not been abated, or where the court has ordered that sales of Tobacco Products shall cease pursuant to any temporary restraining order, preliminary injunction, or permanent injunction issued by said court;
- (2) Substantiated evidence that Permittee or agent of Permittee has sold or otherwise distribute any Tobacco Product to any Person Under 21 within the City more than one time in the past twelve (12) months;
- (3) The finding by a federal or state agency or court that the Permit applicant has violated a federal or state rule or regulation governing the sale of Tobacco Products;
- (4) Entry of a City or its Permitting Agent is refused or inspection, or

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- investigation is refused, hindered, or thwarted; and/or
- (5) The Permit is in arrears with respect to any fine imposed for any civil penalty levied under this Chapter.
- (d) A Permit may be revoked for any of the following reasons:
- (1) The Permit applicant is determined to have knowingly included false or misleading information in the Permit application or renewal Permit application;
 - (2) Substantiated evidence that Permittee or agent of Permittee has sold or otherwise distribute any Tobacco Product to any Person Under 21 within the City more than one time in the past twelve (12) months;;
 - (3) Entry of a City or its Permitting Agent is refused, or inspection or investigation is refused, hindered, or thwarted;
 - (4) A period of suspension imposed under Subsection(c) herein has elapsed and the Permittee remains in arrears of payment of such fine or penalty; and/or
 - (5) The Permittee has been subject to three (3) or more suspensions in the previous twenty-four (24) month period.

729.05 NON-TRANSFERABILITY.

A Permit is non-transferable. A new Permit will be issued at no cost to the Permittee who changes location. Any sale or transfer of ownership of Permittee's business will require a new application and subsequent permit issuance.

729.06 NON-RETALIATION.

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer reported violations of any provisions of this Chapter.

729.07 POSTING OF SIGNS; EDUCATION; OUTREACH

(a) Effective January 1, 2019, a sign stating "Under 21 Sales of Tobacco and Nicotine Products and Devices Prohibited by Law" and "Pursuant to Chapter 729 of the Cleveland Heights Codified Ordinances" shall be posted. The font for "Pursuant to Chapter 729 of the Cleveland Heights Codified Ordinances" shall be no smaller than 1/2 inch in height. The font for "Under 21 Sales of Nicotine Prohibited by Law" shall be no smaller than 1/6 of an inch in height. The sign shall be clearly and conspicuously posted at or near the point of sale of any location tobacco products and/or alternative nicotine products are sold.

(a) The City or its Permitting Agent shall collaborate with the community to prepare and distribute education materials, required signage to all vendors, hold education events, publicize and/or such other education events or efforts to foster awareness of the requirements of implementation and compliance with this Chapter. The City or its Permitting Agent shall make all reasonable efforts to conduct such education efforts within the first six (6) months of the program and at regular intervals as necessary thereafter.

729.08 ENFORCEMENT, APPEALS

- (a) The City and its Permitting Agent shall have authority to implement and enforce

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the provisions of this Chapter.

(b) The City and/or its Permitting Agent may conduct an inspection of a business prior to issuing a Permit. The City and/or its Permitting Agent may annually inspect each business holding a Permit upon proper identification and upon stating the purpose and necessity of an inspection. The City and/or its Permitting Agent may enter at reasonable times to inspect or investigate and examine or copy records to determine compliance with this Chapter. The City and/or its Permitting Agent may apply for and any judge of a court of record may issue an appropriate search warrant necessary to achieve the purposes of this Chapter within the court's territorial jurisdiction. If entry is refused or inspection or investigation is refused, hindered, or thwarted, the City and/or its Permitting Agent may suspend or revoke the Permit as set forth herein.

(c) In addition to the denial, suspension, or revocation of a permit, the City and/or its Permitting Agent may impose the following civil penalties for violations of this Chapter:

- (1) For the first six (6) months after the implementation of this Chapter, written warnings shall be provided to violators.
- (2) For a first violation \$250.00.
- (3) For second violation within two (2) years of the first violation, \$500.00.
- (4) For a third violation within two (2) years of the first violation, \$1,000.00.
- (5) For a fourth violation within two (2) years of the first violation, administrative permit review to determine if the permit should be suspended or revoked.

(d) When the City and/or its Permitting Agent determines to issue a civil penalty for a violation, to deny a Permit application, or to suspend or revoke a Permit, the City and/or Permitting Agent shall notify Permittee of said determination by sending written notice of said determination by U.S. first-class mail to the address provided on the Permit application.

(e) The City and/or or its Permitting Agent shall not be required to conduct an evidentiary hearing prior to issuing a determination provided for in Subsection (d) herein.

(f) The Permittee may file a written notice of appeal with the City Director of Law within fourteen calendar (14) days after the date the determination was mailed. The process to request said appeal shall be provided in the notice of the determination set forth in subsection (d) herein. The determination shall take effect following the expiration of time to file the notice of appeal.

(g) An appeal hearing shall be heard by the Nuisance Abatement Board of Review which shall follow the relevant hearings procedures set forth in Chapter 553. The burden of proof by preponderance of the evidence shall be upon the City and/or its Permitting Agent. The Nuisance Abatement Board of Review shall be the final, administrative decision maker.

729.09 INJUNCTIVE RELIEF

(a) The provisions of Sections 729.01 through 729.08, are health ordinances

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applicable to real property in the City and may be enforced by civil action pursuant to the Revised Code.

(b) Repeated violations of this Chapter may constitute a public nuisance. The Law Director may bring a cause of action to abate such nuisance and enjoin the recurrence of such violations and for such other relief may be available at law or in equity or the City may seek relief pursuant to Chapter 553.

729.10 EFFECTIVE DATE

Permits and other requirements set forth in this Chapter shall be effective as of January 1, 2019.