
MEMORANDUM

TO: Members of Council
FROM: Tanisha R. Briley, City Manager
DATE: October 5, 2018
RE: October 8, 2018

MEETINGS & REMINDERS

Monday, October 8	-	6:15 p.m.	-	Committee of the Whole
	-	7:45 p.m.	-	Housing and Transportation Committee
Wednesday, October 10	-	7:00 p.m.	-	Planning Commission
	-	7:30 p.m.	-	Top of the Hill Public Meeting at the Community Center
Thursday, October 11	-	6:00 p.m.	-	Meet Your Police

LEGISLATION

1. Tobacco 21, *Second Reading*

GENERAL INFORMATION

1. Enclosed are the Agendas and Council Update.
2. Enclosed is a Community Outreach update from the Vice City Manager.
3. Enclosed are updates from the Public Works Director.
4. Enclosed is an update from the Planning and Development Director.
5. Enclosed is an update from the Economic Development Director.
6. Enclosed is an update from the Housing Director.
7. Enclosed is an update from the Parks and Recreation Director.
8. Enclosed is the weekly activity report from the Fire Chief.
9. Enclosed is the weekly activity report from the Police Chief.
10. Enclosed are minutes from the Architectural Board of Review.

TRB/jkw
Enclosures



COUNCIL UPDATE

OCTOBER 5, 2018

1. LEGISLATION

- Tobacco 21, Second Reading. This legislation enacts 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.

2. UPCOMING COMMITTEE MEETINGS

- Enclosed are three memos prepared for upcoming Council Committee meetings. The first two memos were prepared by Housing Director Butler for the Housing & Transportation Committee meeting on Monday, October 8th. The final memo was prepared by Public Works leadership for discussion at the October 22nd Public Safety & Municipal Services Committee.

3. 2019 BUDGET PROCESS UPDATE

- Staff is preparing the 2019 Operating and Capital budgets for presentation to City Council. Information will be reviewed in a series of public workshops beginning at the end of October through November. The workshop schedule is as follows:
 - October 31st – 2018 & 2019 Capital Budget; 2019-2023 Capital Improvement Plan; Bond Retirement Fund; and, a review of 2019 Revenue Projections
 - November 13th – Major Operating Funds: General Fund, Local Programming Fund, Parking Fund, Forestry, Sewer, and Ambulance (ALS); and, 2018 Year End Projections
 - November 19th – First readings of 2018 Appropriations Amendment and the 2019 Appropriations Ordinance
 - November 26th – Follow Up Operating & Capital Budget (if needed)
 - December 3rd – Final readings and adoption of the 2018 Appropriations Amendment and 2019 Appropriations Ordinance

4. CITY COUNCIL MEETING SCHEDULE FOR REMAINDER OF 2018

- Please review the enclosed chart outlining the meeting schedule for the remainder of the year. The following dates require special attention:
 - Monday October 22nd: Special City Council Meeting (6:30pm – 6:45pm);
Public Safety and Municipal Services Committee Meeting (6:45pm – 9pm)
 - Tuesday, November 13th: Committee of the Whole + Regular Council Meeting
 - Monday, December 10th: Special City Council Meeting



Memorandum

To: Tanisha Briley- City Manager
From: Allan Butler- Housing Programs Director
Date: October 5, 2018
Re: Tax Delinquent Rental Ordinance 38-2017 Update

It has been the first full year since Ordinance 38-2017 was passed on 4/3/2017. The Housing staff has worked diligently in tracking properties identified as tax delinquent rentals. In September 2017 an initial list of approx. 400 rental properties were identified as tax delinquent and subsequently the owner was issued a notice of code violations stating that they were in violation of the ordinance. The following week each property was posted with a similar notice stating the property has been identified as tax delinquent or it had an unpaid nuisance abatement balance and that a Certificate of Occupancy would not be issued for the residence unless the taxes were paid or a payment plan was created. A second notice was posted on remaining properties in March 2018 in preparation for issuing summonses to Housing Court. As we begin preparation for 2019 Occupancy Permit issuance, it is a good time to review the current data tracked for 2018 and establish a baseline for future years.

- 400 initial properties identified as tax delinquent and probable rental.
- Approx. 270 of the parcels were identified as occupied and 130 as vacant.
- 140 of the 400 parcels have paid their delinquent tax balance in full and made payments of approx. \$1.8 mil. About 72 of these 140 properties where the taxes were paid in full had also transferred title to a new owner. There were various types of title transfers for these 72 properties including sheriff's sale.
- 85 of the 400 parcels entered into a Tax Payment Plan with the County Treasurer and have made payments of approx. \$670,000.
- 18 of the 400 parcels were transferred to the City Land Reutilization Program or to the Cuyahoga County Land Reutilization Program via tax foreclosure.
- 120 of the remaining 157 parcels had tax foreclosure proceedings initiated including 6 of which the tax liens were sold to a private party.
- Of the remaining 37 parcels 11 had made some payment to their tax balance. 27 were identified as occupied and 10 vacant. 33 of the 37 parcels had a delinquent tax balance of under \$10,000 and 22 of the 37 were under \$5,000.

Cleve. Hts. Housing Dept. response to GCC priorities:

From your GCC Cleveland Heights Housing Team:

SUGGESTIONS TO DEAL PROACTIVELY WITH PROBLEM PROPERTIES

If we had a magic wand to wave, our top priorities would be:

1. Data should drive our actions. Do whatever it takes to get the City's information system software up-to-date as soon as possible, so that housing trends can be identified and monitored, individual properties can be monitored for compliance, early warning of tax delinquency can allow for contact with homeowner-occupants in a timely fashion, properties for sale/sold without a point of sale can be identified and pursued, and so much more.

- A new Regional Code Enforcement Software is currently being installed for 6 First Suburbs Consortium members including Cleveland Heights, Shaker Heights, Lakewood, Parma, South Euclid, and University Heights. This project began in 2014 when FSC contacted the Center on Urban Poverty and Community Development (Poverty Center) at Case Western Reserve University to seek their aid in improving data and data management tools for suburban code enforcement. FSC was awarded a grant of \$200,000 from the County Tax Appraisal Department to aid in the implementation of this regional collaboration.

2. Expand the role of the Law Department or outside Special Counsel to upgrade code enforcement policies and procedures needed to deal with new challenges in the housing market (including the increase in rental properties). Explore ways to intervene to prevent the advance of blight and abandonment of properties before they get stuck in the system—E.G. Affidavit of Fact, Judicially Ordered Nuisance Abatement, use of Receivership, expediting service of process on out of state owners and investors, South Euclid's Vacant Property Registration, and more. *(See also #7-9 and 12)*

- The Housing Department has been corresponding for over a decade with the Cuyahoga County's Prosecutor's Office, Clerk of Courts, Treasurer's Office, and the County Land Bank to expedite foreclosures through the court process. The City created its own Land Reutilization Program in partnership with the County Land Bank to tackle vacant and abandoned properties and has completed hundreds of Affidavits of Fact for tax delinquent properties. The Housing Department has corresponded with Chief Magistrate Stephen Bucha since 2009 to requesting expedient action on foreclosure cases dealing with vacant, abandoned or blighted properties. Law Dept. is closely monitoring current private receivership cases and the Housing Dept. is looking for partners to continue receivership actions where pertinent. The City enacted its own REGISTRATION OF VACANT DWELLING STRUCTURES and REGISTRATION OF DWELLING STRUCTURE BY OUT-OF-COUNTY OWNERS in 2007 to help combat the housing crisis and out of state owners.

Other proactive remedies to consider:

1. Monitor on-line auction sites to ensure that point-of-sale inspections are obtained and disclosed, and that escrow accounts, if required, are established. *(Note: It was our Team's work that discovered and brought to the City's attention that US Bank was selling its foreclosed properties via on-line auction without a POS inspection.)*

- Our Property Investigator, Steve Holowicki has been monitoring these sites with the help of GCC's Denise Hatala. Steve monitors property transfer records to determine if properties have transferred title along with foreclosure cases and sheriff's sale results. We violation notices for all transfers that do not have City approval.

2. Focus efforts to identify ALL vacant and abandoned properties, so that those that are tax delinquent can be "pulled" from the County Tax Lien Sale and sent directly for a Board of Revision Tax Foreclosure Sale.

- This process is ongoing since 2011 and occurs at every tax lien sale. Efforts by the Cleveland Heights and other inner ring suburbs have helped re-write the Tax Lien Sale Contract so municipalities have the opportunity to remove these properties from a list of proposed liens offered for sale.

3. Consider South Euclid's Vacant Property Registration so once a vacant property is identified, an exterior-interior inspection will be done to establish a record of condition, then seek to move each property to sale as quickly as possible, before further deterioration occurs.

- The City enacted its own REGISTRATION OF VACANT DWELLING STRUCTURES and REGISTRATION OF DWELLING STRUCTURE BY OUT-OF-COUNTY OWNERS in 2007. Properties that are vacant are monitored monthly and evaluated for tax delinquency, condition, and nuisance abatement. The new foreclosure bond ordinance will help with vacant properties that have mortgage foreclosures.

4. Prosecute in Housing Court ALL cases of investors who buy blighted properties and do not begin repairs in a timely manner. Perhaps consider incentives to renovate quickly and sell to an owner-occupant or require that exterior work be a first priority for the sake of the neighborhood. *(See enclosure re: 2 US Bank Properties)*

- The Housing Department evaluates all notices of code violations upon re-inspection and makes a determination of the next course of action. The Dept. may decide to close a case, grant an extension of time, request additional information, or refer the case to Housing Court. Our policy for properties that have numerous exterior violations is to require the completion of Class A exterior violations prior to receiving additional extensions of time.

5. Create an informal coordinating group of public and private interest professionals similar to the county-wide Vacant Abandoned Property Action Council (VAPAC) to be convened by CH, HRRRC, Future Heights, or all three, to share information/coordinate actions to deal with problem property issues in the Heights.

- The Housing Department has acted as facilitator for partner CDC's in coordinating property transfers and contractor relationships. Our Law Dept. is currently working on creating a City operated Community Improvement Corporation to help the economic and housing development in cooperation with our partner CDC's.

6. Pass Foreclosure Bond Legislation. *(See enclosure - 1015 Elbon)*

- Passed by City Council 10/3/2018

7. In cases of tax foreclosure in which the City has pending liens, the Law Department should take an active role to seek relief, including full code compliance, through the powers of a Court to grant a remedy.

(Note: Given that tax foreclosures are a growing problem and that the City will likely need to expend more funds to cut grass and make essential repairs for the sake of the neighbors/neighborhood, exploration of this option makes good sense.)

- The City is a party to any case of which it has a lien. If the property sells at tax foreclosure the liens are paid back in an order predetermined.

8. Seek new ways to provide proper service to property owners when the usual measures do not work.

- The Housing Department has implemented procedures to notify Housing Case defendants of their upcoming court case via phone calls prior to their hearing date. We continue to work with the new Court staff to examine issues of service on summons, violation penalty, entry of cases, and docket size.

9. Consider actions of other communities; for example, consider requiring inspection of single and 2-family rental properties more frequently than once every three years.

- A recent survey of rental inspections and compliance time frames was conducted of First Suburbs communities for review. Staffing is a key component of increasing the time frame of rental properties and currently it is not feasible to reduce the inspection time frame.

10. Find ways to move foreclosures through the process quickly, so the house doesn't sit vacant for years; ensure that escrow funds are established as required by the POS and check compliance at 6 month intervals.

- Answered in question 2A.

11. Inspect exteriors of all Noble neighborhood properties this summer/fall, or until done.

- All systematic inspections are done on a routine schedule. Inspections of owner occupied properties north and east of noble were conducted in 2017 and the area south and west of noble will be conducted in 2019.

12. In cases of rentals where the owner is delinquent on taxes, ask the Court and Law Dept. to consider whether legislation or Court Order could be written or used to allow tenants rent to be escrowed to pay the back taxes.

- Housing and Court staffs have discussed the possibility of a rent in escrow case being filed due to the passage of this ordinance due to the owner not being in compliance with a violation notice. Our posting notice advises tenants to call the Housing Dept. where we can explain the notice and refer callers to Legal Aid or Cleve. Hts. Courts.

13. Provide sufficient staff to undertake identified activities.

**CITY OF CLEVELAND HEIGHTS
MEMORANDUM**

To: Tanisha R. Briley, City Manager

From: Alex Mannarino, Director of Public Works
Collette Clinkscale, Assistant Director of Public Works
Joseph Kickel, Capital Projects Manager

cc: Safety and Municipal Services Committee:
Michael Unger-Chair
Cheryl Stephens-Vice Chair
Jason Stein-Member

Date: October 5, 2018

Re: *Cleveland Heights Refuse Collection-Operational Analysis*

This memorandum is written in response to the Safety and Municipal Services Committee's interest in reviewing the state of refuse collection in the City of Cleveland Heights. The following key areas will be addressed: current method of collection, challenges associated with the current collection method, and options implemented by other local agencies.

I. CURRENT METHOD OF COLLECTION

- A. Currently the City of Cleveland Heights operates its own Refuse and Recycling Division. The division is responsible for the following services:
1. Curbside Collection of Solid Waste (Refuse)
 - a. A "one-man" operator collects loose bags of refuse placed on the tree lawn by the residents.
 - b. There are five weekly routes that serve a total of 15,000 residential units including 126 apartment buildings which equate to an additional 1,094 units.
 2. Curbside Collection of Recycled Materials
 - a. A "one-man" operator collects comingled recycling placed on the tree lawn in blue or clear plastic recycling bags by the residents.
 - b. There are three weekly routes that serve a total of 15,000 residential units including 126 apartments which equates to an additional 1,094 units.
 3. Curbside Collection of Source Separated Yard Waste between the months of April through November.

- a. Yard waste is collected on the tree lawns in brown kraft paper bags or tied in two foot by four foot bundles.
 - b. The City is divided into two separate routes for yard waste collection.
 - c. Collection methods vary and may be through: a one-man operator or two to three men on a rear loaded packer
 - d. The street maintenance division assists with large yard waste and brush stops by collecting the stop with a pay loader and dump truck.
4. Bulk Refuse Collection and Dumpster Service
- a. The Division empties forty-seven dumpsters at apartment buildings and commercial districts throughout the city.
 - b. Bulk refuse is collected weekly on the same day as the regularly scheduled refuse collection.
 - c. Large stops in excess of four bulk items or forty bags of trash are charged a fee for collection.
5. Transfer Station – Landfilling
- a. The City operates its own Transfer Station facility where refuse collected on the local streets is off-loaded and then transferred into tractor-trailers where it is then hauled directly to the landfill.
6. Total estimated annual operating cost is \$3,400,000.
- a. Resident landfill fee subsidizes the cost by estimated \$2,200,000.

II. CHALLENGES ASSOCIATED WITH CURRENT COLLECTION METHOD

- A. The current method of collection has become antiquated when compared to the most current industry collection methods, and the methods utilized by neighboring communities.
1. The city's current collection method has the potential for the following:
 - a. Unsightliness of loose trash bags and recycling on the tree lawn.
 - b. Increased nuisance animals that are attracted to loose trash on the tree lawn.
 - c. Increased litter and debris on streets and tree lawns resulting from nuisance animals getting into loose trash bags on the tree-lawn.

- d. Presence of noxious odors and the infiltration of contaminated surface water run-off into storm sewers from water that comes into contact with loose trash, liquids, and other household waste.
 - e. Increased worker's compensation claims and consequent rate increases.
 - i. Repetitive motion from climbing in and out of a truck along with heavy lifting increases an employee's chances of an on the job injury.
 - ii. The Refuse and Recycling Division has the highest rate of worker's compensation claims in the Public Works Department not including injury related employee absence.
 - f. Aging fleet of collection vehicles.
 - i. Collection vehicles will continue to need replacement over a five to ten year cycle. We currently have an immediate need to replace 5 collection vehicles.
 - ii. Replacement refuse collection trucks average \$350,000 each.
 - iii. Replacement tractor trailers average \$150,000 each.
- B. Recycling costs are rising. Decreased demand for recycled materials and recycled goods has led to increased costs for recycling.
- 1. Low demand for recycled paper and glass, low petroleum costs, and a ban on importing plastics into China for recycling has driven the cost of recycling materials up and is leading to stockpiles of materials with little demand for them.
 - 2. Other potential recycling issues for glass, plastic, and paper include:
 - a. New packaging materials used for items like soups, juices, etc.
 - i. Where many products used to be packaged in metal containers, such as cans, they now come in foil lined pouches or boxes which are not recyclable.
 - ii. Many people think that these items are recyclable (or wish they were) and add them to their recycling. This forces the recycling centers to have to sort the trash out of the recycling which drives up cost.
 - b. Most recycling centers no longer accept or are in the process of eliminating the acceptance of recycling in clear or blue plastic bags which are viewed as a contaminant in the sorting process.
 - 3. Yard waste is another material that is becoming more difficult to recycle. The City recently bid out a contract for landfilling with an alternate add-on for the acceptance of yard waste. Four companies submitted bids, of the four, not one of the companies was interested in accepting yard waste for a fee.

- a. Contamination is a serious problem with yard waste.
- b. Our current method of collection requires that yard waste be “source separated” meaning that the person placing the yard waste for collection has properly separated it from any construction debris or landfillable refuse.
- c. Some residents include litter or other refuse or recycling materials in their yard waste bags. This contaminates the yard waste and it is then considered trash.
- d. Registered composting facilities cannot accept contaminated yard waste because they are not authorized trash facilities. The compost facilities must separate the material on site causing them to expend additional resources which can lead to increased costs. Accepting contaminated yard waste can also subject the facilities to penalties and fines, which can also lead to increased costs.

III. OPTIONS IMPLEMENTED BY OTHER COMMUNITIES

The following section describes the methods for refuse and recycling collection used in other communities. This section does not address yard waste or bulk waste collection. These activities can be reviewed in more detail at a later time.

A. MANUAL METHOD OF COLLECTION (CURRENTLY UTILIZED BY THE CITY)

- 1. Of the fifty-nine political sub-divisions in Cuyahoga County, twenty-one communities manually collect their trash through various methods including but not limited to: one-man collection, two or three man collection, and back-yard service (with a small truck or powered buggy)(See Attachment A).
 - a. Advantages of a manual method of collection include:
 - i. Continued quality and level of service
 - ii. Keep and maintain the current fleet of collection vehicles
 - b. Disadvantages of a manual method of collection include:
 - i. Unsightliness of loose trash bags and recycling on the tree lawn.
 - ii. Increased nuisance animals that are attracted to loose trash on the tree lawn.
 - iii. Increased litter and debris on streets and tree lawns resulting from nuisance animals getting into loose trash bags on the tree-lawn.
 - iv. Presence of noxious odors and the infiltration of contaminated surface water run-off into storm sewers from water that comes into contact with loose trash, liquids, and other household waste.

- v. Increased worker's compensation claims and consequent rate increases.
 - vi. Potential difficulty of collecting recycled materials in the future based on the trends identified in Section II(B)(2) above.
2. A manual method of collection should be accompanied by a well-organized marketing and education campaign. Since many local agencies are limited in their ability to drive consumer trends or international trade policies, the next best step is to educate recyclers on how to properly sort and place their recyclable materials.
- a. A well-organized marketing and education campaign can promote the following:
 - i. Help to properly divert materials to where they belong (i.e. recycling, or landfilling).
 - ii. Control costs of both landfilling and recycling
 - iii. Improve the efficiency of collection operations
 - iv. Improve relations between local agencies and recycling facilities

B. AUTOMATED METHOD OF COLLECTION

1. Thirty-eight of the fifty-nine communities in Cuyahoga County utilize automated collection (See Attachment B). It has become the standard method of collection utilized by most communities today. An operator drives a truck from house to house (rarely leaving the cab of the vehicle) emptying 65 gallon recycling and 95 gallon refuse carts by means of an automated hydraulic arm that extends from the truck, picks up the cart, empties it into the truck, and then places the cart back on the ground.
- a. Some advantages of automated collection are:
 - i. Improved rate of recycling with a decreased rate of refuse being diverted to the landfill. Historically most communities have seen increased recycling rates when residents are provided with the 65 gallon recycling containers (in some cases this is mandatory) which result in less recyclable materials going into the trash.
 - ii. Cleaner streets and public areas since the only trash collected are contained in large wheeled carts that have a uniform color and appearance.
 - iii. Cleaner environment resulting from noxious odors and liquids being contained in the large covered leak-proof containers.

- iv. Improved employee productivity with less potential for serious injuries along with the potential to decrease worker's compensation claims and consequent rates.
- v. Many communities have been able to reduce the number of collection routes both for refuse and recycling.
 - aa. The City could reduce the current refuse routes from five to four within one year.
 - bb. The City could reduce the recycling routes from three to two within one year.
 - cc. Staff reductions would be made through attrition and/or reassignment
- b. Some disadvantages of automated collection are:
 - i. High upfront cost which typically requires a significant capital outlay. For Cleveland Heights to convert its operation it would require:
 - aa. The purchase of seven new automated collection trucks at an estimated cost of \$352,121 each for a total cost of \$2,464,847
 - bb. The purchase of 16,000 – 95 Gallon refuse carts at an estimated cost of \$51.92 each for a total cost of \$830,720
 - cc. The purchase of 16,000 – 65 Gallon refuse carts at an estimated cost of \$46.72 each for a total cost of \$747,520
 - dd. Total estimated cost to implement automation - \$4,043,087
 - ii. Increased rate of recycling. This would be considered an environmental advantage, but a potential economic disadvantage according to the trends listed in Section II(B)(2) above.
 - iii. Carts being left out on tree-lawns after the scheduled collection day.
- 2. The City recently applied for an Ohio EPA Grant in the amount of \$1.01 million. If awarded, the grant would assist with the purchase of seven new automated collection trucks.
- 3. An automated method of collection should be accompanied by a well-organized marketing and education campaign. A well-organized marketing and education campaign has the potential to offer all of the advantages listed in Section III(A)(2) above.

C. PRIVATE (CONTRACTED) HAULER

- 1. Thirty-nine of the fifty-nine communities in Cuyahoga County utilize a private hauler for their refuse collection and/or recycling operations (See Attachment C).
 - a. Some advantages of utilizing a private hauler are:
 - i. Most haulers offer automated collection.

- ii. All operational costs (both direct and indirect to the hauler) are inclusive to their prices.
 - iii. Services can be tailored to meet the wants and needs of the community.
 - aa. Services are usually arranged through the bidding/contracting process.
 - bb. Services are usually a la carte and come with a price (e.g. emptying 150 commercial district trash cans at a price per can per day).
- b. Some disadvantages of utilizing a private hauler are:
- i. Decreased owner control over collection operations.
 - ii. Lack of flexibility on the part of the hauler to come back for late stops or special pick-ups.
 - iii. Each and every service comes with a price (i.e. special collection days, dumpsters, business district waste cans, etc.).
 - iv. Bulk refuse collection is usually limited to once a month and four items.
2. The City of Cleveland Heights owns and operates its own transfer station that has been grandfathered in to today's operating regulations. Contracting for refuse and recycling collection would likely decommission the transfer station and the City would no longer have the option to operate this facility. Given today's regulations, there are no other locations in the City that would be eligible host a transfer station.
3. A price comparison chart is available below (See Attachments D-1 through D-2).

IV. SUMMARY

In summary, the purpose of this memorandum is to offer information to assist the Safety and Municipal Services Committee with its analysis of refuse and recycling collection operations within the City of Cleveland Heights and neighboring communities. Refuse collection occurs in every community and is a vital necessity to everyday life. Automated collection, either in-house or as contracted service, is the most common method of collection, but it is not the only method of collection. Collection methods are typically tailored to meet the specific needs of the community and are not always the same from one community to the other. There are benefits and challenges to each method of collection and as it is a central quality of life issue the decision making process should include robust community education and engagement.

ATTACHMENT A
Communities Utilizing Methods other than Automated Collection

Community	# of Units	Refuse	Recycling
Brecksville	5,400	MUNICIPAL	MUNICIPAL
Broadview Heights	7,100	PRIVATE	PRIVATE
Cleveland Heights	16,120	MUNICIPAL	MUNICIPAL
Cuyahoga Heights	280	MUNICIPAL	MUNICIPAL
East Cleveland	5319	PRIVATE	PRIVATE
Gates Mills	960	PRIVATE	PRIVATE
Highland Hills	n/a	MUNICIPAL	MUNICIPAL
Linndale	75	PRIVATE	PRIVATE
Maple Heights	9,600	PRIVATE	n/a
Middleburg Heights	5,658	PRIVATE	PRIVATE
North Randall	465	MUNICIPAL	MUNICIPAL
North Royalton	9,700	PRIVATE	PRIVATE
Oakwood	1,630	PRIVATE	PRIVATE
Pepper Pike	2,337	MUNICIPAL	MUNICIPAL
Richmond Heights	3,360	PRIVATE	MUNICIPAL
Rocky River	10,166	MUNICIPAL	MUNICIPAL
Shaker Heights	10,500	MUNICIPAL	MUNICIPAL
Strongsville	18,673	PRIVATE	PRIVATE
University Heights	5248	MUNICIPAL	MUNICIPAL
Valley View	804	MUNICIPAL	MUNICIPAL
Warrensville Heights	2,974	PRIVATE	PRIVATE
Westlake	11,000	PRIVATE	PRIVATE
Woodmere	134	MUNICIPAL	MUNICIPAL

Community	# of Units	Refuse	Recycling
Brecksville	5,400	MUNICIPAL	MUNICIPAL
Broadview Heights	7,100	PRIVATE	PRIVATE
Cleveland Heights	16,120	MUNICIPAL	MUNICIPAL
Cuyahoga Heights	280	MUNICIPAL	MUNICIPAL
East Cleveland	5319	PRIVATE	PRIVATE
Gates Mills	960	PRIVATE	PRIVATE
Highland Hills	n/a	MUNICIPAL	MUNICIPAL
Linndale	75	PRIVATE	PRIVATE
Maple Heights	9,600	PRIVATE	n/a
Middleburg Heights	5,658	PRIVATE	PRIVATE
North Randall	465	MUNICIPAL	MUNICIPAL
North Royalton	9,700	PRIVATE	PRIVATE
Oakwood	1,630	PRIVATE	PRIVATE
Pepper Pike	2,337	MUNICIPAL	MUNICIPAL

Richmond Heights	3,360	PRIVATE	MUNICIPAL
Rocky River	10,166	MUNICIPAL	MUNICIPAL
Shaker Heights	10,500	MUNICIPAL	MUNICIPAL
Strongsville	18,673	PRIVATE	PRIVATE
University Heights	5248	MUNICIPAL	MUNICIPAL
Valley View	804	MUNICIPAL	MUNICIPAL
Warrensville Heights	2,974	PRIVATE	PRIVATE
Westlake	11,000	PRIVATE	PRIVATE
Woodmere	134	MUNICIPAL	MUNICIPAL

ATTACHMENT B
Communities Utilizing Automated Collection

Community	# of Units	Refuse	Recycling
Bay Village	6,442	PRIVATE	PRIVATE
Beachwood	2,970	MUNICIPAL	MUNICIPAL
Bedford	4,761	PRIVATE	PRIVATE
Bedford Heights	2,755	PRIVATE	PRIVATE
Bentleyville	299	PRIVATE	PRIVATE
Berea	5,870	PRIVATE	PRIVATE
Bratenahl	765	PRIVATE	PRIVATE
Brook Park	7,500	MUNICIPAL	MUNICIPAL
Brooklyn	4,000	MUNICIPAL	MUNICIPAL
Brooklyn Heights	617		PRIVATE
Chagrin Falls Township	42	PRIVATE	PRIVATE
Chagrin Falls Village	1,681	PRIVATE	PRIVATE
Cleveland	140,000	MUNICIPAL	MUNICIPAL
Euclid	17,500	PRIVATE	PRIVATE
Fairview Park	6,300	PRIVATE	PRIVATE
Garfield Heights	10,500	PRIVATE	PRIVATE
Glenwillow	297	PRIVATE	PRIVATE
Highland Heights	3,421	PRIVATE	PRIVATE
Hunting Valley	275	PRIVATE	PRIVATE
Independence	2,960	MUNICIPAL	MUNICIPAL
Lakewood	22,172	MUNICIPAL	MUNICIPAL
Lyndhurst	6,400	MUNICIPAL	MUNICIPAL
Mayfield Village	1,200	PRIVATE	PRIVATE
Mayfield Heights	5,120	PRIVATE	PRIVATE
Moreland Hills	1435		MUNICIPAL
Newburgh Heights	950	PRIVATE	PRIVATE
North Olmsted	10,854	PRIVATE	PRIVATE
Olmsted Falls	2,868	PRIVATE	PRIVATE
Olmsted Township	5,571	PRIVATE	PRIVATE
Orange	1,260	PRIVATE	PRIVATE
Parma	30,000	PRIVATE	PRIVATE
Parma Heights	6140	PRIVATE	PRIVATE
Seven Hills	5,270	PRIVATE	PRIVATE
Solon	7,400	MUNICIPAL	MUNICIPAL
South Euclid	8,700	PRIVATE	PRIVATE
Walton Hills	960	PRIVATE	PRIVATE
Warrensville Heights	2,974	PRIVATE	PRIVATE

ATTACHMENT C
Communities Utilizing Private Hauler

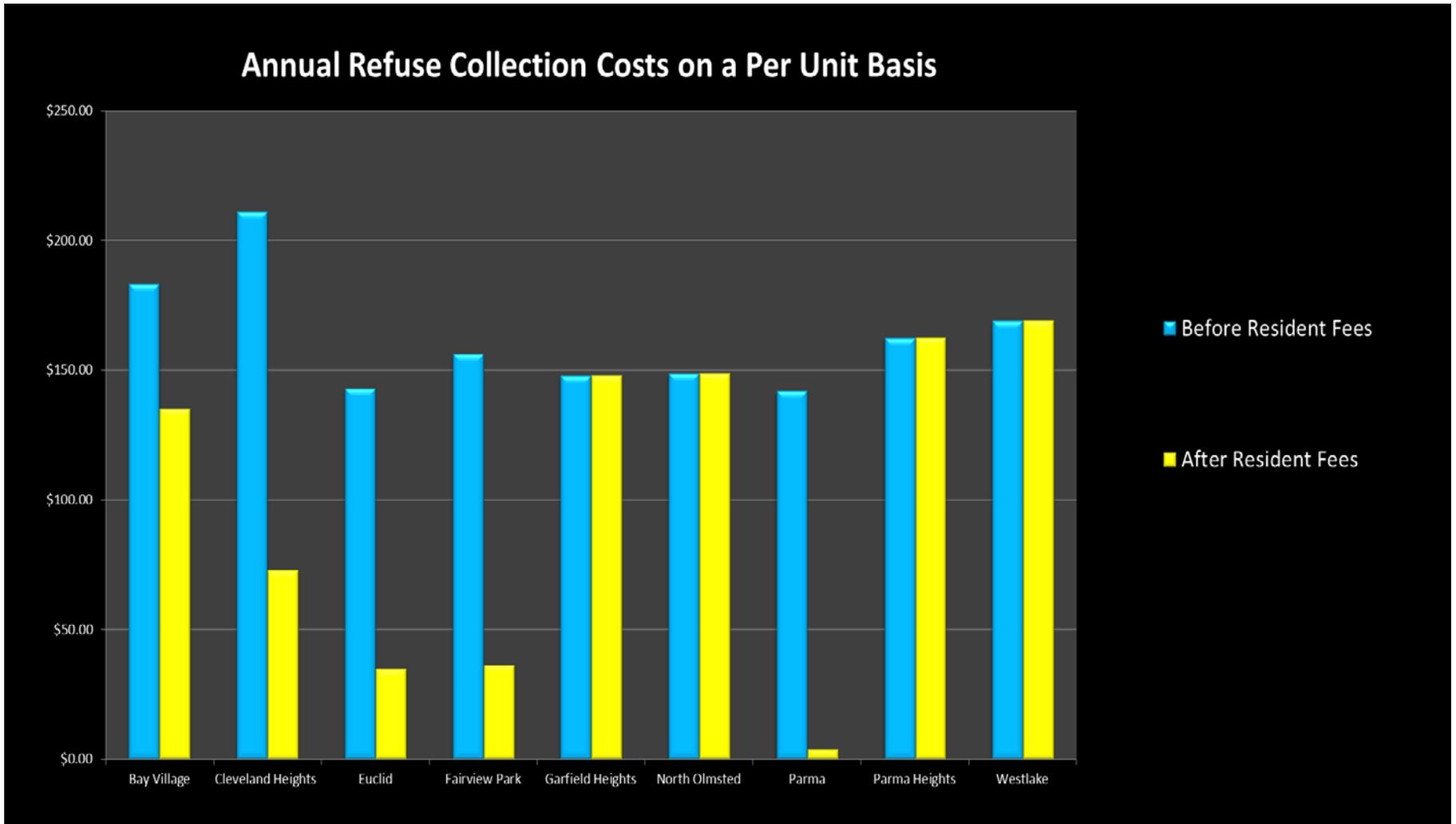
Community	# of Units	Refuse	Recycling
Bay Village	6,442	PRIVATE	PRIVATE
Bedford	4,761	PRIVATE	PRIVATE
Bedford Heights	2,755	PRIVATE	PRIVATE
Bentleyville	299	PRIVATE	PRIVATE
Berea	5,870	PRIVATE	PRIVATE
Bratenahl	765	PRIVATE	PRIVATE
Broadview Heights	7100	PRIVATE	PRIVATE
Brooklyn Heights	617	PRIVATE	PRIVATE
Chagrin Falls Township	42	PRIVATE	PRIVATE
Chagrin Falls Village	1,681	PRIVATE	PRIVATE
East Cleveland	5,319	PRIVATE	PRIVATE
Euclid	17,500	PRIVATE	PRIVATE
Fairview Park	6,300	PRIVATE	PRIVATE
Garfield Heights	10,500	PRIVATE	PRIVATE
Gates Mills	960	PRIVATE	PRIVATE
Glenwillow	297	PRIVATE	PRIVATE
Highland Heights	3,421	PRIVATE	PRIVATE
Hunting Valley	275	PRIVATE	PRIVATE
Linndale	75	PRIVATE	PRIVATE
Maple Heights	9,600	PRIVATE	n/a
Mayfield Village	1,200	PRIVATE	PRIVATE
Mayfield Heights	5,120	PRIVATE	PRIVATE
Middleburg Heights	5,658	PRIVATE	PRIVATE
Newburgh Heights	950	PRIVATE	PRIVATE
North Olmsted	10,854	PRIVATE	PRIVATE
North Royalton	9,700	PRIVATE	PRIVATE
Oakwood	1,630	PRIVATE	PRIVATE
Olmsted Falls	2,868	PRIVATE	PRIVATE
Olmsted Township	5,571	PRIVATE	PRIVATE
Orange	1,260	PRIVATE	PRIVATE
Parma	30,000	PRIVATE	PRIVATE
Parma Heights	6140	PRIVATE	PRIVATE
Richmond Heights	3360	PRIVATE	
Seven Hills	5,270	PRIVATE	PRIVATE
South Euclid	8,700	PRIVATE	PRIVATE
Strongsville	18,673	PRIVATE	PRIVATE
Walton Hills	960	PRIVATE	PRIVATE
Warrensville Heights	2,974	PRIVATE	PRIVATE
Westlake	11,000	PRIVATE	PRIVATE

ATTACHMENT D-1
PRIVATE HAULER COST ANALYSIS

Communities with 6000 residential units or more							
Estimate 0.93 tons per residential unit per year							
Yard Waste and Recycling is included with price per unit/year							
Community	Number of Units	Rate per unit/year for collection	Estimated Number of Tons per year	Rate per ton for Disposal	Total Rate per unit/year	Resident Fee-charge back/assessment	Total Rate per unit/year after Resident fees
Bay Village	6,250	\$183.12	5,812.50	\$0.00	\$183.12	\$48.00	\$135.12
Cleveland Heights* (current costs)	16,122		14,993.46		\$210.79	\$138.00	\$72.79
Euclid	16,463	\$104.04	15,310.59	\$41.67	\$142.79	\$108.00	\$34.79
Fairview Park	7,856	\$123.00	7,306.08	\$35.77	\$156.27	\$120.00	\$36.27
Garfield Heights	10,500	\$107.76	9,765.00	\$42.91	\$147.67	\$0.00	\$147.67
North Olmsted	10,480	\$148.56	9,746.40		\$148.56	\$0.00	\$148.56
Parma	29,317	\$109.20	27,264.81	\$35.20	\$141.94	\$138.00	\$3.94
Parma Heights	6,140	\$128.40	5,710.20	\$36.52	\$162.36	\$0.00	\$162.36
Westlake	11,000	\$168.96	10,230.00		\$168.96	\$0.00	\$168.96

*Current costs for Cleveland Heights based on 2015 Full Cost analysis. Figures updated using an inflation factor.

ATTACHMENT D-2
PRIVATE HAULER COST ANALYSIS (CONTINUED)





2018 City Council Planning Calendar

Meeting Date	Agenda Item	Description
September 24, 2018	Joint City/School Board Meeting	
	Executive Session	1. To consider the terms of a lease of City-owned real property
	Other Routine & Proposed Third Quarter Topics:	Municipal Broadband Source of Income Discrimination
October 3, 2018 (Wednesday)	2018 Resident Survey Results Presentation (COW)	
	Executive Session	1. To consider the terms of a lease of City-owned real property
October 8, 2018	CAC CDBG Recommendations	CAC will present its recommendations to Council
	Housing & Transportation Committee Meeting	Delinquent Tax Rental Property Program Review GCC Recommendations Discussion of Community Improvement Corporation – Preliminary Planning



2018 City Council Planning Calendar

Meeting Date	Agenda Item	Description
October 15, 2018	3Q2018 Update on Priorities & Master Plan (City Council Mtg)	
October 22, 2018 (Special Meeting)	Monthly Financial Report (in packet)	Staff will present the monthly financials for previous month Refuse & Recycling Overview and Municipal Broadband
	Special City Council Meeting (6:30pm)	Council will review request to proceed with Planned Development Overlay (PDO) process for Top of the Hill (TOH); Approval transmits the PDO to the Planning Commission for consideration and recommendations
	Safety & Municipal Services Committee (6:45pm)	Review Refuse & Recycling Collection Discuss resident request to conduct a municipal broadband feasibility study
October 29, 2018 (5th Monday)	2019 Operating & Capital Budget Workshop	
November 5, 2018		
November 13, 2018 (Tuesday)	2019 Operating & Capital Budget Workshop	



2018 City Council Planning Calendar

Meeting Date	Agenda Item	Description
November 19, 2018	2019 Appropriations Ordinance 1 st Reading 2018 Appropriations Amendment 1 st Reading	
November 26, 2018	2019 Operating & Capital Budget Workshop (if needed)	
December 3, 2018	Public Safety Swearing In Ceremony 2019 Appropriations Ordinance First Reading 2018 Appropriations Amendment Final Reading	
December 10, 2018 (Special Meeting)	Special City Council Meeting	Council will vote on PDO legislation for TOH
Other Routine & Proposed Fourth Quarter Topics:		
Winter Recess December 11, 2018 – January 6, 2019		



CLEVELAND HEIGHTS

Committee of the Whole

October 8, 2018

Agenda

1. Legislation Overview 6:15 p.m. – 6:30 p.m.
Goal: Discuss proposed legislation
2. CAC CDBG Recommendations 6:30 p.m. – 7:30 p.m.
Goal: Citizens Advisory Committee will present their recommendations for CDBG funds.

The Housing and Transportation Committee will begin at 7:45 p.m.

TO: TANISHA R. BRILEY , CITY MANAGER

FROM: SUSANNA NIERMANN O'NEIL, ASSISTANT CITY MANAGER

RE: COMMUNITY OUTREACH UPDATE

DATE: OCTOBER 5, 2018

COMMUNITY RELATIONS:

- **Block party: Saturday October 6th from noon to dusk**
- **Community Improvement Awards: Thursday October 18th at 7:00pm in the Atrium . There is a good selection of winners from all over the City and businesses as well.**
- **Correction- Walk or Bike to School is Wednesday October 10th**

COMMUNICATION INITIATIVE (Trupo):

- **Consolidating branding data from one on ones, focus groups and surveys to be reviewed at the meeting with the Steering Committee next week**
- **Staff has been sharing photos and video from recent events across the City**
- **Attended Economic Development Breakfast and the Destination Cleveland Experiences Workshop.**

SOCIAL MEDIA:

- **Facebook: Announcement of the Top of the Hill Community meeting on Wednesday October 10th at 7:30pm at the Community Center 2.) Photos of the celebration of Barbara Boyd Park 3.) Happy 5K on Sunday October 7th at Cedar Lee 4.) And the ever popular Shredding Day Saturday October 27th . All these notices are also on the City's Twitter account.**

Fall 2018

Local History Programs

In My Day: Recording Oral History in the Heights

September 2018-May 2019

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

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

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

"Queue-ration" How to Manage Personal Collections Like a Pro

Monday, October 1, 7 p.m.

Lee Road branch, 2345 Lee Rd

Speaker: Jennifer Souers Chevraux, Illumine Creative Solutions, LLC

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

Best of the Bricks Bike Tour

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

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

Leader: Mary Dunbar, Cleveland Heights City Councilmember

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

Cosponsored by:



Maintenance & Efficiency for Your Home

Thursday, October 11, 7 p.m.

Lee Road branch, 2345 Lee Rd

Thursday, October 25, 7 p.m.

Noble Neighborhood branch, 2800 Noble Rd

Speaker: Margaret Lann, Cleveland Restoration Society

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

Writing Your Family History with Literary Cleveland and Lee Chilcote

Tuesday, October 23, 30 and Nov 6, 13 from 6:30-8:30 p.m.

Lee Road branch, 2345 Lee Rd

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

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

Randolph Neighborhood—History & Architecture

Monday, November 5, 7 p.m.

Noble Neighborhood branch, 2800 Noble Rd

Speaker: Ursuline College Historic Preservation Students

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



To: Tanisha Briley, City Manager
From: Alex Mannarino, Public Works Director
Collette Clinkscale – Assistant Public Works Director
Date: October 5, 2018
Subject: Public Works Weekly Update

Forestry:

- Tree tracker through October 3, 2018.
 - YTD: Trimmed 290 trees, removed 292, planted 186 trees, stumps ground 252, and dumped 161 loads of woodchips and 67 loads of logs
- Removed trees at 2543 Euclid Heights Blvd., 1400 Burlington, 2821 Edgehill, 2170 Chatfield and 3811 Berkeley

Sewer:

- Continued MACP (manhole) inspections connected with SSES (Sewer System Evaluation Study)
- Cleaned sanitary main on Scarborough west of Lee
- Started televising sanitary main on Scarborough west of Lee
- Saw cut and cemented catch basin repair 1299 Cleveland Hts. Blvd
- Inspected CWD road holes for reimbursement
- Televised sanitary laterals at 3681 Bendemeer and 2268 Grandview
- Repaired catch basin at 3125 Corydon
- Performed MS4 (permit) inspections
- Cleaned and televised sanitary main on Scarborough
- Repaired curb drain at 1748 Compton
- Cleaned sanitary main on Scarborough at Stratford
- Painted 3 fire hydrants on Shelburne at the Shaker boarder
- Repaired catch basin at 842 Cambridge
- Participated in inspections from Brown and Caldwell for daily operation
- Prep cutouts for cement and form curbs
- Jetted Kildare, Tullamore, Stratford and Cedarbrook
- Root cut sanitary main on Scarborough

Sewer Service Calls:

- 3702 Severn, 3535 Meadowbrook, 3971 Monticello, 1122 Castleton, 3458 Monticello, 996 Nelaview, 3622 Mt Laurel, 3647 Severn, 2341 Scarborough, 3252 Tullamore, 3495 Bainbridge, 1390 Inglewood

Refuse:

- Transported 217.35 (15 loads) of refuse to Shiloh landfill and 83.86 tons (5 loads) to Harvard Transfer Station
- Transported 62.30 tons (5 loads) of mixed recycling to Kimble

Streets Maintenance:

- **Asphalt:** CWD cutouts – 2401 Kenilworth, 2681 Edgehill, 3327 Ormond, 3051 Corydon, Parkhill at Maple, 3819 Bendemeer, 1510 Wilmar, 878 Roanoke, 3731 Lowell, Pembroke at Noble
- **Complaints:** 1696 Lee Rd, Goodnor at Tullamore, Surrey at Euclid Hts (2 cutouts), 1075 Hillstone (ramp), 1479 S Noble, 1359 Lynn Park (sewer cutout), 1774 Lee Rd (sewer cutout), 3357 Chelsea, 1090 Hillstone, 1297 Cleveland Hts, 989 Keystone, Cecil Lane (potholes), Meadowbrook at Rinard
- **Sanitation Brush:** 3397 E Scarborough, 3120 Essex, 1910 Powell, 3151, 3084 Essex, 955 Nelaview, 1012 Hereford, 3427 Lownesdale, 3378 Spangler, 3955 Rosemond
- **Construction Crew:** Surrey at Euclid Hts, (2 street repairs, 17x17, 12x9), 2401 Kenilworth (CWD cutout, concrete 9x10), 3051 Corydon (CWD cutout, concrete 8x8), 3327 Ormond (CWD cutout, concrete 9x10), 2673 Edgehill (CWD cutout, concrete 15x16), 3787 Berkeley (CWD cutout, concrete, 3.5 ft of curb 8x5), Berkeley at Andrews Ct (CWD cutout, concrete 7x6), Wynn at Washington (CWD cutout, concrete 7x6)
- **Crackseal:** cutouts – 3425 Altamont, 3820 Bendemeer, 3309 Beechwood, Stratford at Corydon, 3239 Yorkshire, 3657 Shannon, 3553, Shannon, 3129 Yorkshire, Maple at Parkhill, 1507 Wilmar, Maple at Wood
- **Miscellaneous:**
 - **Block Party** – 2222 Harcourt, 3347 Bradford
- **Sweepers:** North Park, Runnymede, Dresden, Hanover, Ravine, Eloise, Cedar, Surrey, Lennox, Edgehill
- **Hauling:** Grinding leaves, woodchips, hauling mulch, yardwaste (Bremec/Kurtz Bro.)

MEMORANDUM

To: Tanisha Briley-City Manager
From: Alex Mannarino-Director of Public Works
Date: October 5, 2018
Re: Capital Projects Weekly Update

Community Center – Dugway East Culvert Rehabilitation

Work will recommence next week with prepping, forming, and pouring concrete for the new tunnel lining plates and the new structural arches. The contractor hopes to have most of the concrete work completed ahead of the cold weather.

Cedar Road Resurfacing/Cedar-Fairmount Streetscape

We are currently working on the final paperwork.

Cuyahoga County Aggregated Solar Project

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

Meadowbrook Boulevard Reconstruction

Osborn Engineering is in the process of preliminary design.

Mayfield Signalization

Work continues on jacking and drilling conduit.

Safe Routes to Schools – ODOT PID 101112

No new updates.

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

We are processing the final documents.

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

The contractor has eighteen more working days left to complete the work on their contract.

2018 Surface Treating Program

Project is complete.

2018 Pavement Striping Program

We are processing the final documents.

Dominion East Ohio

Washington Boulevard PIR-3047

The contractor has started work on the south side of Washington.

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: October 5, 2018
Subject: Weekly Update

Architectural Board of Review

Thirteen cases were reviewed. Gorjanc Comfort's John Gorjanc requested to run pipes from five mini split systems from the attic, second floor and first floor to a heat pump on the ground. Being a Hampshire Road resident of a century home, he understood the ABR's reluctance to add so many pipes on the outside of his client's Ormond home. Two copper pipes in foam insulation wrap, an electrical line and a plastic drip line are typically in a protective plastic cover resembling a downspout (see example photo). The case was continued to find less conspicuous routes for as many of the five faux downspouts as possible.

2200 Devonshire's Linda Butler and Steve Nissen received approval to add more solar panels to their super-efficient home's roof. Their two cars require electric charging and they wanted the source of electricity to be renewable and not originate from a coal powerplant.



Citizens Advisory Committee and Year 45 CDBG Funding Recommendations

Chair Stephen Titchenal plans to present the CAC's recommendations for Year 45 (FY 2019) and 2018 Strategic Impact Opportunity (SIO) CDBG funding at the October 8 Council Committee of the Whole. Brian Iorio will present the staff recommendations and tally City Council's decisions. Following the October 8th meeting, a newspaper ad will list Council's funding decisions beginning the 30-day public comment period. City staff project \$1,730,995 to allocate. This is a combination of the FY 2019 CDBG entitlement estimated allocation, the 2018 SIO and funds forfeited by organizations in prior years. The CAC's Recommendations

Report and a table that summarize both the CAC and Staff's recommendations are included with this Weekly Update.

Maximum Accessible Housing of Ohio (MAHO)



MAHO, helping to improve accessibility in our city, met Planning, Public Works, Parks & Rec and FutureHeights staff to experience Noble Monticello from the perspective of someone with limited mobility. The insights will help us plan for the Noble Road Corridor in the short term with maintenance and the proper placement of street furniture and trash receptacles. In the long-term, we will achieve greater levels of accessibility in our planning and capital projects in accordance with the City's Complete and Green Streets Policy.

The picture (left) shows that relocation of a trash receptacle will create an easier path that reduces strain and fatigue for the most vulnerable pedestrians. Additionally, the street furniture forms a buffer from motorists.

Taylor Road Planning

The Northeast Ohio Areawide Coordinating Agency (NOACA) and city staff are organizing a stakeholder meeting for November 1 and



a public meeting November 15. Both will be at 7:00 PM at City Hall. We want to improve the safety and comfort of all users of the public right-of-way while helping Taylor Road's businesses, institutions and adjacent neighborhoods.

**City of Cleveland Heights
Economic Development**



To: City Manager Tanisha Briley
From: Economic Development Director Tim Boland
Subject: Activities Report – October 5, 2018

Activities and Initiatives:

1. Top of the Hill Redevelopment Project:

Please know that the following **Top of the Hill** meetings have been scheduled for the project on **October 10, 2018:**

- 7:30 pm - **Community Meeting #3** – Cleveland Heights Community Center
- 5:30 pm – **Joint Architectural Board of Review (ABR) and Planning Commission meeting** – City Hall
- 4:00 pm – Special meeting for the **Buckingham residents** and **CF-SID Trustees** – Nighttown

The project remains on schedule.

2. Storefront Renovation Program Update – Weinstein & Frankel Project (2234-2260 Lee Road & 3175-3177 Kensington Road):

Construction is underway on the Weinstein & Frankel storefront project. Before and current construction photos of the property are below. The total projected cost of the project is \$231,745 with the City providing \$25,000 in the form of a rebate and a \$100,000 loan through the Storefront Renovation Program as previously approved by Council.

Projected improvements include:

- Patching stone
- Cleaning and tuckpointing masonry
- Removal of green metal signage and transom window restoration
- Window repair
- Replacing T111 siding along Kensington with glass and hardiboard panel
- New projecting signs
- New lighting
- New doors

Before



Current Construction



3. Marketing & Outreach

- The City held the **Economic Development Breakfast on October 2** at 8am at the Community Center. **Ray Leach, CEO of JumpStart**, was the featured speaker and offered insights into the entrepreneurial and startup ecosystem in Northeast Ohio. City staff provided an update of current projects and information on the current incentive and assistance programs that comprise our Economic Development “Toolbox”. This event was attended by over 80 businesses, residents and interested citizens. The event was a great success and aligned well with our City’s thriving entrepreneurial and start-up culture.



Thank you,

Timothy M. Boland

Timothy M. Boland

Economic Development Director



Memorandum

To: Tanisha Briley- City Manager
From: Allan Butler- Housing Programs Director
Date: October 5, 2018
Re: Weekly Update

- The County Treasurer is preparing for a 2018 Tax Lien Sale, in this process the County prepares a list of tax delinquent parcels and offers those liens for bid to a private tax collection company. The Housing Dept. received a list of 223 tax delinquent parcels that were to be offered for sale. Housing staff evaluated the list for vacant structures, vacant lots, target investment areas, and distressed properties so that they could be removed from the lien sale list. There were 159 properties flagged for removal and a list of 64 parcels was returned to the Treasurer.
- A hazardous tree was removed from 3811 Berkeley Rd by the Forestry Dept. under our nuisance abatement ordinance. The tree had several limbs that had fallen in the proximity of the public walk. The parcel has a pending sheriff's sale date for tax foreclosure.

Memorandum

To: Tanisha Briley, City Manager
From: Joseph P. McRae, Parks and Recreation Director
Subject: Parks and Recreation Department Update
Date: October 5, 2018

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

General Announcements

- The Happy 5k/10k Run will take place on Sunday, October 7 at 9:30am. Visit the city website (www.chparks.com) to register. Approximately \$5,000 in sponsorship proceeds will go to the Cleveland Heights Youth Scholarship Fund this year. 5k/10k Runners will receive over \$300 in Cleveland Hts. Cash from local vendors.
- The Heights High indoor pool is open for community access. Pool passes can be purchased at the Community Center.
- Registration has opened for the 2018-2019 Rec Youth Basketball Program.
- Staff is recruiting teams for the adult men's and women basketball league.

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. The system is currently being flushed and the new infrastructure is being connected.



Cleveland Heights Fire Department

Weekly Activity Report

Total Emergency Calls Year To Date	5,396
------------------------------------	-------

Total Emergency Calls for Period	161
----------------------------------	-----

Report Date Period: 09/28/2018 - 10/05/2018

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	40	1,143	922	22.10 %
Emergency Structure Fire Count	1	54	52	
Emergency Non Structure Fire Count	39	1,083	865	
Emergency Vehicle Fire Count		6	5	

Emergency Medical Data

Total Emergency Run Count	121	4,253	4,019	77.90 %
Emergency Medical Run Count	120	4,111	3,907	
Automobile Accident Run Count	1	142	112	
Advanced Life Support Run Count	36	1,097	1,098	
Basic Life Support Run Count	85	3,122	2,907	
Total EMS Transports	76	2,802	2,651	
Total EMS Non Transports	44	1,283	1,178	

Mutual Aid Run Count to Date

Mutual aid received	SEFD A - 45 SHFD A - 41 ECFD A - 17 UHFD A - 42
Mutual aid given	SEFD A - 49 SHFD A - 32 ECFD A - 18 UHFD A - 11
Automatic aid received	SEFD A - 6 SHFD A - 18 ECFD A - 8 UHFD A - 13
Automatic aid given	SEFD A - 3 SHFD A - 11 ECFD A - 0 UHFD A - 6

<u>Fire Prevention</u> <u>Bureau</u>	<u>Current</u> <u>Period</u>	<u>Year to</u> <u>Date</u>
Total Completed Fire Inspections	22	1,258
Company Fire Inspections	1	555
Fire Prevention Fire Inspections	2	15
Fire Alarm Test Inspections		
Kitchen Supression Test Inspections		
Sprinkler Test Inspections		
Other Inspections	19	688
Smoke Detectors Distributed	3	133

CITY OF
CLEVELAND
HEIGHTS 

DEPARTMENT OF POLICE

ANNETTE M. MECKLENBURG, CHIEF

40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118 – Telephone 216-291-4974

MEMORANDUM

To: Tanisha R. Briley, City Manager

From: Annette Mecklenburg, Chief of Police

Date: October 5, 2018

Subject: Weekly Update

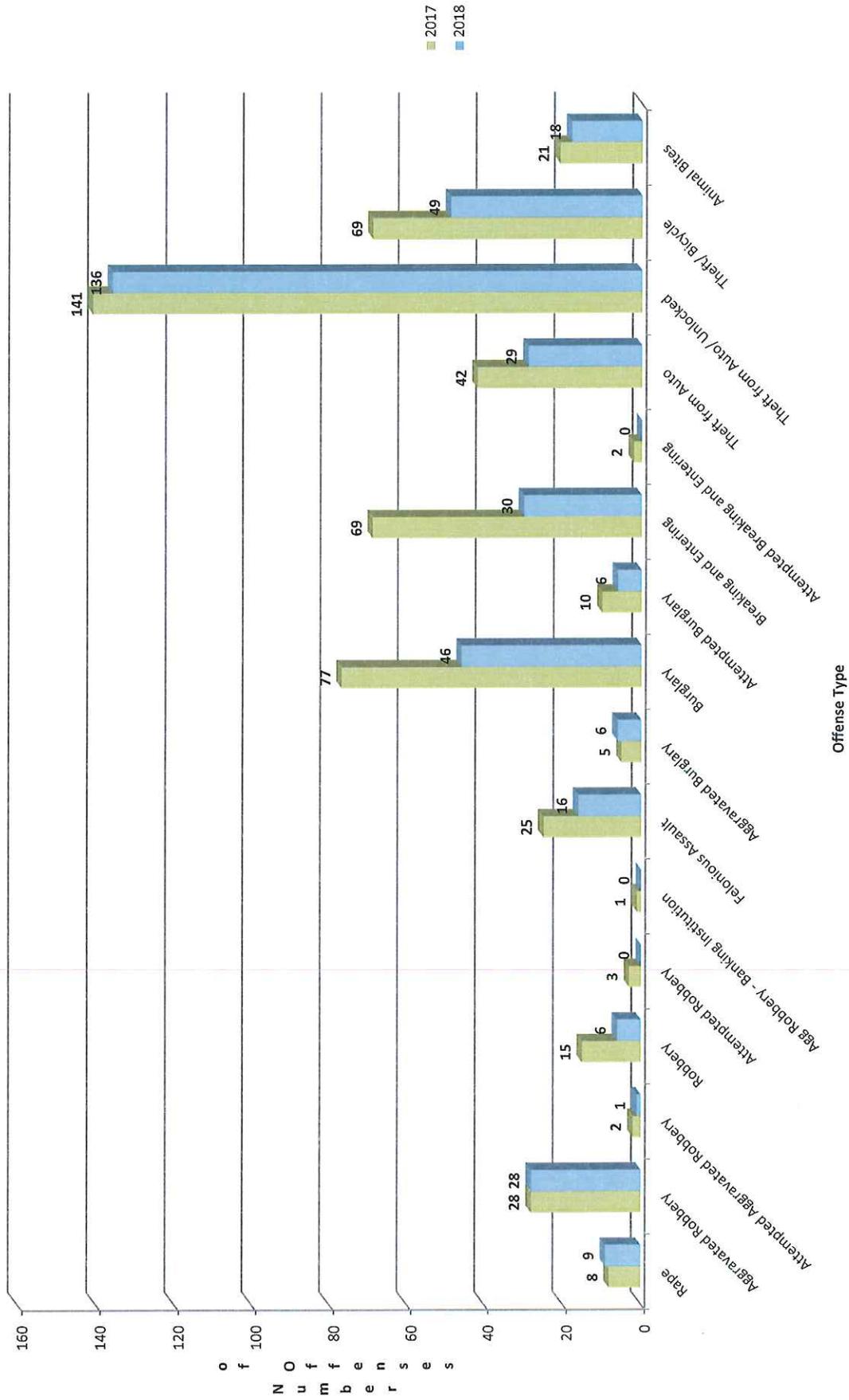
Detective Diane Hoynes is retiring from the Police Department effective October 7, 2018, after over 40 years of service.

Detective Martin Block is retiring from the Police Department effective October 7, 2018, after 32 and ½ years of service.

In June of this year, the Ohio Department of Commerce, Division of Liquor Control, denied the 2017 – 2018 renewal of the liquor permit for Noble Roman Inc. (AKA Gas USA at 2610 Noble Rd.). In response to this ruling, Noble Roman Inc. filed an appeal of the decision. Therefore, a hearing will be held regarding this appeal on Thursday, October 11th in Columbus.

Update: On Sunday, September 30, 2018 around 8:45 pm an officer in the area of Mayfield and Coventry heard gunshots just north of his location. Upon investigation, Officers discovered that a male, later identified as Khalil Woods of Cleveland Heights, had been shot in front of the residence at 1693 Coventry Road. The victim was transported to University Hospital where he succumbed to his wounds. Detectives are diligently investigating this incident, but as of this time no arrests have been made.

**Crime Comparison:
January 1 - October 5, 2017 Compared to January 1 - October 5, 2018**



**CITY OF CLEVELAND HEIGHTS
ARCHITECTURAL BOARD OF REVIEW
MINUTES OF THE MEETING
SEPTEMBER 20, 2018**

MEMBERS PRESENT:

Melissa Fliegel, Chair
Michael Wellman, Vice Chair
Greg Goss

STAFF PRESENT:

Richard Wong, Planning Director

CALL TO ORDER

Mr. Wong called the meeting to order at 7:00 PM at which time Mr. Wellman and Mr. Goss were present. Ms. Fliegel arrived at 7:05.

APPROVAL OF THE SEPTEMBER 5, 2018 MINUTES

Members had no comments or questions so the minutes were approved as submitted and signed by Ms. Fliegel.

**PUBLIC HEARING
SEPTEMBER 20, 2018**

ABR 2018-377: Gelifonso Rivera, 1962 Staunton Road, requests to build a new wood front porch with roof.

- Mr. Wong said no revised drawings had been provided, so the request would be heard at another meeting.

ABR 2018-448: Valon Jusufi and Zana Hocha, 2549 Edgehill Road, request to build new rear stair on back of house.

- Mr. Wong said these applicants also had not provided revised drawings, so the request would be heard at another meeting.

ABR 2018-443: The Alcazar, 2450 Derbyshire Road, requests to install a ground sign near the sidewalk in front of the building.

- Mr. Wong said the applicant was revising the design per suggestions from the Landmark Commission and would present the plans at another meeting.

ABR 2018-444: Harvey and Elaine Euzent, 3484 Berkeley Road, request to build wheelchair ramp in front yard.

- Harvey Euzent explained that the ramp had footers like a deck. Sixty feet of ramp was needed for a five foot height to the front door. He said an electronic lift was not an option because it could not be used on days when the Orthodox were not allowed to use electricity.

ACTION: Ms. Fliegel moved to approve the ramp as shown on Isaac Lewin's plans, received August 21, 2018. Seconded by Mr. Wellman, the motion was unanimously approved.

ABR 2018-445: Ilya Volokh, 1720 Preyer Road, requests to install rear sliding door, remove side first floor window, and replace windows.

- Ilya Volokh said the window on the side would be replaced by brick. The new windows will match the existing windows.

ACTION: Mr. Wellman moved to approve the window removal and sliding door as shown on the plans by Ilya Volokh, received August 30, 2018, with the conditions that the brick infill match the old brick and be toothed-in and the sill be removed. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2018-446: Dan Melarago, 3248 Tullamore Road, requests to request to build a detached, two-car garage.

- Platinum Construction's Tim Akhadov, 5081 Warrensville Center Road, 44137, said the vinyl siding would match the home's color.

ACTION: Ms. Fliegel moved to approve the garage as shown on the plans by Platinum Construction, received August 29, 2018. Seconded by Mr. Wellman, the motion was unanimously approved.

ABR 2018-447: Barbara Reaves, 1391 Burlington Road, requests to replace windows without matching old windows.

- Infinity from Marvin's Mark Nevling, 16900 Bagley Road, 44130, explained that double sliding windows were replacing the triple sliders. In response to a question from Ms. Fliegel, he said matching windows were possible but would cost more.
- Barbara Reaves added that the existing windows had a fixed pane flanked by two smaller windows that open for ventilation. She said far more ventilation would be possible with the double sliding windows.
- Mr. Nevling said the new windows were energy efficient and of a color matching the old windows.
- Ms. Fliegel said the proposed windows had very long proportions compared to the existing windows.
- Mr. Goss noted that the house was very well designed, including the original windows' proportions.
- Ms. Fliegel said the original triple slider windows had a wide fixed window flanked by two narrow windows that were half the width of the wide windows.
- Mr. Goss agreed with Ms. Fliegel that the existing windows were of a specific basic width that was repeated.
- Ms. Reaves said the existing triple sliders didn't allow for both side windows opened at the same time.

- Mr. Goss said a double slider would not allow for more ventilation than a triple slider with a fixed center panel that was twice as wide as the side windows.
- Ms. Fliegel said she would be more inclined to allow the double slider on the back but the sides and front should match the existing window proportions.

ACTION: Ms. Fliegel moved to approve the window replacements as shown on the plans by Infinity from Marvin, received August 23, 2018, with the condition that all windows on the front and sides match the existing window proportions. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2018-448: "Headquarters," 2867 Mayfield Road, requests to install business identification sign.

- Headquarters' Michael Alexander, 2867 Mayfield Road, said the store would sell new and used electronic equipment.
- Mr. Wong showed a photo of the property noting that the proposed sign was already installed.

ACTION: Mr. Wellman moved to approve the sign as shown on the plans by BNext Awning & Graphic Inc., received August 23, 2018, with the condition that the sign brackets be painted to match the rest of the roof. Seconded by Ms. Fliegel, the motion was unanimously approved.

ABR 2018-449: William Bruml, 1768 Middlehurst Road, requests to install solar panels on house roof.

- Yellowlite Solar's Ray McPhearson, 1925 St. Clair Avenue, 44114, said the
- William Bruml, in response to a question from Ms. Fliegel, said he would paint the conduit to match the home's color.

ACTION: Mr. Wellman moved to approve the solar panels as shown on Yellowlite Solar's plans, received September 5, 2018. Seconded by Ms. Fliegel, the motion was unanimously approved.

ABR 2018-450: Greg and Anna Greenspan, 3147 Washington Boulevard, request to construct a detached, two-car garage.

- Greg Greenspan said the garage siding would match the home's color.
- Ms. Fliegel complimented them for proposing a steeper roof than most new garages.

ACTION: Ms. Fliegel moved to approve the garage as shown on the plans by Dohm Construction, received September 5, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2018-451: Barbara Walker, 2248 South Taylor Road, requests to install vinyl lap siding not matching existing lap siding's lap size.

- AV Remodeling's Mal Vangar, 2860 Noble Road, 44121, described the siding work. The trim of the gable would be wrapped in aluminum.
- Mr. Wellman hoped that the gable form would be left unwrapped because it was a complex shape.

- Mr. Vangar said he would only wrap it if the profile of the eave's fascia could be matched.

ACTION: Mr. Wellman moved to approve the vinyl siding as shown on the plans by AV Remodeling, received September 5, 2018, with the condition that the eave's fascia be wrapped only if the profile was preserved. Seconded by Ms. Fliegel, the motion was unanimously approved.

ABR 2018-452: Megan Newell and Walter Money, 2618 Ashton Road, request to replace windows without matching old ones.

- Walter Money said his kitchen bay window needed to be replaced by double hung windows matching other windows on the house.

ACTION: Mr. Wellman moved to approve the replacement windows as shown on the plans by Walter Money, received September 5, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2018-453: Tim Whittingham, 2495 Queenston Road, requests to replace windows without matching old ones.

- Tim Whittingham said the new ones would be the same as the other double-hung windows.

ACTION: Mr. Goss moved to approve the windows as shown on the plans by Window Nation, received September 5, 2018. Seconded by Mr. Wellman, the motion was unanimously approved.

ABR 2018-454: Dr. Mike and Megan McNamara, 2294 Chatfield Road, requests to alter garage and remove two basement windows.

- JP Compass's Kevin Cieszykowski, 7948 Mayfield Road, 44026, said new doors were proposed and a railing would be added to the garage. A roof railing would also be added to the flat roof of a side porch.
- Ms. Fliegel asked that the corner posts of the side porch railing be as wide as the other corner columns of the railing on the front entry.

ACTION: Ms. Fliegel moved to approve the alterations and garage addition as shown on the plans by JP Compass, received September 5, 2018, with the condition that railing posts on the house be as wide as the existing posts of the railing over the front entry. Seconded by Mr. Wellman, the motion was unanimously approved.

ABR 2018-455: Shay Ross, 3962 Mayfield Road, requests to install "Incredible Bistro" business identification sign and window graphic.

- Blink Sign's Vince DiIonna, 1925 St. Clair Avenue, 44114, said two cabinet signs would be replaced and window graphics added.

ACTION: Mr. Wellman moved to approve the signs and window graphics as shown on Blink Sign's plans, received September 5, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

ABR 2018-456: Sean Harris, 2841 Noble Road, request to install "Satellite Express Dry Cleaners" business identification sign and window graphic.

- Fast Signs' Tim O'Toole, 5369 Mayfield Road, 44124, said the new sign would be the same size as the previous AZ Plumbing sign.

ACTION : Mr. Wellman moved to approve the sign as shown on the plans by Fast Signs, received September 7, 2018. Seconded by Mr. Goss, the motion was unanimously approved.

Old Business

No old business was raised.

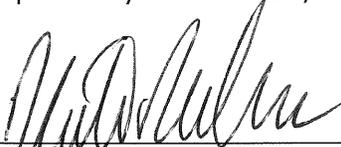
New Business

No new business was raised.

Adjournment

The meeting was adjourned at 8:24 PM.

Respectfully Submitted,



Michael Wellman, Vice Chair

10/2/18

date



Richard Wong, Secretary

10.2.2018

date

Proposed: 10/3/2018

ORDINANCE NO. 118-2018 (SMS),
Second Reading

By Council Member Stein

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

ORDINANCE NO. 118-2018 (SMS), *First Reading*

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

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.

ORDINANCE NO. 118-2018 (SMS), *First Reading*

CAROL ANN ROE, Mayor
President of the Council

LAURIE SABIN
Clerk of Council

PASSED:

EXHIBIT A

**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.

(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.

(g) A penalty equal to twenty-five percent (25%) of the applicable permit fee shall be assessed and collected by the City or its Permitting Agent for permit fee renewal payments that are not received or postmarked by the first of January.

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 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.

(b) 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 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 a first violation, written warnings shall be provided to violators.
- (2) For a second violation, **within five (5) years of the first violation**, \$250.00.
- (3) For third violation within five (5) years of the first violation, \$500.00.
- (4) For a fourth violation within five (5) years of the first violation, \$1,000.00.
- (5) For a fifth violation within five (5) 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 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.