



COUNCIL UPDATE

October 18, 2019

MEETINGS & REMINDERS

- | | | | |
|-----------------------|--------------------|---|---|
| Monday, October 21 | - 6:15 p.m. | - | Committee of the Whole |
| | - 7:30 p.m. | - | City Council Meeting |
| Wednesday, October 23 | - 6:30 p.m. | - | Top of the Hill Temporary Parking Plan
Open House |
| Thursday, October 24 | - 6:00 p.m. | - | Meet Your Police |
| | - 6:00 p.m. | - | Refuse & Recycling Task Force |
| Friday, October 25 | - 5:00 – 9:00 p.m. | | Coventry Village Halloween
Celebration – Look for “CoventTREAT Stop”
sign in the window |
| Sunday, October 27 | - 11:00 a.m. | - | Howl-O-Ween Bark in Cain Park (flier
attached) |
| Monday, October 28 | - 6:15 p.m. | - | Committee of the Whole |
| | - 7:30 p.m. | - | City Council Meeting |
| Tuesday, October 29 | - 7:30 p.m. | - | Citizens Advisory Committee |
| Wednesday, October 30 | - 7:00 p.m. | - | Board of Zoning Appeals |
| | - 7:00 p.m. | - | Transportation Advisory Committee |
| Thursday, October 31 | - 6:00 p.m. | - | Meet Your Police |
| | - 6:00 – 8:00 p.m. | | Trick or Treat |
| Sunday, November 3 | - | | Remember to set your clocks back one hour |

LEGISLATION

- **Severance Town Center Authorization, First Reading.** A Resolution authorizing the City Manager to enter into an agreement with AE7 Pittsburgh, LLC, concerning the Severance Town Center Redevelopment Plan project
- **Chapter 505.** An Ordinance repealing Part Five, *General Offenses Code*, of the Codified Ordinances of Cleveland Heights, Chapter 505, *Animals and Fowl*, of the Codified Ordinances, and adopting a replacement Chapter 505, *Animals and Fowl*

UPDATES

- **Energy Efficiency Projects**

At Monday's meeting Council will hear a presentation about the nearly \$6 million 2017 Energy Efficiency project which was recently completed. This complex project encompassed a number of improvements throughout all City facilities which are being paid for by an energy savings performance contract (defined below). In addition to energy improvements, the project included other critical capital investments the City would not have been able to afford without this creative financing mechanism. Director Joe McRae and his staff oversaw the Evans Energy group's work over the last two years to construct and install each and every improvement. Jeff Evans of Evans Energy will present an overview of the work that was completed along with some preliminary energy savings information on Monday.

Below is brief timeline of the project over the last two years:

- December 2015: City partnered with the County's Department of Sustainability and Spectrum Energy to pursue an energy savings performance contract (ESPC) project. An ESPC is a financing technique that uses cost savings from reduced energy consumption achieved by installing upgrades known as energy conservation measures, or ECMs, to repay the cost of the ECMs. In some cases the collective energy savings derived from the ECMs are in excess of the cost of the ECMs which allows for additional capital expenditures, or capex) that would otherwise need to be financed in other ways. In our case, these capex projects are currently unfunded needs of our facilities with no identified source of funding on the horizon.
- January 2016: Energy audit of all City facilities began. Spectrum Energy, an independent consultant, conducted audits of large facilities (City Hall,

Community Center, and Service Garage). COSE conducted audits of the City's smaller facilities. This first step was necessary to determine whether there was sufficient energy savings to pursue an ESPC project.

- April 2016 through June 2016: Audit findings and corresponding financial analysis were presented to City team by Spectrum Energy, County Sustainability Staff, and Eutectics (an independent firm working with the County Energy Hub). City team reviewed findings and related costs and determined initial scope of work for the project following several months of additional financial and engineering analysis. The City team's goal was to find a balance of project costs and project savings that could cover as many additional capex projects as possible while still achieving a positive cash flow at the onset of the project.
- July 2016: Joint presentation given to Council by staff, Spectrum Energy, County Sustainability staff, and Eutectics regarding audit findings, project scope, financial analysis, and next steps which included issuing a request for proposal for energy savings performance contracting services.
- August 2016: Council authorized permission to issue request proposals.
- September 2016 – December 2016: Responses reviewed and vetted including extensive interviews and referencing.
- January 2017: Council authorized a LOI with Evans Energy to enter in to negotiations.
- January 2017 through March 2017: Evans conducted additional project due diligence and engineering. City team and Spectrum finalize projects. Financial experts finalize project costs, financial analysis and financing tool vetting.
- April 2017/May 2017: Council approved contract with Evans along with debt issuance.
- Summer 2017: Projects throughout all City facilities were constructed and implemented.

- Summer 2019: Project successfully completed.

- **Solar Energy**

Now that the 2017 Energy Efficiency project is complete, we are in the process of completing applications to participate in Cuyahoga County's Cooperative Solar Program. The project involves entering into a Power Purchase Agreement (PPA) with Enerlogics to deploy solar panels on the following city buildings: City Hall, the Community Center, and the Service Garage.

Enerlogics will install, operate, and maintain solar panels on the City's facilities, and sell the electricity to the City at a fixed structured rate for up to a maximum period of twenty years.

Recently staff from Enerlogics was out visiting the City facilities to survey the roof areas and building electrical systems for solar system design.

We anticipate entering into an agreement with Enerlogics before the end of November.

- **Fall Loose Leaf Pickup**

Fall leaf collection season will run from **Monday, November 4th** through **Friday, December 6th** this year. Sections of the city will be collected on a bi-weekly basis. It is our intention to collect the day following your regularly scheduled refuse collection but this may vary. View the [Pickup Schedule Map page](#).

- **Refuse and Recycling Task Force**

The next meeting is scheduled for October 24, 2019. It appears the committee may be asking for a short extension, however, they are very close to wrapping things up.

- **Microburst Storm Cleanup**

The contractor has completed all heavy duty grinding. Any residual grinding required will be handled by Public Works staff.

- **Census 2020**

Staff (Iorio, O'Neil) joined the local Census 2020 team for a preliminary meeting. Members include LWV, Library and will include pastors and the schools. The team will be able to access Census 2020 materials from the federal toolkit with images for signs, buttons and materials. Postcards will go out from the Census in mid-March and the Census begins in earnest April 1st. The team will begin full court press

promotion in early January. As all are aware we must have an accurate count since so much of funding sources over the next ten years depends on population, etc.

- **Community Outreach**

- The digital board in the atrium will launch on Monday October 21st. The Board will post meeting notices, photographs and updates on events. Goodbye to the typed notices taped on the Boards.
- New ads for “Visit Cleveland Heights” will begin appearing. First one in Cle Magazine Best of Cleveland edition.
- Our marketing firm, Little Jacket, is prepared to launch our campaign in November
- Multiple press releases and statements were prepared over the last few weeks, i.e. Proximity golf, student loan incentives, etc.
- An Updated accomplishments page was posted on the website
- The Russo Brothers production company will be shooting parts of their movie “Cherry” in Cleveland Heights. Monday October 21st they will be using the Forest Hill parking lot and Forest Hill Church for crew bases. Actual filming will be in the East Cleveland side of Forest Hill. On Tuesday, October 22nd, all shooting will be at Severance Center and the Ring Road. An additional day is scheduled on October 28th at Coventry but details have not been finalized.
- Community Improvement Awards winners have been posted on Facebook and on the website.

- **Economic Development**

- New Business Ribbon Cutting – Proximity Golf Lounge - The City held a ribbon cutting for Proximity Golf Lounge, 3099 Mayfield Road, on Sunday, October 13. Proximity Golf Lounge features five state of the art golf simulators as well as food and drink options on the second floor of the historic Heights Rockefeller Building. The City helped support this new business through our SBA Performance Grant Program.



- New Storefront Projects - The City has moved forward with contracts for two new Storefront Projects:
 - 3970 Mayfield Road – Improvements will include painting, window repair, sidewalk leveling, asphalt repair, metal sign awnings, and LED sign lighting.



Proposed Project for 3970 Mayfield Road

- 1429 Warrensville Center Road – Improvements will include façade renovation, new signage, installation of a new roof, masonry tuckpointing, and parking lot repair.
- Microloan Project - The City has approved a Microloan for MeLange Motif, which will be a women’s boutique located at 2915 Noble Road. The Microloan Program is designed to help provide financing to small businesses and startups that might not yet be ready for conventional business financing. The City’s Microloan will be used for leasehold improvements to the space and inventory.

- **Housing**

- The dilapidated structures at 3851 Monticello and 3444 Altamont were razed this week. The demolition will be funded through a grant through Cuyahoga County's Demolition Bond Fund.
- The City's HPO staff had a Lead Safe Cuyahoga quarterly meeting with our partners Cuyahoga County Board of Health to review our current Lead Safe grant and discuss the approval of a new LSC grant of \$885,000. The current grant has benchmarked 40(housing units) for lead abatement and we are currently have approved 30 applications and completed 20 units in the first 13 months of the contract.
- We also discussed the new grant that was approved by HUD for \$735,000 in lead funds, \$150,000 in Healthy Homes funds, with a minimum match contribution from participants of \$73,500. The new grant will run concurrently with the existing grant and will have a 42 month time frame. The benchmark of housing units for lead abatement for low to moderate income families has been set at 70.

- **Parks & Recreation**

- 4 of the 6 Forest Hill tennis courts were completed last week. The final 2 courts will be completed in spring 2020 due to weather.
- Staff is putting up the south ice rink at the community center. The ice rink will remain up until April 2020 for the ice hockey, speedskating, and speedskating seasons.

- **Sanitary Sewer Evaluation Survey**

Requirements		Due
Phase 1 SSES	CCTV - 393,658 LF	1-Nov-19
Phase 1 SSES	1,980 Manhole Inspections	1-Nov-19
CMOM	132,000 LF/yr Pipe Cleaned	31-Dec-19
Model	Calibrated Model	31-Mar-19

Completed Through October 11,
2019

	<u>Completed Thru Mat Oct. 11, 2019 (LF)</u>	<u>Overall Remaining (LF)</u>	<u>Overall Remaining (%)</u>
CCTV	378,925	14,733	4%
MHs Phase 1	1978		Complete
MHs Phase 2	1025	100	9%
Cleaning Total	454,928	-	-
Cleaning (2018) only	173,355	-	-
Cleaning (2019) only	281,573	0	Complete

Work Completed by Entity

	<u>City</u>	<u>Contractor</u>	<u>County</u>
CCTV	20% (75,464 LF)	56% (210,374 LF)	24% (93,087 LF)
Cleaning (2019) only	29% (82,709LF)	57% (159,239LF)	14% (39,625 LF)
Cleaning Total	32% (138,770 LF)	46% (206,906 LF)	22% (100,406 LF)

Model Update

Tasks	% Complete
1. Flow and rainfall Analysis	100%
2. Model Expansion in GIS	100%
3. Model Expansion in Infoworks ICM	100%
4. Delamere - Model Setup	100%
5. Delamere - DWF and WWF calibration	100%
6. Delamere - Capacity evaluation	100%
7. Delamere - Alternative development	100%
8. DWF and WWF Calibration for all flow meters	100%

**DWF = dry weather flow, WWF = wet weather flow*

SSES (cont).

During televising, it was discovered there are some structural defects to the sanitary and storm sewer on Janette. The City is working with the consultant and the County to determine repairs needed to correct this problem.

- **Capital Projects**

- Meadowbrook Boulevard Reconstruction - Road work is completed. Pavement markings have to be installed.
- Mayfield Signalization - The central control station has been installed at City hall. There is some remaining work to be completed in the field, but the contractor is still waiting on Verizon to relocate their antennas.

- 2019 Street Resurfacing & ADA Curb Ramp Replacement Program - We are in the process of closing out the contract.
- 2019 Surface Treating Program - We are in the process of closing out this contract.
- **Dominion Energy**
 - Montford Road PIR-2226 - Road work is complete. In let protection will remain in place until the grass starts to grow.
 - Woodward Avenue – PIR 2118 - Work has started.
 - S. Taylor and Ormond – PIR 2798 - Work is being planned on Dellwood, Ormond, and E. Scarborough. No start date has been determined yet.

The Cleveland Heights Dog Walker Watch Program invites all pup parents and their canines to celebrate autumn at the:

Howl-O-Ween Bark in Cain Park

Sunday, October 27, 2019

11am

East end of park (near basketball court)

Owners and dogs encouraged to come in Halloween costume!

Prizes will be awarded for:

- Cutest
- Funniest
- Most clever
- Spookiest
- Most Understated Halloween (for the self-conscious dogs who

Even if you don't have a costume, come to play Trick-for-a-Treat!

- Show off your dog's most unique trick!

Share seasonal treats, learn about upcoming Dog Walker Watch events planned for November, and share updates on your local neighborhood watch



CLEVELAND HEIGHTS

Committee of the Whole

October 21, 2019

Agenda

1. Report of City Council Members 6:15 p.m. – 6:30 p.m.
Goal: Mayor and City Council members will provide updates on items of interest
2. Legislation Discussion 6:30 p.m. – 6:45 p.m.
Goal: Review upcoming legislation
3. Report of the City Manager 6:45 p.m. – 6:50 p.m.
Goal: City Manager and staff will address questions about the City Manager's Report
4. Executive Session 6:50 p.m. – 7:20 p.m.
To consider the investigation of complaints against a public employee



CLEVELAND HEIGHTS

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

Monday, October 21, 2019
Regular Meeting
7:30 p.m.

Cleveland Heights City Hall
40 Severance Circle
Cleveland Heights, Ohio

- 1) **Roll Call of Council Members**
- 2) **Excuse absent members**
- 3) **Approval of the minutes of the regular Council meeting held Monday, October 7, 2019.**
- 4) **Personal communications from citizens**
- 5) **Evans Energy Presentation**
- 6) **Report of the Vice City Manager and Clerk of Council**

Notify Council that a notice has been received from the Ohio Department of Liquor Control advising that an application has been made by Elise Bistro LLC, 2195-97 Lee Road, Cleveland Heights, OH 44118 for a transfer of D5 permit from safekeeping of 19th Hole Bar & Grill LLC, Western Plaza 1st Floor & Patio, 2101 Park Road, Springfield, OH 45504

Matter of Record

Refer to: Safety and Municipal Services Committee, the City Manager, and the Director of Law

- 7) **Committee Reports**
 - a.) **HOUSING AND TRANSPORTATION COMMITTEE**
 - b.) **PLANNING AND DEVELOPMENT COMMITTEE**

RESOLUTION NO. 93-2019, First Reading. A Resolution authorizing the City Manager to enter into an agreement with AE7 Pittsburgh, LLC, concerning the Severance Town Center Redevelopment Plan project

Introduced by Council Member _____
Vote _____
For Against No. Reading

c.) **RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE**

d.) **SAFETY AND MUNICIPAL SERVICES COMMITTEE**

ORDINANCE 94-2019. An Ordinance repealing Part Five, *General Offenses Code*, of the Codified Ordinances of Cleveland Heights, Chapter 505, *Animals and Fowl*, of the Codified Ordinances, and adopting a replacement Chapter 505, *Animals and Fowl*

Introduced by Council Member _____
Vote _____
For Against No. Reading

e.) **ADMINISTRATIVE SERVICES COMMITTEE**

f.) **FINANCE COMMITTEE**

8) **Mayor's Report**

9) **Adjournment**

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

NEXT MEETING OF COUNCIL: MONDAY, NOVEMBER 4, 2019

Proposed: 10/21/2019

RESOLUTION NO. 93-2019 (PD), *First Reading*

By Council Member

A Resolution authorizing the City Manager to enter into an agreement with AE7 Pittsburgh, LLC, concerning the Severance Town Center Redevelopment Plan project; and declaring an emergency.

WHEREAS, consistent with the City's Master Plan, the City has identified the need to redevelop Severance Town Center; and

WHEREAS, on June 21, 2019, the City issued a Request for Proposals ("RFP") for the Severance Town Center Redevelopment Plan project, with responses to be provided by July 31, 2019; and

WHEREAS, the City received several proposals in response to said RFP; and

WHEREAS, the proposals were based on the following criteria: recent history of similar successful, high-impact urban planning projects; strength of experience of the proposed planning consultant team assigned to the project; proposed project cost; adequacy of financial resources; and community engagement approach; and

WHEREAS, the Director of Economic Development and other City staff have identified the proposal submitted by AE7 Pittsburgh, LLC as the best and most responsive proposal under said criteria.

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

SECTION 1. This Council hereby authorizes the City Manager to enter into an agreement with AE7 Pittsburgh, LLC, concerning the Severance Town Center Redevelopment Plan project. The agreement shall be in substantial accordance with the terms and conditions set forth in AE7 Pittsburgh, LLC's proposal for the Severance Town Center Redevelopment Plan project, a copy of which is on file with the Clerk of Council. The agreement and any related documents shall be approved as to form by and subject to the final approval of the Director of Law.

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 timely need to proceed with the next steps for the above-described redevelopment project. Wherefore, provided it

RESOLUTION NO. 93-2019 (PD), *First Reading*

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 Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:



PROPOSAL FOR:

Severance Town Center Redevelopment Plan

REVISION 01
OCTOBER 9, 2019





City of Cleveland Heights
Attn: Mr. Timothy M. Boland , Director of Economic Development
40 Severance Circle
Cleveland Heights, OH 44118
stcredevelopmentplan@clvhts.com

RE: Redevelopment Plan for Severance Town Center

Dear Mr. Boland:

Thank you for the opportunity to submit our qualifications for the Severance Town Center redevelopment of Cleveland Heights. AE7 firmly believes that finding solutions that deliver a client's vision is the true measure of success. Together with our consultants we have contributed significantly to shaping successful mixed-use developments and now seek to apply our experience and knowledge to provide Cleveland Heights with the building blocks for an emerging model of redevelopment - driven by the mutually beneficial principles of Public Private Partnerships - P3.

Having lived and worked in the Mid-west, I have witnessed first-hand the remaking of both Cleveland and Pittsburgh - two cities with similar pasts and very bright futures. I am proud to have played a role in shaping pieces of both places and helping transform their Rust-belt identities into the centers of innovation and prosperity they are known for today. It would be an honor for the AE7 team to lead this effort on behalf of the City of Cleveland Heights. Our team understands the methodologies for **transforming a distressed and under performing asset** into the very heart and soul of the community ...and does so with an eye towards bettering the resident, worker and visitor experience of each and every neighborhood. Our strategies for reviving the area are simple yet inclusive: **Program, Place, and People**. They are discussed and further illustrated in our proposal. We hope to start the discussion for how we can exceed the City's aspirations in creating a Vision for the Redevelopment of the Severance Town Center.

We believe you'll recognize that AE7 is best placed to deliver for Cleveland Heights. We understand what makes a **successful redevelopment strategy an intriguing investment opportunity**. By building financial performance into the process, we systematically provide attractive solutions that the Commercial Real Estate community will enthusiastically embrace.

We thank you for the opportunity to present our qualifications. We would be thrilled to continue the conversation about this project to better understand how we could collaborate with you for this exceptional opportunity.

Should you have any questions about our proposal or qualifications, please contact me via phone at 412.932.2044 or via email at philip.wilkinson@ae7.com.

Sincerely,

A handwritten signature in black ink that reads "Philip Wilkinson".

Philip Wilkinson, AIA, LEED AP, NCARB



CONSULTANT TEAM INFORMATION

OVERVIEW & EXPERIENCE

ABOUT AE7

AE7 is an international planning and design firm that believes in a holistic approach to design and the transformational power of an integrated practice in providing thoughtful and meaningful solutions for the built environment. Our team thrives at a wide range of scale and scope. From developing authentic gathering places in a local neighborhood to creating innovative visions for communities that become destinations themselves.

Founded in 2009, AE7's leadership has worked together for more than 20 years. The Pittsburgh office was established in 2014 with two employees and has grown to a staff of over 40, which includes land planners and landscape designers, architects, interior designers, and visualizers. Overall the firm has grown to more than 600 employees in seven offices worldwide and established an internationally respected position as experts in mixed-use planning and urban design. Our Cleveland office opened in 2019 and will be supported from by our Pittsburgh staff.

The Pittsburgh team, which will be the office responsible for this project, is heavily involved in the company's design of mixed-use developments worldwide. Our culture emphasizes responsiveness, innovative solutions and collaboration. AE7 service offerings range from the inception and planning stages of the project through construction completion. We help clients bring the entire project vision to life, as well as, achieve individual milestones crucial to the success of their project.

Our Cleveland office is located at 2750 Endicott Rd, Shaker Heights, OH 44120

EXPERIENCE WITH URBAN PLANNING PROJECTS

At AE7, we create master plans and urban plans for a variety of sites domestically and internationally. In our experience,

the majority of the planning projects in the US consist of redevelopment of existing sites, often brownfields or otherwise distressed sites, or properties that outlived their useful life-cycle and are no longer attractive to the consumers. Each of these projects comes with its unique set of challenges that we are accustomed to tackling in a creative and efficient manner.

In Montgomery, AL, we have delivered a Visioning Study and Plan for the mostly-vacant shopping mall. Our plan balances a variety of programs and uses to attract visitors and keep them coming back. The plan is currently being used to successfully attract new investors to the site.

Wilkinsburg, PA is located in the back yard of our Pittsburgh office and it's an area that has been in decline for many years. The town is situated between downtown Pittsburgh and the suburban neighborhoods just East of Pittsburgh and has an enormous development potential. The local CDC is actively looking to revive the area and attract new investment. Starting with the 700 block of Penn Avenue, the main street of Wilkinsburg, AE7 has developed a plan and cost-effective strategies to make Penn Avenue more appealing to the potential investors and residents. Visualization renderings have been created to demonstrate the potential for the area.

The Esplanade mixed-use development, to be located in Pittsburgh's North Side, will transform both current and former industrial sites within a 15 acre plot. In our master plan, we give close consideration to reconnecting the site to adjacent neighborhoods and the larger city beyond through vehicular, bicycle, pedestrian and public transport links and extensions. Programmatic uses of the site are based upon market studies and the proforma to determine the appropriate and viable mix of uses from both an urban and financial standpoint.

These projects are discussed in greater detail in the "Relevant Planning Experience" section of our proposal.



AE7 PITTSBURGH OFFICE STAFF



ESPLANADE

AE7 URBAN PLANNING EXPERIENCE

As today's real estate market is confronted with unparalleled change, planning and design has taken on the critical role of synthesizing a project's diverse spatial, fiscal, and physical development needs in order to coalesce these into unified comprehensive solutions.

AE7 is an architectural design firm that focuses on the **Built Environment**. That means our plans are realistic and grounded in viable / implementable solutions.

Perhaps the most distinctive element of our planning process is that **we think like a developer**. AE7 in-house staff includes Market Economists that are strategically integrated within our Planning Team. Much more than a consultant, they are deeply involved within the decision making process in a Development Advisor capacity.

AE7 remains committed to the aspirations of Smart Growth America (www.smartgrowthamerica.org/our-vision/) in the delivery of healthy, prosperous and resilient communities in every stage of the planning process.

What differentiates us from our competitors is that we view those same aspirations through a lens of assessing the fiscal implications of each.

We believe in the principles of Urbanism which prioritizes: density, walkability, and reuse. Integrating best practice solutions in mobility to ensure communities are well connected. AE7 is aligned with the 4 Qualities of Placemaking as articulated by Project for Public Spaces (www.pps.org) which provides us with the basic tools for evaluating each facet of the planning process and keep us focused towards the user experience.

How are we different? *We assimilate these vital components in to the overall master plan while pursuing financially viable ways to translate each into the built environment.*

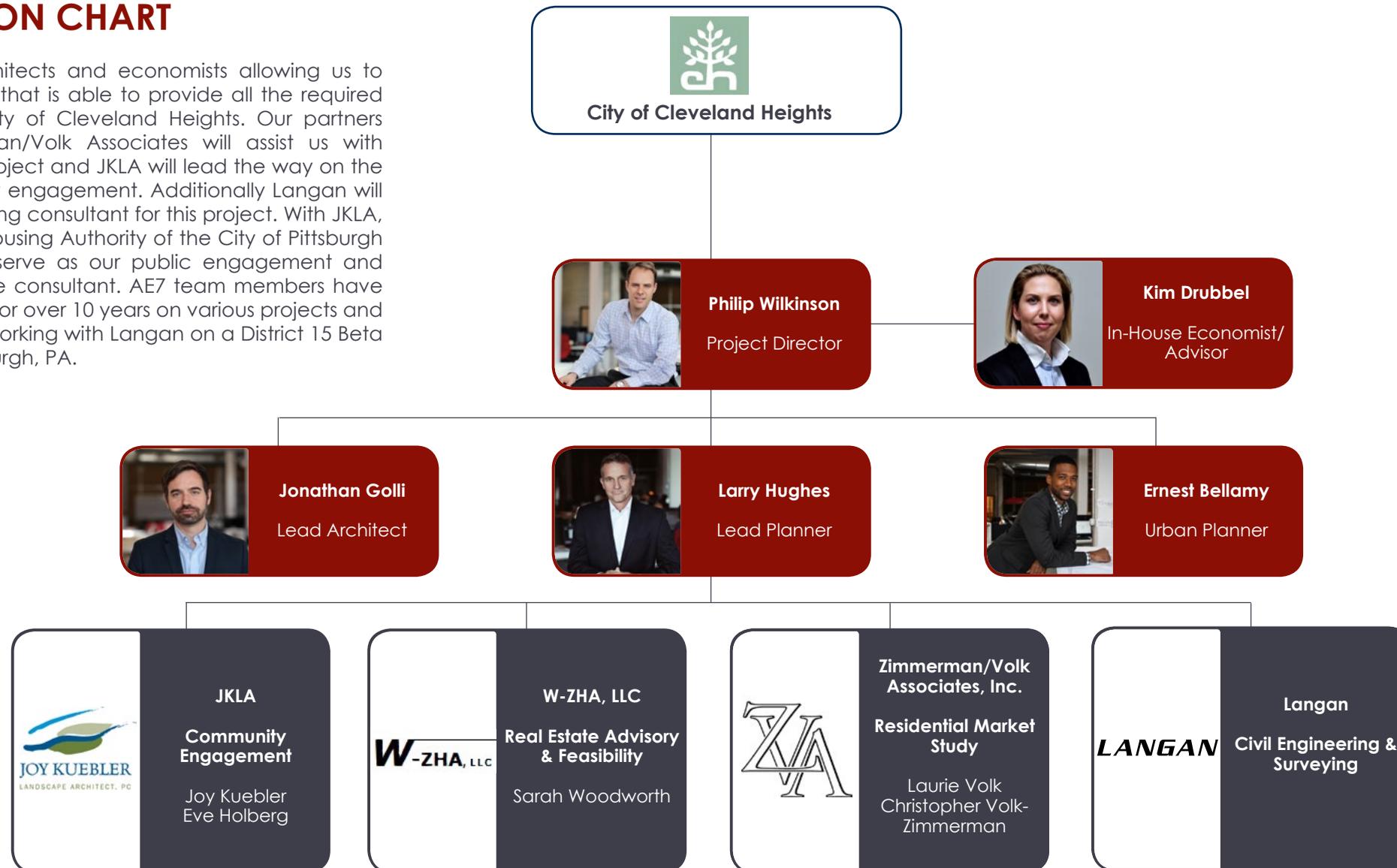
Our methodology facilitates broad-based set of sustainable standards such as LEED - ND (<https://new.usgbc.org/leed/rating-systems/neighborhood-development>) as priorities defined by the USGBC.

Why AE7? *We relentlessly adhere to the often overlooked economic basics of commercial real estate development, which makes implementation attainable in an ever-evolving market place.*

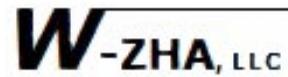


ORGANIZATION CHART

AE7 has in-house architects and economists allowing us to create a “lean team” that is able to provide all the required deliverables to the City of Cleveland Heights. Our partners W-ZHA and Zimmerman/Volk Associates will assist us with market study for this project and JKLA will lead the way on the meaningful community engagement. Additionally Langan will be our civil and surveying consultant for this project. With JKLA, we currently have a Housing Authority of the City of Pittsburgh contract where they serve as our public engagement and landscape architecture consultant. AE7 team members have also worked with JKLA for over 10 years on various projects and engagements. AE7 is working with Langan on a District 15 Beta office building in Pittsburgh, PA.



W-ZHA, LLC (WBE) | REAL ESTATE ADVISORY & FEASIBILITY



Established in 2007, W-ZHA, LLC is the successor organization of ZHA, Inc., a firm established in 1975. W-ZHA provides real estate advisory services to private, public and non-profit clients. W-ZHA's staff has conducted development-related assignments in over 30 states for hundreds of public and private clients. W-ZHA is a woman-owned business located in Annapolis, MD.

W-ZHA's approach begins with identifying viable development opportunities and analyzing these opportunities much as an investor or developer would. W-ZHA applies market analysis conclusions to craft optimum development programs and often tests private development feasibility. Financing gaps are identified and innovative financing techniques are identified and tested. Ultimately, W-ZHA crafts implementation programs and structures equitable joint development arrangements between the public and private sectors.

W-ZHA staff perform development-related services for a variety of public and private clients, including units of local government, private foundations, private individuals, nonprofit development corporations, private developers, property owners, downtown development associations and corporations, lending institutions, civic organizations, community and quasi-public corporations and others involved in the development process.

ZIMMERMAN/VOLK ASSOCIATES, IN. (WBE) | RESIDENTIAL MARKET STUDY



Zimmerman/Volk Associates, Inc. is a state-certified WBE (Women's Business Enterprise) and a C-Corporation incorporated in the State of New Jersey with offices located in Clinton, New Jersey and San Diego, California (Federal I.D. 22-3028941). The company has been operating continuously since 1988 and there are currently four professional personnel.

The company has a national reputation for innovative market analysis based on its proprietary target market methodology and specializes in the analysis of downtown redevelopment; compact and sustainable development; mixed-income, mixed-tenure redevelopment; mixed-use urban revitalization; and traditional neighborhood developments. Zimmerman/Volk Associates is recognized by the leading practitioners of the New Urbanism as the national expert on the residential market feasibility of New Urbanist communities and urban redevelopment.

The company's clients range from small builders and developers to the subsidiaries of Fortune 100 firms, as well as city, regional and state government agencies.

ZVA is currently working with the City of Cleveland Heights and has a strong understanding of the City's unique residential market.



JKLA (WBE) | COMMUNITY ENGAGEMENT

Joy Kuebler Landscape Architect (JKLA) has focused its work on the human experience by working to improve the quality of life for people through the power of the environment surrounding them. JKLA's PLAYCE approach to public engagement invites stakeholders to be collaborative problem solvers from the onset of the process by becoming active participants in site analysis. Stakeholders become project champions; ideas move to consensus sooner and concepts are tried on early, ensuring greater future success.

JKLA has a track record with important and catalytic projects that have returned human scale and walkability to the public realm.

- **In the Village of Williamsville, NY**, JKLA developed innovative engagement activities to gather public input and generate excitement about revitalizing downtown. JKLA worked to return pedestrian scale, multi-modal access and renewed economic opportunity to the village through enhanced pedestrian crossing of busy Main Street, development of a town square experience to help spark revitalization of historic commercial property, installation of pocket parks, installation of green infrastructure, and installation of street furniture and lighting.
- **In North Tonawanda, NY**, JKLA is leading a team that is reconnecting the downtown with the waterfront, and improving pedestrian safety and circulation through traffic calming, streetscapes, multi modal access and traffic calming. Public engagement included a tactical intervention to better direct traffic through a troublesome intersection that was so well received that the City has temporarily installed it as the new pattern pending final construction in Spring 2020.

LANGAN | CIVIL ENGINEERING

Langan provides an integrated mix of engineering and environmental consulting services in support of land development projects, corporate real estate portfolios, and the energy industry. Their clients include developers, property owners, public agencies, corporations, institutions, and energy companies around the world.



Many of Langan projects are public-facing development. As a result, every day they work side-by-side with federal, state and local agencies either directly as a client or as a project team member. They draw not only on their past projects that are relevant to the project at hand, but also look to the existing relationships they have formed over the years with various regulatory agencies for input. These working relationships are a testament to their proven capacity for effective teamwork, facilitating access and successful regulatory negotiations.

Public agencies seek out Langan to provide engineering services for all project phases, from initial design through construction. They work closely with other consultants and agency staff to streamline the development process and communicate with local communities and other interested stakeholders. To this end, Langan prepares a detailed agency scope and approval matrices, leads technical workshops, and coordinates the timing of all stakeholders towards project completion.

MARKET STUDY | W-ZHA & ZVA

The HR&A Market Analysis provides valuable baseline data on the Cleveland Heights retail and office market. The next step is to identify a realistic and implementable Severance Town Center Plan. Importantly, our market study task includes attention to development feasibility as well as to market potential, since market potential alone does not guarantee that a private real estate investor can realize an attractive return on investment and will move forward with redevelopment.

Our market analysis will reveal the best competitive positioning for the Redevelopment Plan and the logical types of residential, retail, office and hotel product to support this position. We will build upon the HR&A study by devoting most effort toward developing a more nuanced understanding of the residential market potential indicated in the study, while devoting a lighter level of effort to verifying the range of retail, office, and hotel market possibilities. Our emphasis on understanding residential market potential in detail will provide developers valuable insights into the site's most important near-term real estate opportunities.

Residential market. Zimmerman/Volk Associates (ZVA) has an outstanding track record identifying emerging housing market opportunity in new and existing walkable, mixed-use districts across the United States. ZVA's demographic-driven market analysis methodology provides very specific recommendations on the optimal mix, quantity, and development pace of housing types responding to a variety of household demand profiles. Conclusions typically cover a five- to seven-year period. This yields insights into market potential not available through traditional comp-based market analysis, highlighting new opportunities as growing numbers of households rediscover the appeal of living in mixed-use environments. Time and again, developers have utilized ZVA's research to plan and execute successful projects. ZVA's role on our team will leverage the

long and close working relationship developed among Goody Clancy, ZVA, and W-ZHA through a variety of community planning efforts. ZVA happens to be conducting market analysis for another client in the Cleveland Heights area at this time, enabling them to provide market analysis for Severance Town Center site at \$10,000 below their usual cost.

- Commercial market. W-ZHA's commercial market analysis will start with the baseline commercial assessment, then test the tenant mix products for market feasibility in Cleveland Heights. Based on this, W-ZHA will recommend commercial program and land use positioning for different Town Center scenarios. All of this analysis will feed directly into financial analysis and development planning.

- Financial feasibility. It is important to note that market analysis identifies land use potential and does not address the question of investment potential. To attract a private developer there must be an attractive investment opportunity. W-ZHA will test the feasibility of different Town Center scenarios from an investor's perspective. One investor is the Mall owner—is the redevelopment strategy implementable given supportable rents and existing lease constraints? There is also the prospective developer. The prospective developer needs to know that the Town Center redevelopment concept generates a sufficient return to warrant investment. Ten-year proformas will be run to test for private investment feasibility through an iterative process that incorporates sample building and parking typologies and input from engineering team members on infrastructure costs. Development costs will be vetted with local developers and operating assumptions will be informed by the market analysis, industry standards, and property manager interviews. This analysis will determine the financial feasibility of redevelopment scenarios, including any public incentives or other support that may be justified.

Public/private partnership strategy. We will develop a strategic approach to soliciting and working with developer partners. To the extent that a mixed-use redevelopment scenario is not financially feasible for the private sector alone, W-ZHA will quantify the gap funding necessary to attract private investment. W-ZHA will work with the City and rely on national experience to identify viable sources of public financing. Our experience suggests that it is imperative that the planning process result in a clear understanding of private sector and public sector roles and the tools the public sector expects to deploy to support redevelopment. Through the planning process the community can be educated on why public/private cooperation is necessary, and gain confidence in the tools the City intends to deploy to make meaningful investment happen. Community consensus and buy-in on these business matters at the onset greatly reduces developer risk and, as such, enhances the investment opportunity. The general structure of a public/private development agreement should be a product of this planning endeavor

MARKET AND ECONOMIC SCOPE OF SERVICES

PHASE I: PROJECT KICK-OFF

Task 1: Kick-Off Meeting

W-ZHA and Zimmerman/Volk Associates will attend a Kick-Off Meeting with AE7 and the Client in Cleveland Heights.

Task 2: Study Tour and Interviews

W-ZHA and Zimmerman/Volk Associates (ZVA) will participate in a tour by the Client highlighting key neighborhood, land use and transportation opportunities and constraints. This tour will take place on the same trip as the Kick-Off Meeting.

W-ZHA and ZVA will also participate in interviews with land owners, brokers, public officials and other stakeholders to gain a better understanding of development opportunities and constraints.

PHASE II: MARKET ANALYSIS

Task 3: Supply-Side Data: The Current Context

Both W-ZHA and ZVA will perform this task, albeit separately. For the residential market analysis, ZVA will collect information on relevant newly-constructed for-sale projects, relevant existing rental projects, and relevant planned developments.

Zimmerman/Volk Associates will evaluate the residential context in relation to mixed-use development on the site, based on supply-side data and field investigation by Zimmerman/Volk Associates' personnel.

Information will be provided as follows:

- Summary of relevant market-rate rental multi-family properties in the market area: building type, unit sizes and bedroom count, rents, amenities and occupancy rates, as available.
- Summary of relevant new market-rate for-sale multi-family properties in the market area: building type, unit sizes and bedroom count, prices, amenities and sales, as available.

W-ZHA will identify competitive commercial districts and shopping centers. The character of the competitive supply will be documented in terms of location, size, tenant mix, and market positioning (neighborhood, community/power, regional, specialty, outlet, etc.). Interviews with managers and brokers will inform conclusions about trade areas for each competitive location.

Task 4: Determination of Market Potential and Optimum Market Position

It is at this stage that ZVA will move forward with Market Potential and W-ZHA will pause. W-ZHA will be testing the market for the retail/entertainment concepts generated in the Scenarios. The Scenarios will be developed later in the process. ZHA's tasks are as follows:

MARKET AND ECONOMIC SCOPE OF SERVICES

Task 4.1: Draw Area Delineation

Zimmerman/Volk Associates will identify the appropriate draw areas for housing within the City of Cleveland Heights and the Severance Town center property based on historical settlement patterns, migration and mobility trends, and other market dynamics. The data will cover the most recent five-year period for which the Internal Revenue Service has released data.

Task 4.2: Determination of Market Potential

Zimmerman/Volk Associates will determine the depth and breadth of the potential market for new and existing housing units within the City of Cleveland Heights and the Severance Town Center site through target market analysis of households in the draw areas, as follows:

- Current household classification by market group within the draw areas.
- Qualification and filtering of the draw area households by relevant criteria including, among others, mobility and migration factors, income levels (financial capabilities), and housing propensities.
- Identification of the draw area households with the potential to move within or to the City of Cleveland Heights and to the Severance Town Center site over the next five years.

The potential market will be correlated by household group (empty-nesters/retirees, traditional and non-traditional families, younger singles/couples); by tenure (rental and ownership); and by housing type (e.g.—multi-family for-rent and for-sale {lofts/apartments}, single-family attached {rowhouses/townhouses/live-work}; single-family detached).

Task 4.3: Determination of Optimum Market Position

Based on the findings of the target market analysis, the supply-side data, and redevelopment of the Severance Town Center site with a mix of uses, Zimmerman/Volk Associates will determine the optimum market position for the redevelopment and will cover the following:

- Mix of tenure, housing, and unit that match market propensities;
- Unit sizes and configurations, based on target market preferences;
- Market-entry market-rate base rents and prices from the consumer perspective, derived from target market financial capabilities; and
- Annual market capture by value (price and rent) range, over five years (absorption forecasts).

In addition, the study will also provide:

- Descriptions of target market buyers and renters.

Task 4.4: Draft Study

The draft report, including text and appendices, will be provided in print-compatible Adobe Portable Document File (.pdf) format.

W-ZHA will “test” the market for different retail and eat/drink scenarios. The objective is to target the analysis and the work effort in order to maximize budget efficiency. Given the competitive

MARKET AND ECONOMIC SCOPE OF SERVICES

supply evaluation from Task 4, W-ZHA will determine the Trade Area for the mix contemplated and analyze whether there is sufficient market to support the concept envisioned. W-ZHA will conclude with supportable square feet by land use and lease rates. W-ZHA will issue a report summarizing the market analysis and the conclusions.

Task 5: Team Meeting

W-ZHA and ZVA will participate in a 2nd Meeting to discuss the findings of the market analysis and its implications on Severance Mall redevelopment.

Task 6: Final Market Analysis Products

ZVA will finalize the residential market analysis. W-ZHA will finalize the commercial market due diligence work. These analyses will be separate documents.

PHASE III: SCENARIOS

Task 7: Scenario Development

W-ZHA and ZVA will support AE7 in the development of redevelopment scenarios.

Task 8: Scenario Investment and Financial Implications

On a preliminary basis, W-ZHA will analyze different scenarios from an investor's perspective. W-ZHA will conduct yield analysis (projected net operating income over development cost) on each scenario to determine whether the scenario makes investment sense. Infrastructure development costs will be provided by AE7. W-ZHA will use professional experience and third party cost databases to estimate, on an order-of-magnitude basis, building development cost. Scenarios will be compared for the level of subsidy required.

Task 9: Scenario Meeting

W-ZHA will attend a meeting with the Client (and others, as appropriate) to discuss the scenarios and their implications. The goal of the meeting is to identify a preferred scenario.

PHASE IV: FINAL PLAN AND STRATEGY

Task 10: Proforma and Public/Private Deal Structure

W-ZHA will develop a proforma for the development program contemplated. The proforma will take into consideration the phasing plan developed by AE7. The proforma will determine the level of subsidy (or not) necessary to attract an investor. W-ZHA will work with City representatives to identify public funding tools. W-ZHA will demonstrate how project economics improvement with these tools deployed. W-ZHA will not guarantee that there will be sufficient funds to make a project an attractive investment prospect.

MARKET AND ECONOMIC SCOPE OF SERVICES

Task 11: Technical Memorandum – Financing Strategy the Role of the Public and Private Sector

W-ZHA will summarize project economics and the finance strategy in a Technical Memorandum.

Task 12: Meeting

W-ZHA will attend a meeting with AE7 to present the final plan and strategy.

SCHEDULE

The residential market analysis report will be submitted 3 months after the kick-off meeting. W-ZHA's market assessment will be submitted by the 3rd month after the kick-off meeting assuming W-ZHA has six to eight weeks to complete upon receiving the retail program.



PHILIP WILKINSON, AIA, LEED AP, NCARB

Principal/Project Director

Philip is a Principal focused on mixed-use and retail destinations domestically and around the world. His experience features complex master plans and large-scale retail centered developments. He thrives at leading multi-discipline teams across various offices while consistently delivering designs that address client's vision and goals.

Philip has a strong understanding of consumer psychology and market trends. As the retail/F&B industry evolves and can no longer function as a standalone domain, Philip crafts solutions that are different and engaging – attracting shoppers to the development and enticing them to stay.

Selected Project Experience:

Northfield Stapleton Town Center, Forest City, Denver, CO. Lead designer for 120,000 SF retail and office within a 1.2 mil SF town center / retail destination. The open-air town center is built over the original Denver International Airport runways, turning the brownfield site into a 1.2 million square foot retail destination. Major entertainment and department store anchors, restaurants, shops and offices are organized along a pedestrian oriented main street, creating an urban tapestry of architectural expressions.

Heartland Town Center, Islip, NY. Project Architect. The master plan arranged the civic retail core around an existing water tower. The overall development program includes 600,000 SF of retail, restaurants and entertainment uses, 3,685 residential units, 500,000 SF of office space and 50,000 SF of civic amenities.

Ninth & Penn Mixed-Use Development, Pittsburgh, PA. Project Manager. Multi-phase mixed-use project is a redevelopment of an existing parking structure (to be demolished) and multiple other properties on the 8th block of the Penn Avenue. The new destination development balances experience-based design, sustainable development, and client's programming requirements and features residential units, restaurants, cafes, retail stores, boutique market, a 935 space parking garage, and potential culture venues.

Hudson Yard, Related, New York, NY. Project Manager. The Shops at Hudson Yards is part of the largest development in Manhattan, bringing together 12 million SF of residential, commercial and office space over the west rail yards.

Miami World Center, The Forbes Company, Miami, FL. Project Architect and Designer. Led design for 1 million square feet of retail, restaurant and entertainment venues, residential, luxury and wellness facilities.





LARRY HUGHES, LEED ND

Lead Planner

Larry employs his unique background in landscape architecture, engineering and project management to create programmatic solutions for complex land-use assignments. Drawing on nearly 20 years in the planning profession, he brings best practice experience to help shape contextually based, environmentally sensitive, culturally engaged and financially sound outcomes. He is a LEED ND certified professional adept at integrating the principles of smart growth, urbanism and green building into master planning and community design.

Selected Project Experience:

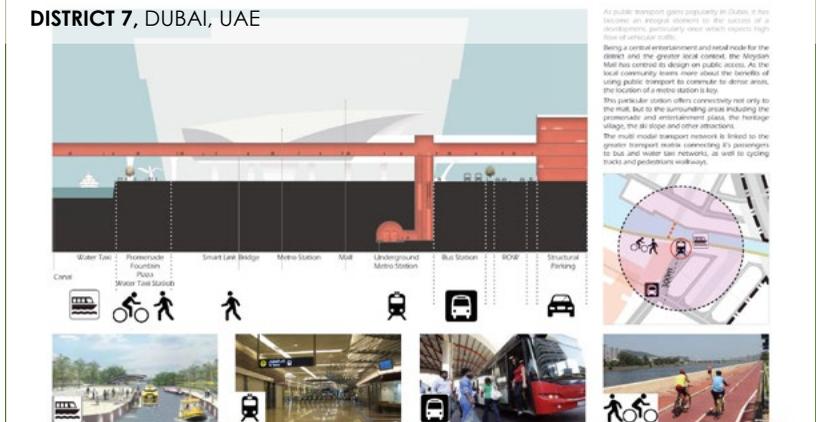
TownCenter at Al Riyadh District, Abu Dhabi, UAE. Lead Planner and Team Facilitator. Providing concept urban design and development feasibility for the ‘Downtown’ of Riyadh South. Creating the core area as a mixed-use development surrounding a multi-modal transit hub, plans delivered the vision for a collection of sustainable urban neighborhoods supported by engaging public spaces.

Oasis Development, Montgomery, AL. Lead Planner and Project Manager. Envisioned as a new town in the southern tradition. Detailed design efforts established the Village Square at Oasis as the soul of a small scaled community that blends the principles of urbanism in a rural setting.

Bloom Cultural District, Abu Dhabi, UAE. Lead Planner and Project Manager. Implementing the 2030 Vision for Abu Dhabi Planning Council. The City Centre at Bloom District is the signature piece of placemaking in the Capital City. Careful crafting of land use and public realm, the development was the result of an extensive urban design effort and a market driven approach which brought work, live and play to the cultural heart of the Emirates.

District 7, Dubai, UAE. Lead Planner and Team Facilitator. The Central District of Victoria was envisioned as a sustainable-minded transit oriented development. The detailed studies located a multi-modal transit hub along with a district wide bike facility in the center of the mixed-use (office/retail) core. All of which serves as a vibrant anchor for the community and makes the City completely accessible.

Somerset West Mixed-Use Development, Troy, MI. The Boardwalk at Somerset is a destination development that fully encompasses the live-work-play ethos and aspires to set a new standard for urban living in Troy.





ERNEST BELLAMY

Urban Planner

Ernest is an urban planner and architectural designer with national experience in urban design as well as commercial and retail projects. He is passionate about creating efficient master plans and successful mixed-use and Transit Oriented Developments (TODs). Throughout his career Ernest was involved in various aspects of community engagement. He is proficient in BIM and Adobe Design Suite, making him an asset for any design team.

Selected Project Experience:

IN•District Historic Neighborhood, Chicago, IL. Urban Planner. The IN•District is a strategy that preserves and celebrates the historic context of the Chicago North Branch area through revitalization into a new center for culture, innovation, and industry.

Wilksburg Urban Design Strategies, Wilksburg, PA. Planner. The study addressed visioning for a Main Street Corridor to rethink its potential as a catalyst for neighborhood regeneration. The Studio set out to develop a proposal that goes beyond the Main Street/CBD neighborhood and think how strategic interventions could help spur an overall borough reinvestment and redevelopment.

Oasis Development, Montgomery, AL. Planner. Master planning and financial feasibility studies for 3 sites to become a mixed-used development, urban agricultural and market development, and entertainment development.

Solid Waste Management Northeast Transfer Station, Miami, FL. Architectural Designer. Concept Design through Construction Documents for The first LEED Silver rated building for Miami-Dade County’s Solid Waste Department. The building boast solar panels, rain-water harvesting, and a hyper-insulated building envelope, among many other sustainable design measures.

El Tucan Cabaret and Marion Restaurant, Miami, FL. Technical Designer. Client & Consultant Coordination and Construction Administration for the 21,000 SF commercial restaurant, bar and performance space venue renovation in Downtown Miami.





JONATHAN GOLLI, AIA, NCARB
Lead Architect & Cleveland Office Manager

Jonathan is our Cleveland Office Manager and Senior Architect. Jonathan is actively involved in a variety of mixed-use project as a Project Manager and Lead Architect. Throughout his career, he has led design and planning efforts for numerous mixed-use, corporate/office, higher education, and residential projects. His experience as a designer and team lead provides for greater understanding of project stakeholders and allows him to flawlessly coordinate multiple aspects of the project.

Selected Project Experience:

Bloom Riverfront Towers, Rochester, MN. *Project Manager and Lead Designer.* Mixed-use master plan development in downtown Rochester that extends over 2 acres and includes condos and senior living, 5-Star Hotel, retail, F&B, public parks, and structured parking. The development will house an integrated parking podium topped by two high-rise towers. The podium provides a total capacity of 750 spaces.

Ninth & Penn Mixed-Use Development, Pittsburgh, PA. *Assistant Project Manager.* Concept design for a 800,000 SF multi-phase mixed-use destination development to include, residential units, restaurants, cafes, retail stores, boutique market, a 935 space parking garage, and potential culture venues.

Deira Waterfront Master Plan, Dubai, UAE. *Senior Designer.* Four interconnected districts along the Dubai Creek historic corridor. Site area covering approximately 15 acres. The development includes 4-star hotel and yacht club, retail, 5-star hotel, anchor retail venues, a boardwalk, residential towers, food and beverage outlets, and a cultural center.

Esplanade Mixed-Use Development, Pittsburgh, PA. *Senior Architect.* Feasibility study and master plan for a 15 acre riverfront mixed-use development. The development will include a hotel, condos, apartments, retail and restaurants, office tower, and aquarium, making it a truly one of a kind waterfront development.

Tepper School of Business West Addition: Carnegie Mellon University, Pittsburgh, PA. *Project Manager.* As a Project Manager, Jonathan oversaw the entire team responsible for design of the 8,000-SF addition, coordination of all disciplines and consultants, as well as construction documentation.





KIM DRUBBEL

In-house Economist / Advisor

Kim is an accomplished leader and a trusted advisor to many leading developers and investors, assisting them to assure the commercial and investment competitiveness of their projects. Kim has over 15 years of experience in the mixed-use real estate and hospitality management and development sectors. She brings professional experience in all aspects of both business and real estate life-cycles with a diverse and comprehensive knowledge of commercial, retail, residential, hospitality, industrial as well as non-core asset classes.

Selected Project Experience:

Esplanade Mixed-Use Development, Pittsburgh, PA. *Feasibility Advisor.* Performed masterplanning and financial modeling support for a 15 acre riverfront mixed-use development master plan. The development will include a hotel, condos, apartments, retail and restaurants, office tower, and aquarium, making it a truly one of a kind waterfront development.

Dubai Creek Rejuvenation, Dubai, UAE. *Economic Advisor/Development Strategist.* Performed detailed market research (hospitality, residential, office and retail asset classes); land use plan definition and development recommendations; financial and investment analysis; and development strategy and phasing for rejuvenation of the Dubai Creek. The project developed a series of integrated historical residential, commercial, and recreational precincts. The site area stretches 40 acres along the northern and southern banks of the creek.

Civic Arena Redevelopment Study, Pittsburgh, PA. *Feasibility Advisor.* Provided feasibility and development recommendations, scenario analysis and investment memorandum for a development of an 8-acre master plan on a 26-acre iconic site. The master plan called for 7 buildings that include hotels, branded and luxury residential units, residential units, and a high rise office building.

InterContinental and Al Bustan Hotel Sites, Muscat, Oman. *Economic Advisor/Development Strategist.* Conducted a Highest and Best Use study of the InterContinental and Al Bustan Hotel sites to generate highest value of the land. Prepared development recommendations, project phasing and investment analysis.

Casablanca-Anfa Airport Regeneration, Morocco. *Economic Advisor/Development Strategist.* Conducted a detailed market study for all asset classes (re-)development recommendations for existing components on-site. Performed financial analysis and development partner selection criteria for the 900 acre mixed-use development on the site of the old Casa-Anfa airport. The project features residential, retail, office, hospitality, public amenities and leisure components.





JOY KUEBLER, RLA, ASLA

Community Engagement Lead

Joy has more than 20 years of Landscape Architecture experience. Throughout her career, Joy has brought diverse and meaningful projects to life from half-acre community-built parks, learning gardens at our public schools, and large university campus redevelopment, to streetscapes and green infrastructure projects. Joy focuses on the human experience in the landscape, integrating architecture and the outdoors to create unique, inspiring environments.

She launched her firm in 2003 to have a positive impact on the public’s quality of life through sensitive and responsible design for outdoor spaces.

Selected Project Experience:

City of North Tonawanda, NY. Downtown Placemaking Project.

City of Lackawanna, NY. Lackawanna Brownfield Opportunity Area – Step 3 Implementation Plan.

City of Jamestown, NY. Chadakoin River West Brownfield Opportunity Area – Step 2 Nomination Study.

Village of Gowanda, NY. Gowanda Brownfield Opportunity Area – Step 1 Pre-Nomination Study.

City of Tonawanda, NY. Local Waterfront Revitalization Program & Comprehensive Plan.

Town of Tonawanda, NY. Tonawanda Brownfield Opportunity Area – Step 2 Nomination Study.

Worldwide Park(ING) Day-City of Buffalo, NY. Pop-up Parklette Tactical Urbanism.

CNU 22-Buffalo, NY. “Park-in” at the Hotel at the Lafayette Tactical Urbanism.

Village of Williamsville, NY. “Picture Main Street Live” Tactical Urbanism & Public Engagement.

Village of Springville, NY. Community Visioning & Streetscape Improvements Plan.

Town of Tonawanda, NY. Waterfront Corridor Landscape Feasibility Study & Preliminary Design.





EVE HOLBERG, AICP
Community Engagement

Eve Holberg is an urban planner with more than 25 years of experience. Since completing her graduate degree in planning, she has worked in the public, private and non-profit sectors. Eve acts in the capacity of project manager for a variety of projects including economic development strategies, feasibility studies, corridor management, community revitalization and downtown redevelopment strategies as well as comprehensive plans for communities of all sizes. Eve is a former downtown manager and has developed a special expertise in heritage, recreation and scenic byway planning, and tourism development strategies.

Selected Project Experience:

Village of Hamburg, NY. Underutilized Sites Strategy.

Village of Hamburg, NY. Shared Maintenance Facility Feasibility Study.

City of Ogdensburg, NY. Fort de la Présentation Visitors Interpretive Feasibility Study.

Village of Lakewood, NY. Comprehensive Plan.

City of Hornell, NY. Housing Market Study.

Village of Fredonia, NY. New York Main Street Technical Assistance Grant; New York Main Street Anchor Grant Administration.

Village of Lakewood, NY. New York Main Street Technical Assistance Grant and Study.

Buffalo Main Streets Initiative. Infill Development Grant and Administration.

Buffalo Main Streets Initiative. Target Area Building Renovation Program Administration.

Grant writing. New York Main Street programs, Buffalo Main Streets Initiative programs, ESDC Economic Development Feasibility Study, DOS Local Government Efficiency Study, DOT Transportation Alternatives Program.





SARAH WOODWORTH

Real Estate Advisory & Feasibility

As Managing Member of W-ZHA, LLC, Sarah concentrates primarily on redevelopment strategies, feasibility analyses for various land uses, and structuring equitable financial structures on public/private development projects. Sarah was the Senior Vice President of ZHA, Inc. and W-ZHA, LLC is the successor organization of ZHA, Inc. W-ZHA, LLC is a Maryland-certified woman-owned business.

In understanding urban redevelopment, Sarah is mostly interested in identifying those competitive aspects of a place which successfully attract people and investment. Sarah has worked on a number of projects which required a full understanding of the market and place characteristics in order to consciously cultivate opportunities for mixed-use development and sustainability. In performing redevelopment analyses, Sarah has conducted market analysis, financial feasibility analysis, gap financing identification, transit-oriented development analysis, developer solicitation packaging and evaluation. In addition, Sarah is fully aware of alternative regulatory strategies to enhance development potential and land use profitability.

In her 25 years of experience, Sarah has helped to craft redevelopment strategies for downtowns and target sites in numerous towns and cities such as: Rockville, MD; Washington, DC; Wichita, KS; Providence, RI; Albany, NY; Norfolk, VA; Chattanooga, TN; Charleston, SC; Cincinnati, OH; Lexington, KY; Pittsburgh, PA; and Corpus Christi, TX. In each case, whether a big city or a small town, commercial and residential market dynamics form the foundation of the revitalization strategy.



LAURIE VOLK

Residential Market Study Lead

Laurie Volk is principal in charge of Zimmerman/Volk Associates' market studies and is the firm's primary analyst of demographic, market, and lifestyle trends. Volk has been directly involved with every market study completed by Zimmerman/Volk Associates since the company's founding in 1988. Volk's development of the target market methodology—analytical tools to determine the market potential for downtown housing; for mixed-income, mixed-tenure repopulation and stabilization of fragile inner-city neighborhoods, and for new mixed-use, pedestrian-oriented traditional neighborhoods—has been instrumental in bringing Zimmerman/Volk Associates into national prominence.

Volk has conducted more than 905 downtown studies across the country, in cities ranging in size from Petersburg, Virginia (population 32,400) to Detroit, Michigan (population 713,000).

Volk currently serves as Chair of the Board of Directors of the Congress of the New Urbanism. She was a founding board member, now emeritus, of the National Charrette Institute, and served on the Board of Governors of the Seaside Institute and the Advisory Board of the Remaking Cities Institute. She was also a member of the Technical Advisory Group for Location and Planning of the U.S. Green Building Council. Volk was recipient of a 2002 Knight Fellowship in Community Building, and has been an instructor on market analysis





RELEVANT PLANNING EXPERIENCE

ESPLANADE MIXED-USE DEVELOPMENT, Pittsburgh, PA

Project Type: Concept Master Plan
Project Size: 15 Acres
Construction Cost: Est. \$150 million
Status: Master Planning & Concept
Contact: Chad Wheatley
 Millcraft Investments
 Senior Vice President of Development and Construction
 724.229.8800
 cwheatley@millcraftinv.com

AE7 Team Members: Philip Wilkinson (Principal-in-Charge), Jonathan Golli (Project Manager), Kim Drubbel (Economist)

Development Summary:

Land Area	12,406,623 SF
GFA	1,527,370 SF
Residential	7,254,552 SF
Entertainment	177,080 SF
Office	319,810 SF
Retail	52,640 SF
Hospitality	257,220 SF
Parking (structured)	1,585 Spaces

Relevance to the Cleveland Heights Project:

- Site historical context
- Amenity driven development
- Mixed-use program
- Phased development
- Connectivity to surround street grid
- Community park
- Redevelopment of an abandoned commercial site



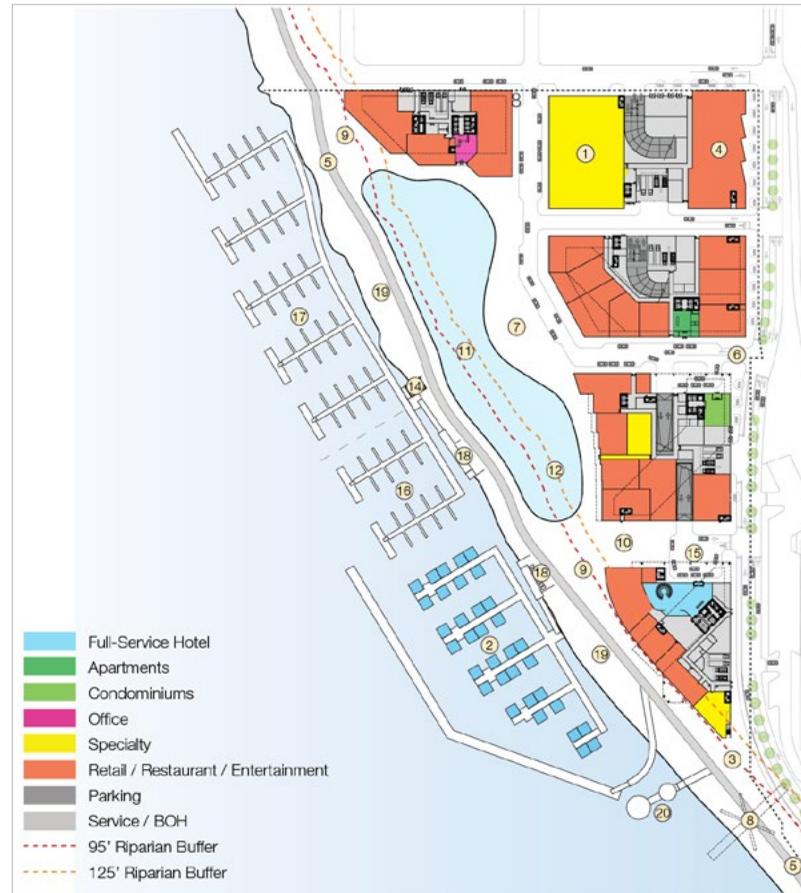
ESPLANADE MIXED-USE DEVELOPMENT (Continued)

Esplanade is a mixed-use development to be situated on the Ohio riverfront of Pittsburgh's North Side. The development will be a destination for visitors and locals alike to enjoy lifestyle and amenities representative of a world-class locale.

The design transforms several underutilized industrial sites and brownfields into a sustainable district and a transit-oriented development with a focus on connections to the river for residents and the public. Offering year-round amenities that energize the site 24 hours a day, view corridors and welcoming buildings will draw people through the development and down to an activated riverfront. Along the river, they will enjoy several water-oriented amenities such as a Crystal Lagoon with an urban beach, a full marina, a revamped section of the Three Rivers Heritage Trail and a climate-controlled Ferris wheel perched over the river with dramatic views to one of Pittsburgh's prominent features, the fountain at the Point. The Ferris wheel is not only an add-on amenity, but a tribute to its inventor, George Washington Gale Ferris, Jr., who was born and lived in this Pittsburgh neighborhood.

Esplanade will feature the world's first all-season Crystal Lagoon that seamlessly converts from a beach retreat in the summer into a winter destination with thermal baths complementing an on-site spa and an adjoining ice skating rink.

The development includes a 300-key full-service hotel, 200 residential condominiums, and 330 apartments, boutique retail and restaurants, community-oriented stores, an aquarium, three parking structures and a 300,000 SF office tower oriented around the Crystal Lagoon, making it a landmark waterfront development for the Pittsburgh area and region.



NORTHFIELD STAPLETON

Denver, CO

Project Type: Mixed-Use Development Master Plan
 Project Size: 160,000 SF
 Status: Preliminary Master Plan
 Client: Forest City Commercial Group

AE7 Team Members: Philip Wilkinson (Principal-in-Charge)
 Architect of Record: Elkus Manfredi Architects
 Awards: LEED CS Silver

Development Summary:

Land Area	1,200,000 SF
Retail & Office	160,000 GFA
Retail	30 stores
F&B	25 cafes/restaurants
Entertainment	18 screen cinema

Relevance to the Cleveland Heights Project:

- Mixed-use program
- Connectivity to surround street grid
- Phased development
- Redevelopment of a distressed site



NORTHFIELD STAPLETON (Continued)

The open-air town center is built over the original Denver International Airport runways, turning the brownfield site into a 1.2 million square foot retail destination. Major entertainment and department store anchors, restaurants, shops and offices are organized along a pedestrian oriented main street, creating an urban tapestry of architectural expressions. The primary design responsibilities included 160,000 square feet of retail and office space.

Northfield is the first LEED CS Silver certified main street town center in the country. Key sustainable elements include the first brownfield redevelopment over a metropolitan airport, 7,000 kwh solar array, 30% reduction in potable water, and 50% reduction in landscape irrigation, local material sourcing and educational kiosks.

Architect of Record: Elkus Manfredi Architects
 AE7 Staff and Role: Philip Wilkinson, Project Designer



SOMERSET WEST MIXED-USE DEVELOPMENT, Troy, MI

Project Type: Master Plan Vision Study
Project Size: 61 Acres
Construction Cost: TBD
Status: Study Completed
Contact: Rob Peters
 The Forbes Company
 248.827.4600
 rpeters@theforbescompany.com

AE7 Team Members: Philip Wilkinson (Principal-in-Charge)
 Jonathan Golli (Project Manager)
 Larry Hughes (Planning)
 Kim Drubbel (Economist)

Development Summary:

Land Area	1,067,280 GFA
Total GFA	2,663,340 GFA
Entertainment/Retail	591,750 SF
Residential	543,100 SF
Hospitality	200,600 SF
Office	58,200 SF
Parking (structured)	4,463 Spaces

Relevance to the Cleveland Heights Project:

- Amenity driven development
- Mixed-Use Program
- Phased Development
- Connectivity to surround street grid
- Community Park
- Redevelopment of an abandoned corporate-commercial headquarters site



SOMERSET WEST MIXED-USE DEVELOPMENT (Continued)

The Somerset Master plan is a concept study of three master plan options to determine site opportunities, development framework strategies, open space networks, and experience

The Boardwalk at Somerset Collection is a destination development that fully encompasses the live-work-play ethos and aspires to set a new standard for the region. The modern aesthetic implemented – clean, simple lines - is derived from the strong local history of mid-century architecture, while a pair of subtly abstracted forms pronounce the strong central features around which experiential activities will occur.

A strong, organic movement juxtaposed to the sharp building forms creates the primary connection to Somerset North, pulling visitors and residents to and through the development. Integration of current site features to create a sensitive, sustainable development Place-making through centralization of the high profile hotel complex and key public spaces.



PUBLIC OPEN SPACE



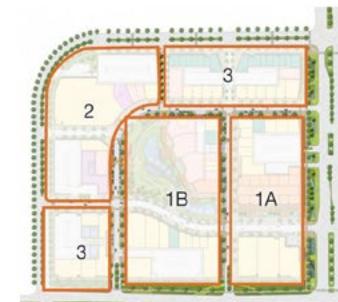
DISTRICTS ZONES



PROGRAMMATIC MASSING MODEL



STREETS & PEDESTRIAN NETWORK



POTENTIAL PHASING



PROGRAMMATIC MASSING MODEL



NORMANDALE TOWN CENTER

Montgomery, AL

Project Type: Master Plan Vision Study
 Project Size: 39 Acres
 Construction Cost: TBD
 Status: Preliminary Master Plan
 Contact: William Green
 City of Montgomery Councilor District 5
 334.625.4636
 wgreen@montgomeryal.gov

AE7 Team Members: Philip Wilkinson (Principal-in-Charge),
 Larry Hughes (Project Manager & Lead Planner)
 Ernest Bellamy (Urban Design)
 Kim Drubbel (Economist)

Development Summary:

Land Area	1,698,840 SF
Total GFA	418,605 GFA
Retail	94,750 GFA
Residential	102,335 GFA
Hospitality	98,320 GFA
Office	123,200 GFA

Relevance to the Cleveland Heights Project:

- *Municipal client*
- *Mixed-use program*
- *Connectivity to surround street grid*
- *Community park*
- *Redevelopment of an abandoned mall site*

AE7 was engaged to provide a vision study for the redevelopment of the partially vacated Normandale Shopping Mall, a site located roughly 2 miles east of downtown Montgomery. After nearly 2 decades of neglect, the mall property was rendered unsustainable by the early 2000s.

The primary challenge was finding the right blend / mix of commercial and residential of the 450k SF of gross floor area to reanimate the public spaces while maintaining a thriving neighborhood that fit contextually with surrounding community. As the study effort had been completed just prior to HUD's announcement of Opportunity Zone program, the development has gained much attention from investors.

The deliverables for this project were a Vision Master Plan Study supported by a desktop market analysis which yielded a preliminary report from which to seek investor interest.



WILKINSBURG MASTER PLAN

Wilkesburg, PA

Project Type: Master Plan
 Project Size: 2 City Block Area
 Construction Cost: TBD
 Status: Concept Design Complete
 Contact: Tracey Evans
 Wilkesburg Community Development Corp

412-727-7855

Tracey@wilkesburghcdc.org

AE7 Team Members: Philip Wilkinson (Principal-in-Charge)
 Jonathan Golli (Project Manager)

Development Summary:

Penn Avenue Redevelopment Plan is a conceptual study and strategy for the Penn Avenue Main Street CBD of Wilkesburg. The plan focused on lighting, landscape, and street design elements which could be implemented to promote the economic incentive for private development to invest into the retail and commercial space available.

Relevance to the Cleveland Heights Project:

- Municipal client
- Distressed main street site
- Mixed-use context
- Landscape architecture/urban design strategy



WILKINSBURG MASTER PLAN (Continued)

Contracted by the Wilkesburg Community Development Corporation (WCDC), AE7 was tasked with providing conceptual design services for a façade and streetscape visioning study for the 700 block of Penn Avenue in Wilkesburg, PA. The ultimate goal of this project was to develop two levels of improvements on the case study facades. Moderate improvements (at minimal cost) which include the cleaning, painting, screening of vacant facades, streetscape furniture, plantings, branding, and ultimate improvements (long-term redevelopment) which include in-fill buildings, significant façade renovations, and additions.

In order to facilitate these studies, AE7 documented the context in an existing conditions survey complete with historical research along Penn Avenue, photographic documentation of the existing facades, existing conditions 3D model of the context, and a two phased approach for the beautification of Penn Avenue.

The deliverables for this project were before and after elevations along Penn Avenue, renderings of the moderate improvements along the streetscape, and renderings of the ultimate improvements along the streetscape. With the information and design provided by AE7, the WCDC has begun fundraising efforts that will facilitate the ultimate vision along Penn Avenue.





FINANCIAL CAPACITY

FINANCIAL CAPACITY

AE7 has been in existence since 2009. Our company has progressively grown over the past 9 years from 7 original partners to over 600 full-time employees. The Pittsburgh office opened in 2014 and has seen a growth from 2 employees to over 40 employees. The fees for the Pittsburgh office have grown nearly 67% since 2014. Our Pittsburgh office fees for 2017 totaled nearly \$5,500,000. We project that our fees will total nearly \$6,800,000 for 2018. For 2019, we project our fees to be around \$7 million.

AE7 has staff and resources to deliver the services that are being requested.





COMMUNITY ENGAGEMENT

ENGAGING YOUR COMMUNITY THROUGH PLAYCE

Our partner JKLA will lead the community engagement process for this project. JKLA's engagement techniques are unique and effective, delivering place making through play.

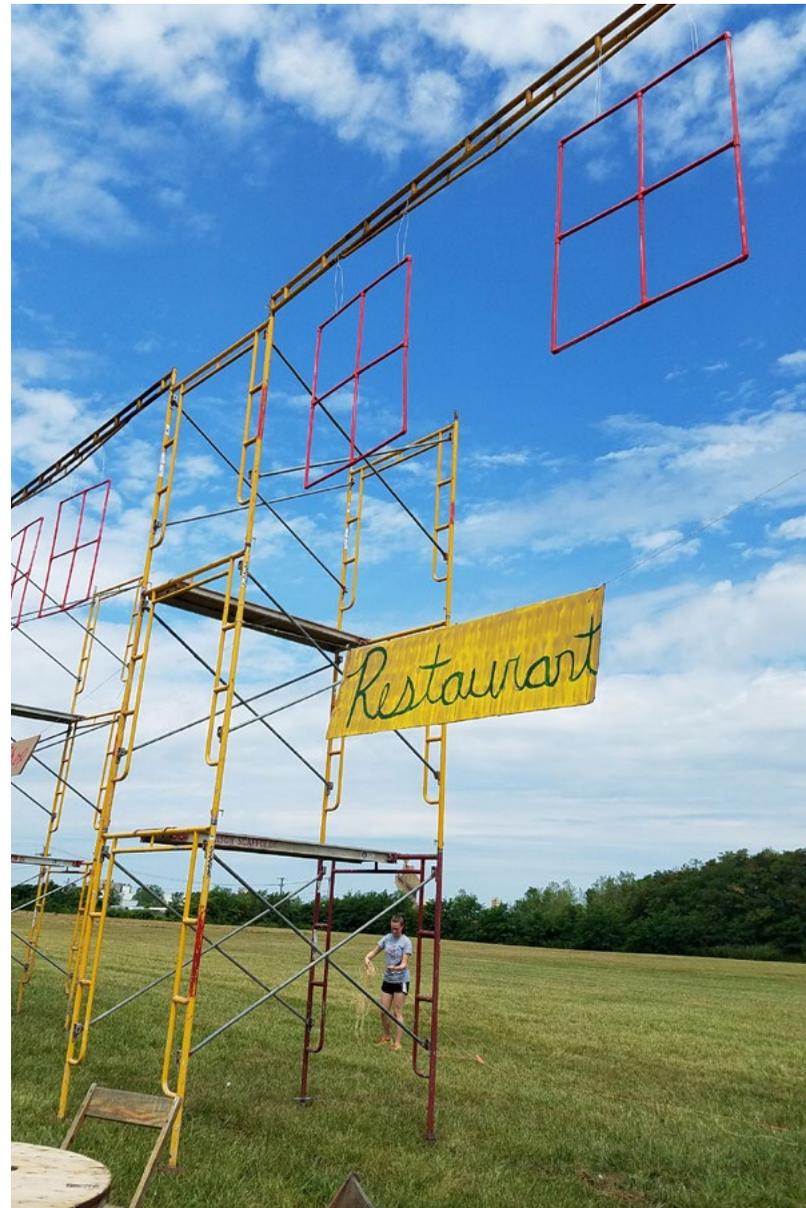


WHAT IS PLAYCE?

PLAYCE is our placemaking methodology that integrates traditional public engagement techniques with team building and organizational development principles utilizing the power of play to build trust within a group, create consensus around an idea, and develop a strategy to move that idea forward. JKLA's PLAYCE approach to public engagement invites stakeholders to be collaborative problem solvers from the onset of the process by becoming active participants in site analysis. Stakeholders become project champions; ideas move to consensus sooner and concepts are tried on for size early, ensuring greater future success.

JKLA created the PLAYCE approach to public engagement as a fun and interactive process that helps to form the basis of a design vision that is deeply rooted in community support. After decades of relying on traditional planning models, users and stakeholders have become ambivalent with the process and are often less likely to enthusiastically participate.

The PLAYCE approach is easily integrated into traditional public engagement models and provides forms of engagement that foster efficient, productive and quality public participation. PLAYCE techniques cultivate a spirit of cooperation and creative problem solving among participants that when combined with a transparent process, builds trust from the onset of a project.

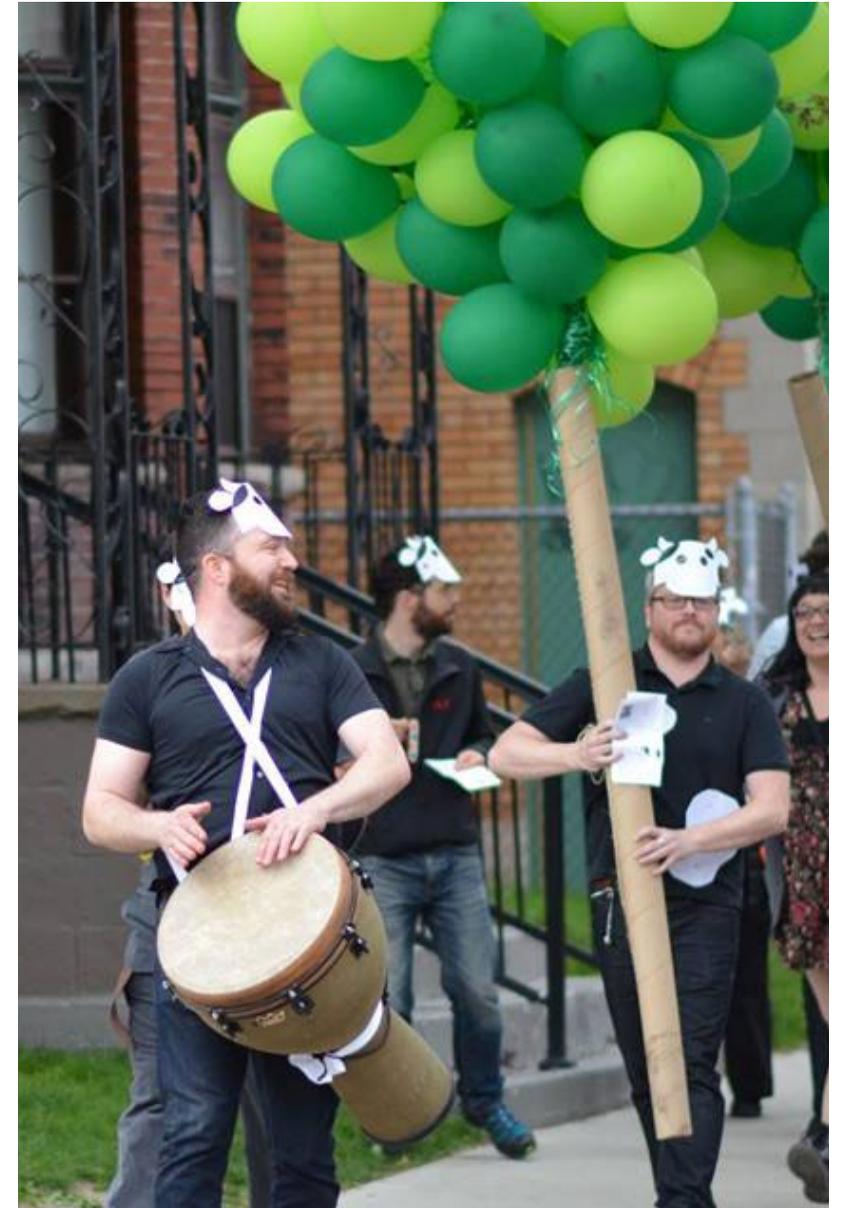


The PLAYCE approach engages a diverse group that includes community leaders, stakeholders, citizens, elected officials, planners, architects, engineers, landscape architects, potential developers, and representatives from local, state and regional agencies and moves them to consensus faster.

HOW TO PLAYCE?

FOCUSING ON THE HUMAN EXPERIENCE

The PLAYCE method focuses on the human experience, working to improve the quality of life for people through the power of the environment surrounding them. The JKLA team understands natural systems in the environment, patterns of people and the development of communities. The PLAYCE method of placemaking provides JKLA with the vital data and community feedback necessary to integrate these elements to create enduring places.





KNOXVILLE'S MARKET HOUSE
Knoxville's first Market House
opened on Main Avenue between
Walnut and Market Streets in 1851
and the second and third on this
square in 1914 and 1917. Long used
for the sale of farm products and
as a central center of civic life,
in 1914-15 the Market contained a
Federal powder magazine. In the
entirety of citizens. The old Market
was replaced by the Mall in 1916.

PROPOSED PROCESS, TIMELINE, AND ESTIMATED COST

3 P'S OF PROCESS

Cleveland Heights Town Center is a re-centering of our community's heart towards LIVING at its center. Hospital, doctors offices, City Hall, public green, community grocery, convenient hardware, artistic culture, office parks, spaces for reconnection with old friends, a place to grab a bite to eat, and a chance to live closer by to what's most important to the Heights: Community. We propose a plan to revive the Severance Town Center and reconnect it to the community through the 3 P strategies:



Program

Hub of the new content economy, a place for creative minds to gather, work, live, and share. An open studio environment invites artists and creative people to start their business there. They can then connect with local schools and community organizations for residents of both old and young. They can run their own business from art works to food to other services. The creativity is the new bluestone and this place is for idea mining.



Place

The campus will be "organically" re-linked back into the neighborhood with continuing streets, corner café, sidewalk storefronts, and intersection open spaces. These organic links could cut through the existing mall structure to activate and enhance the town center experience. This approach will also encourage a walking community as a stroll down to the place would be a pleasant one.



People

An assortment of buildings uses, venues and open spaces will allow a broad range of people, such as shoppers, artisans, techies, retirees, families, and more to engage and interact at the Town Center. Diversity and complexity of users will unite financial and business mobility.

RECAPTURE COMMUNITY IDENTITY AND CONTINUITY



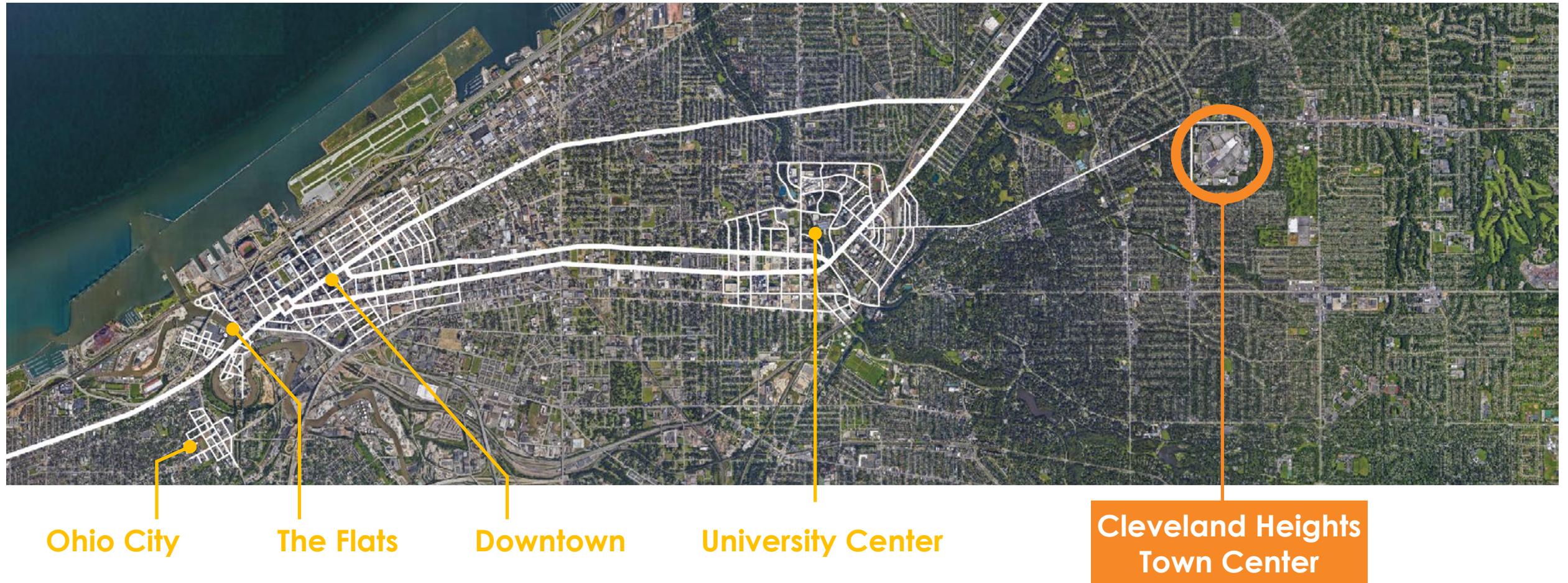
Cleveland Heights was founded on the efforts of a cultivation of rich ore, finding what just laid beneath the soil, what was in plain sight. This latency sparked a movement of industries to grow from a further scratching of the surface to see what else awaited out of the potential of the land. Cleveland Heights is a place of continued potential, and Cleveland Heights Town Center is where it's cultivated today.

The Community's Living Room – Cleveland Heights Town Center is where the community gathers to breathe in new voices, inspiration, ideas, and finds substance.

- A place to gather
- A place to connect
- A place to renew
- A place for all

Cleveland Heights Town Center is the pinnacle to the mineral wealth of our footing as a community and where we come to revive.

A MEMBER OF AN EXTENDED NETWORK OF MEMORABLE PLACES



Ohio City

The Flats

Downtown

University Center

Cleveland Heights
Town Center

Repositioning of residents within the region to Cleveland Heights for the amenities it can attract based on a new town center. Growth will happen from within the borders of the community. Cleveland Heights core needs to be a destination for those who seek an alternative to current hot spots in town.

Being Cleveland Heights Town Center means being about bluestone, being about people, being about main streets, being about the neighborhood.

TRANSFORMING A 20TH CENTURY TOWN CENTER INTO A 21ST CENTURY COMMUNITY



Per the Redevelopment Strategy outline in the brief, we understand that Cleveland Heights is looking forward towards a Town Center which embodies culture as it's core.

- **Repositioning & Re-branding**
New name, new standing
- **Experience-Oriented Retail Mix**
A modern approach to blending retail for the community
- **Residential-Anchored Mixed Use**
- **Central Public/Park Space**
A signature central gathering public lawn for all

Cleveland Heights seeks a catalytic cultural haven at the center of town, where the community can have a main space of interaction and gathering



ANALYSIS STAGE

Facilitate Project Launch and Kick-Off session with Leadership team of Cleveland Heights and Community Stakeholders Representatives Group to achieve the following objectives:

Data Gathering - Collect all relevant information: Base Maps (Architectural/ Site/Engineering), Previous Studies

Work Plan - Develop a detailed schedule for targeted meetings and staged deliveries.

Project Goals - Understand Leadership's Strategic Aspirations and Community Stakeholder Expectations

Market Research - Commence study

ENGAGEMENT

Process Launch - Establish roles and responsibilities, lines of communication and define guiding principles with Cleveland Heights Leadership,

Stakeholder Kick-Off: Identify roles, establish lines of communication and learn primary objectives

DELIVERABLES

Capture Document - Compilation of relevant outcomes from Process Launch and Project Kick-Off in 11x17 booklet format

ASSESSMENT STAGE

Manage process to facilitate workshop sessions with Leadership and dialogue sessions with Stakeholders to achieve the following objectives:

Needs and Requirements - Synthesize Cleveland Heights and Stakeholder Objectives to initiate program

SWOT Analysis - High-Level Evaluation for On-site and Surrounding Context Assets

Benchmarking - Develop Case Studies of Relevant Precedents

Market Analysis - conduct assessment of current Market Study

Brand/Identity - Idea generation on alternative Visioning strategies

ENGAGEMENT

Strategy Workshop - Facilitate planning charrette with Cleveland Heights Leadership team to share analysis, discuss first impressions and formulate redevelopment concept ideas

Stakeholder Engagement: Share workshop outcomes discussion and gain feedback.

DELIVERABLES

Capture Document - Compilation of relevant outcomes from Benchmarking, SWOT Analysis, Strategy Workshop

VISIONING STAGE

Manage process and facilitate review sessions with Leadership and Stakeholders to form a framework for the Redevelopment Master Plan:

Vision Strategy - Prepare alternative urban form scenarios which build on the brand/ identity.

- Land Use
- Connectivity
- Street/Block Formation
- Public/ Private Space
- Built-Form
- Sustainability

Economic Strategy - Prepare high-level assessments of each alternatives:

- Market Assessment
- Financial Assessment

ENGAGEMENT

Interim Review - Presentation of Alternative Strategies

Stakeholder Engagement: Present strategies for discussion and gain feedback.

DELIVERABLES

- Urban Form Strategy Report
- Economic Strategy Report

PLANNING STAGE

Incorporate feedback from Leadership / Stakeholder reviews and facilitate draft presentation to finalize the Redevelopment Master Plan.

Draft Redevelopment Plan Documentation and Packaging to include the following:

- Land Use Framework
- Circulation and Mobility
- Public Realm and Community Facilities
- Conceptual Urban Design
- Conceptual Massing Studies
- Design Standards

Draft Financial Assessment

- Market Validation
- CRE Development Viability
- Phasing / Implementation

ENGAGEMENT

Draft Review - Presentation of Draft Master Plan to Leadership and Stakeholder

DELIVERABLES

- Draft Redevelopment Plan Report
- Draft Financial Assessment Report
- Draft Design Standards
- Draft Development Implementation Report

SUBMITTAL STAGE

Finalize process and facilitate final presentations with Cleveland Heights Leadership to deliver the Redevelopment Master Plan

Final Redevelopment Plan Documentation and Packaging to include the following:

- Illustrative Master Plan
- Land Use Plan
- Circulation and Mobility Plan
- Public Realm and Open Space Plan
- Urban / Architectural Character Renderings
- Design Standards

Final Financial Assessment

- Market Validation
- CRE Development Viability
- Phasing / Implementation

ENGAGEMENT

Final Presentation to Cleveland Heights and Stakeholder Groups

DELIVERABLES

- Final Redevelopment Plan Report
- Financial Proforma Report
- Design Standards
- Development Implementation Report
- Photo-Realistic Renderings

SCHEDULE

Our schedule provides delivery of the redevelopment plan in early spring in order to capitalize on the best commercial response.

	MONTH ONE				MONTH TWO				MONTH THREE				MONTH FOUR				MONTH FIVE				MONTH SIX			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
STAGE 1 - ANALYSIS																								
1	Process Launch (Client) & Project Kick-off (Stakeholders)	★																						
2	Data Transfer and Collection																							
3	Review Applicable Zoning, Codes and Planning Criteria																							
4	Identify Budgets, Constraints and Schedules																							
5	Market Study (W-ZHA)																							
6	Milestone - Goals and Objectives Agreed			★																				
7	Milestone - Market Product Types Identified																							
STAGE 2 - ASSESSMENT																								
1	SWOT Analysis																							
2	Benchmark Exercise																							
3	Market Analysis																							
4	Stakeholder Engagement (PLAYCE)																							
5	Strategy Workshops (Cleveland Heights)																							
6	Milestone - Project Brief and Program Agreed																							
STAGE 3 - VISIONING																								
1	Vision I Strategy Formation																							
2	Economic Strategy and Financial Feasibility																							
3	Stakeholder Engagement (PLAYCE)																							
4	Interim Review (Cleveland Heights)																							
5	Interim Review (Stakeholder)																							
6	Milestone - Preferred Redevelopment Strategy Agreed																							
STAGE 4 - PLANNING																								
1	Draft Redevelopment Plan																							
2	Draft Phasing and Implementation																							
3	Draft Development Standards																							
4	Draft Financial Model Validation																							
5	Draft Review (Cleveland Heights)																							
6	Draft Review (Stakeholders)																							
7	Milestone - Draft Redevelopment Plan																							
STAGE 5 - SUBMITTAL																								
1	Final Redevelopment Plan and Report																							
2	Final Phasing and Implementation																							
3	Final Financial Model and Proforma Report																							
4	Design Standards																							
5	Renderings																							
6	Final Presentation and Product Delivery																						★	

ESTIMATED COST

Service	Consultant	Fee
Preparation of the Redevelopment	AE7	\$112,000
Community Engagement	JKLA	\$24,000
Market Study	W-ZHA/ZVA	\$72,300
Site Master Plan Design Assistance	Langan	\$15,000
TOTAL		\$223,300

- Reimbursables: **\$9,910** including Travel, meals and accommodations.
- Also a Not-to-exceed allowance of **\$2,500** for engagement materials plus any materials we would need to purchase or rent for a tactical event for community engagement, if the client chooses to include one.
- If a suitable site survey is not available for the project, an ALTA Site Survey can be provided by Langan to determine roads, boundaries, buildings, parking, and mall easements, with topography and utilities for the project. A fee of **\$25,000** is proposed for a new survey.

REIMBURSABLE SCHEDULE

Name	Title
Internal office copying, printing & binding	8 ½ x 11 - b&w \$0.10 Color \$0.50 11 x 17 - b&w \$0.20 Color \$1.00 24 x 36 - b&w \$4.00 36 x 48 - b&w \$7.50 Binding - per unit \$10
Outside office copying, printing & binding	Per vendor
Parking and tolls	Per vendor
Mileage at IRS standard current rate	Per IRS - \$.545 / mile
Postage, mailing and delivery	Per vendor
Approval fees, permits and registration fees	Per municipality
Other products / services requested by the Client not specifically described	Per vendor
Travel (Car rental, train, airfare, travel time for AE7 staff at hourly billable rates, etc)	Per vendor
Meals – If project / client location is over 100 miles round trip from AE7 office	Per diem



MINORITY AND FEMALE BUSINESS ENTERPRISE INCLUSION

INCLUSION OF DIVERSE BUSINESSES

Our design team is committed to the utilization of MWDBE, SBE and Veteran-Owned (SVO) firms. We make every good faith effort possible to involve local diverse businesses' in every project and we have had proven success because we do so in a proactive and collaborative way.

The key to achieving a successful MWDBE program not only includes the proper good-faith notification and documentation, but also assuring that firms are submitting responsive bids. If any MWDBE firms require assistance, we provide the necessary support which includes: drawings, specifications, quantities, contract schedule and any other pertinent information. This ensures that the bidders are responsible and responsive to the contract documents.

AE7 is a self-certified small business enterprise (SBE).

For this project, we have engaged 3 certified Women Owned Enterprises (WBEs): W-ZHA to provide real estate advisory and feasibility services; Zimmerman/Volk Associates (ZVA) to assist with the residential market study; and JKLA to help with community engagement aspects. We strongly believe that all three business are best suited for this effort.





WELCOME TO ingenuity

ingenuity GATE Music Meadow

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ae7

2840 Liberty Ave, Suite 403, Pittsburgh, PA 15222
www.ae7.com

SNOWIE
part of summer!!!

**CITY OF CLEVELAND HEIGHTS
LAW DEPARTMENT
MEMORANDUM**

TO: Members of Council:
Carol Roe, Mayor
Melissa Yasinow, Vice Mayor
Craig Cobb
Mary A. Dunbar
Kahlil Seren
Jason S. Stein
Michael N. Ungar

FROM: William R. Hanna, Law Director
Tiffany A. Hill, Assistant Law Director

CC: Tanisha R. Briley, City Manager

DATE: October 11, 2019

RE: Proposed Dog/Animal Ordinance Amendments

Below is a summary of the Law Department's draft revision of the Codified Ordinance Chapter 505 relating to dogs and other animals.

Background/Introduction

Council has considered the City's ordinances concerning vicious dogs and dog bites for some time, including the relationship between the City's ordinances and State of Ohio law. The Law Department reviewed the ordinance, and the state statutes, and has gathered information about what other cities were doing to deal with vicious and dangerous dogs. The subject has been discussed in Council meetings and in Public Safety Committee meetings. In May 2016, the Public Safety Committee discussed different approaches to dangerous and vicious dog issues in Cuyahoga County. Sunny Simon, a Cuyahoga County Council member, spoke with the Committee as did the warden of the Cuyahoga County Kennel. The discussion largely revolved around the identification of dogs as vicious or dangerous based upon their behavior and history, rather than based upon their breed. At that point in time (and to the present day), the Cleveland Heights Ordinance, found in Chapter 505, continued to define "vicious" dogs to include pit bull terriers, as defined (to include Staffordshire Bull Terriers and American Staffordshire Terriers, or mixed breeds involving those breeds).

The Ohio Revised Code, however, was amended in 2012 so that a dog could no longer be defined as "vicious" simply based upon its breed; rather, that determination is made, under the amended statute, on the basis of the dog's behaviors or actions. The discussion in the May 2016

Public Safety Committee meeting also included discussion of environmental factors that can lead to bad behavior on the part of dogs including “tethering” and excessive confinement.

Cleveland Heights was not the only city that did not immediately change its breed-specific vicious dog ordinances following the change in state law. In 2017, the City of Lakewood found itself in litigation over its ordinances which, among other things, defined pit bulls as “dangerous dogs” and prohibited them within City limits. Following a local determination by the Lakewood Safety Director that a certain dog was indeed a pit bull and therefore a dangerous and prohibited animal under the City’s ordinances, the dog’s owner filed an administrative appeal in common pleas court, as well as a declaratory judgment action in the Lakewood Municipal Court, based upon the same arguments.

In April 2018, Lakewood City Council adopted changes to its dog regulatory ordinances, removing the breed-specific approach which had defined pit bulls and canary dogs as dangerous, and moving instead to a regulatory approach based upon dog behaviors.

The changes proposed in the revisions to Chapter 505 of the Cleveland Heights Codified Ordinances remove breed-specific definitions and instead define dangerous and vicious dogs based upon their behavior and actions. Further, tethering of animals is regulated, and a board specified to hear appeals of determinations by the Animal Warden under the Chapter, including a determination that a dog is vicious or dangerous. The specific changes are described hereinafter. A chart of similar regulations is also attached. Chief Prosecutor Tiffany Hill, who primarily authored the changes reflected in the ordinance before Council, will be available to address Council and answer questions at the October 16, 2019 Council Committee of the Whole meeting.

Ordinance Summary

505.09 DANGEROUS OR EXOTIC ANIMALS.

- (1) Removes “any lion, tiger or such wild animal” language.
- (2) Expands ordinance to prohibit “wild, dangerous or undomesticated animals” (i.e. an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm, and which:
 - a. Is a venomous snake or is a snake that is a constrictor; or
 - b. Is an omnivorous or carnivorous animal that weighs more than twenty-five pounds and which is a predator in its natural habitat; or
 - c. Is an animal which, by reason of its size, strength, or appetite, would, if unrestrained and free in the City, cause peril to persons, household pets, buildings, landscape or shrubbery; or
 - d. Is an animal that makes noises with sufficient frequency and volume as to constitute a nuisance to the community; or

- e. Is an animal that emits offensive odors as to constitute a nuisance to the community; or
 - f. Includes but is not limited to the following: lion, tiger, lynx, mountain lion, jaguar, cheetah, leopard, panther, bear, wolverine, elk, moose, caribou, elephant, giraffe, rhinoceros, hippopotamus, wolf, wild ox, boar, crocodile, alligator, caiman or gavial.)
- (3) Adds a new subsection (c) which permits animals kept for temporary exhibit, kept by veterinary hospitals or constrictor snakes kept by bonafide teachers or instructors temporarily when school is not in session.

505.091 DEFINITIONS – New Section

- (1) This section is revised to include definitions used throughout the chapter.
- (2) Subsection (a) adds dangerous dogs to the ordinance.
- (3) Defines dangerous dog as a dog which has chased or approached in either a menacing fashion, or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, or which presents a risk to the safety of any person, or which has caused serious physical injury to another domestic animal.
- (4) Establishes the prima facie evidence that a dog is dangerous if its owner, keeper or harbinger has been notified of such, in writing, by the Animal Warden based on:
1. One or more verified incidents reported to the City that the dog chased or approached in a menacing fashion, or an attitude of attack, or has attempted to bite.
 2. Improper training, neglect, prior history, physical or other characteristics.
- (5) Adds a provision that a determination by the Animal Warden that a dog is dangerous may be appealed as set forth in 505.19
- (6) Adds a definition of “menacing fashion” (i.e. a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.)
- (7) Adds definition of “owner, keeper or harbinger” (i.e. a person who owns, provides shelter or cares for an animal, or otherwise has control of or is responsible for such animal.)
- (8) Adds definition of “police dog” (i.e. a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.)
- (9) Adds definition of “verified” (i.e. substantiated by investigation or confirmed by formal oath or affidavit.)

- (10) Revises definition of vicious dog to mean a dog that has attacked any person with such severity or has caused such physical harm, so as to cause a reasonable person to conclude that the dog presents a substantial risk to the safety of any person or that has killed another domestic animal.
- (11) Removes the requirement for a judicial or administrative determination for a dog to be vicious, if the dog has attacked a human being or other domestic animal.
- (12) Eliminates breed specific language.
- (13) Establishes that it is prima facie evidence that a dog is vicious if its owner, keeper or harbinger has been notified in writing by the Animal Warden that the dog is considered vicious, based upon the following:
 - 1. One or more verified incidents reported to the City that the dog has attacked any person with such severity or has caused such physical harm so as to cause a reasonable person to conclude that the dog presents a substantial risk to the safety of any person; or
 - 2. One or more verified incidents reported to the City that the dog has killed another domestic animal; or
 - 3. If state law is amended to include breed specific language again, provides that its prima facie evidence if it belongs to a particular breed specified by state legislature.

505.092 DANGEROUS AND VICIOUS DOGS (former 505.091)

- (1) Provisions of former 505.091 now found in **505.092**.
- (2) Amended to include dangerous dogs throughout the section i.e. “dangerous and vicious dogs.”
- (3) Amends section (b) to require that a person of suitable age and discretion control the leash of a dangerous or vicious dog.
- (4) Amends subsection (c) to require a person owning, harboring or having the care or control of a dangerous or vicious dog to post a sign conspicuously visible on the property.
- (5) Removes subsection (c)(2), the prior vicious dog definition which previously read as follows:
 - a. Any dog which has been judicially or administratively determined, pursuant to Section 505.19, to have a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or

- b. Any dog which has been judicially or administratively determined, pursuant to Section 505.19, to have attacked a human being or other domestic animal; or
 - c. Any pit bull terrier, which shall be herein defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.
- (6) Amends former subsection (f)(2), now 505.092 (g)(2) to remove the language “without provocation” as an element in the definition of a vicious dog.
- (7) Adds affirmative defense in subsection (k). When the language “without provocation” is removed from the ordinance, the burden shifts to the accused to prove the defense of provocation by showing:
- 1. The dog was teased, tormented or abused by a person.
 - 2. The dog was coming to the aid or defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.
 - 3. The dog caused injury, serious injury, or killed a person while the person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.
 - 4. In the case of another domestic animal, that the dog was attacked by such animal or that such animal was running at large.

505.093- IMPOUNDMENT OF DOGS INVOLVED IN BITING/ATTACKING INCIDENTS – Former 505.092

- (1) Removes appeals process before the Health Code Board of Appeals and deletes references to Sections 1701.07 and 1780.08.
- (2) Adds appeals to the board as designated by 505.20.

505.101 TETHERING ANIMALS – New section

- (1) Adds anti- tethering to ordinance
- (2) Restricts when an animal cannot be tethered

505.102 CRUELTY TO COMPANION ANIMALS (former 505.101)

- (1) Amended to 505.102
- (2) No change in language

505.17 IMPOUNDING PROCEDURE; REDEMPTION OR DISPOSITION

- (1) Removes \$25 impounding fee
- (2) Replaces \$25 fee with all lawful costs assessed against the animal
- (3) Adds provision to allow City to collect all costs associated with seizing and impounding

an animal

505.19 DESIGNATION OF “DANGEROUS’ AND “VICIOUS”; APPEAL

- (1) Removes provisions related to breed specific language.
- (2) Removes appeals process language

505.20 APPEAL – New section

- (1) Establishes board to hear appeals of dangerous dog designation
- (2) Adds appeals process language from 505.19
- (3) Removes appeals process before the Health Code Board of Appeals and references to Sections 1701.07 and 1780.08.

Other Issues

Update as of 10/11/2019:

1. Anti-tethering is now included as 505.101
2. The former 505.101 Cruelty to Companion Animals is now 505.102
3. Appeals to the Health Code Board of Appeal and any references to the Health code were stricken from the ordinance.
4. The appeal process now names a “Board” consisting of the Chairperson of the Safety and Municipal Services committee of Council or other member of City Council, and a member of the Community Relations Division as the venue for appeals. The board needs a name. The Board and process for appeals is under review by the Law Department and warrants discussion.

Proposed: 10/21/2019

ORDINANCE NO. 94-2019 (SMS)

By Council Member

An Ordinance repealing Part Five, *General Offenses Code*, of the Codified Ordinances of Cleveland Heights, Chapter 505, *Animals and Fowl*, of the Codified Ordinances, and adopting a replacement Chapter 505, *Animals and Fowl*, and declaring an emergency.

WHEREAS, in 2012, the General Assembly made changes to the Ohio Revised Code, specifically Chapter 955, to eliminate breed specific criteria for designating dogs as vicious or dangerous; and

WHEREAS, Chapter 505 of the Cleveland Heights Codified Ordinance contains breed specific definitions applicable to determining when a dog is a vicious dog; and

WHEREAS, the Council desires to modify Chapter 505 of the Cleveland Heights Codified Ordinance to define a vicious dog without reference to the breed of dog, and to otherwise modify the City's regulation on the keeping and control of dogs.

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

SECTION 1: An amended Chapter 505 of the Codified Ordinance of the City of Cleveland Heights, *Animals and Fowl*, is hereby adopted to read in total as set forth in Exhibit A hereto.

SECTION 2: Current Chapter 505 of the Codified Ordinance of the City of Cleveland Heights, as it existed prior to the effective date of the ordinance, is hereby repealed.

SECTION 3: Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4: This Ordinance shall take effect and be in force at the earliest time permitted by law.

ORDINANCE NO. 94-2019 (SMS)

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMAN O'NEIL
Acting Clerk of Council

PASSED:

**CHAPTER 505
Animals and Fowl**

<p>505.01 Enforcement by Animal Warden; powers and duties.</p> <p>505.02 Maximum number of dogs and cats permitted; prior acquisition not affected.</p> <p>505.03 Certain animals prohibited; exceptions.</p> <p>505.04 Barking or howling animals; impounding authorized.</p> <p>505.05 Animals prohibited in stores or covered malls except for treatment.</p> <p>505.06 Animals prohibited in public parks.</p> <p>505.07 Animals not under control.</p> <p>505.08 Voiding animal excrement.</p> <p>505.09 Dangerous or exotic animals.</p> <p>505.091 <u>Vicious dogs. Definitions</u></p>	<p>505.092 <u>Dangerous and vicious Dogs</u></p> <p><u>505.093</u> Impoundment of dogs involved in biting/attacking incidents.</p> <p>505.10 Cruelty to animals.</p> <p>505.101 <u>Tethering animals</u></p> <p><u>505.102</u> Cruelty to companion animals.</p> <p>505.11 Administering poison.</p> <p>505.12 Hunting or killing animals prohibited.</p> <p>505.13 Protection of wild life in parks.</p> <p>505.14 Carrier pigeons.</p> <p>505.15 General rabies quarantine.</p> <p>505.16 Quarantine procedure and compliance.</p> <p>505.17 Impounding procedure; redemption or disposition.</p> <p>505.18 Court order to remove or destroy animal.</p> <p>505.19 Designation of dog as <u>“dangerous” and “vicious”</u>; appeal.</p> <p><u>505.20</u> <u>Appeal</u></p> <p>505.99 Penalty.</p>
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CROSS REFERENCES

Power to restrain and impound animals - see Ohio R.C. 715.23
 Dog license required - see Ohio R.C. 955.05 et seq.
 Driving animals upon roadway - see TRAF. 303.05, 303.06

505.01 ENFORCEMENT BY ANIMAL WARDEN; POWERS AND DUTIES.

The City Manager shall appoint an Animal Warden or other person(s) including, but not limited to, the Chief of Police and/or City police officers to enforce the terms of this chapter, and for the purposes of this chapter, “Animal Warden” shall be defined to include any such persons so appointed or authorized by the City Manager. Such persons shall have the authority to enter all public and private property, and to do all other things reasonable and necessary to enforce this chapter. Nothing contained herein shall prohibit the Animal Warden from destroying an animal when in his judgement such act is necessary and proper to protect life and property. (Ord. 28-2001. Passed 3-5-01.)

505.02 MAXIMUM NUMBER OF DOGS AND CATS PERMITTED; PRIOR ACQUISITION NOT AFFECTED.

(a) Not more than two dogs or cats, or a combination of one each, except puppies and/or kittens not more than three months old, may be kept in any single-family dwelling, or any separate suite in a two-family dwelling, or in any dwelling unit contained within a multiple-family dwelling building within the City.

(b) Whoever violates this section is guilty of a minor misdemeanor and each subsequent violation of this section within a period of three (3) years of the first violation shall be a misdemeanor of the fourth degree.
(Ord. 66-1987. Passed 7-20-87.)

505.03 CERTAIN ANIMALS PROHIBITED; EXCEPTIONS.

(a) No rabbit hutch, goat pen, chicken coop, runway, yard or other place for the keeping of any rabbit, goat, chicken, pigeon, goose, turkey, horse, mule, donkey, sheep, bovine, swine or other such animal or fowl of any kind shall be maintained within the City, except that fowl and rabbits for the purpose of slaughtering or sale in the ordinary course of business may be kept therein in such areas as are permitted under the Zoning Code and other applicable City ordinances. No horse, mule, donkey, bovine, goat, sheep or swine shall be raised or kept in the City.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 66-1987. Passed 7-20-87.)

505.04 BARKING OR HOWLING ANIMALS; IMPOUNDING AUTHORIZED.

(a) No owner, keeper or person in charge of any animal in the City shall permit such animal to bark, yelp, howl or bay in such manner or to such extent as disturbs the peace and quiet of the City or any resident thereof. The Animal Warden or other designated employee may take up and impound any animal who is found disturbing the peace and quiet of any City residents in this manner.

(b) Whoever violates this section is guilty of a minor misdemeanor and each subsequent violation of this section within a period of three (3) years of the first violation shall be a misdemeanor of the fourth degree.
(Ord. 66-1987. Passed 7-20-87.)

505.05 ANIMALS PROHIBITED IN STORES OR COVERED MALLS EXCEPT FOR TREATMENT.

(a) No person shall take, lead or have in his possession in any store, or covered mall in any shopping area within the City any animal, except to obtain treatment for such animal at a specific store or clinic for animals.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 66-1987. Passed 7-20-87.)

505.06 ANIMALS PROHIBITED IN PUBLIC PARKS.

(a) No person shall take, lead or have in his possession any animal in any public park located within the City.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 66-1987. Passed 7-20-87.)

505.07 ANIMALS NOT UNDER CONTROL.

(a) No owner, keeper or person in charge of a dog or cat shall permit such animal to run at large or shall fail to control such animal anywhere within the City. Testimony that an animal was not on the property of its owner, keeper or person in charge, or was not held securely in leash by a person accompanying such animal when found shall be prima-facie evidence that the animal was not under control. For purposes of subsections (a), (b), (c) and (d) hereof, strict criminal liability is contemplated herein.
(Ord. 163-2003. Passed 3-15-04.)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree and each subsequent violation of subsection (a) hereof within a period of three (3) years of the first violation shall be a misdemeanor of the third degree.

(c) Notwithstanding the above, a violation of subsection (a) hereof shall be a misdemeanor of the second degree when such animal is found to have attacked or bitten a person either while at large, or when leashed and not on the property of its owner, keeper or person in charge, and a misdemeanor of the third degree when such animal is found to have attacked or bitten another domestic animal while at large, or while leashed but not under control as described herein.

(d) Each subsequent violation of subsection (c) hereof within a period of three (3) years shall be a misdemeanor of the first degree in the event a human being is attacked or bitten and a misdemeanor of the second degree in the event a domestic animal is attacked or bitten.
(Ord. 66-1987. Passed 7-20-87.)

505.08 VOIDING ANIMAL EXCREMENT.

(a) No owner, keeper or person in charge of any animal shall allow or permit such animal to void urine or excrement on any public or private property other than the property of the owner, keeper or person in charge of such animal, except that animals may be allowed or permitted to void urine or excrement between the curbs of public streets or alleys and on vacant, unoccupied and unused public or private land, provided the owner of such unused public or private land does not publicly and prominently post notice thereon that such acts are prohibited.
(Ord. 66-1987. Passed 7-20-87.)

(b) No owner, keeper or person in charge of any animal shall fail to pick up and properly dispose of any fecal matter left by his animal on any public or private property. Proper disposal shall consist of placing such fecal matter in the trash of the owner, keeper, or person in charge in accordance with Section 1351.14(b) or in a public receptacle clearly intended for waste disposal. No fecal matter shall be placed or permitted to be voided into any catch basin, drainage grate, or watercourse. (Ord. 14-2003. Passed 1-21-03.)

(c) No person shall allow a dog under his or her control to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device designed or intended for the removal of such dog's feces. (Ord. 146-2005. Passed 11-7-05.)

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 66-1987. Passed 7-20-87; Ord. 146-2005. Passed 11-7-05.)

505.09 DANGEROUS OR EXOTIC ANIMALS.

(a) No person shall keep any ~~lion, tiger or other such~~ wild animal on any premises in the City.

(b) "Wild, dangerous or undomesticated animal" for the purpose of this section 505.09, means an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:

- (1) Is a venomous snake or is a snake that is a constrictor; or
 - (2) Is an omnivorous or carnivorous animal that weighs more or will weigh more than twenty-five pounds and which is a predator in its natural habitat; or
 - (3) Is an animal which, by reason of its size, strength, or appetite, would, if unrestrained and free in the City, cause peril to persons, household pets, buildings, landscape or shrubbery; or
 - (4) Is an animal that makes noises with sufficient frequency and volume as to constitute a nuisance to the community; or
 - (5) Is an animal that emits offensive odors so as to constitute a nuisance to the community;
- or
- (6) Includes, but is not limited to the following: lion, tiger, lynx, mountain lion, jaguar, cheetah, leopard, panther, bear, wolverine, elk, moose, caribou, elephant, giraffe, rhinoceros, hippopotamus, wolf, wild ox, boar, crocodile, alligator, caiman or gavia.

(c) This section shall not apply to the following:

- (1) The keeping of such animals in bonafide educational or medical institutions or museums where they are kept as live specimens for the public view, or for the purpose of instruction or study.
- (2) The keeping of such animals for temporary exhibition to the public of such animals by a circus, carnival or other exhibit or show.
- (3) The keeping of such animals in a bonafide veterinary hospital for treatment.
- (4) The keeping of a snake which is a constrictor by a bonafide teacher or instructor temporarily during such times when school is not in session.

(d) Except as provided in subsection (a) hereof, no person shall keep any snake, reptile or other exotic or dangerous animal on any premises in the City, unless such animal is at all times kept in a structure, cage or other secure place separating such animal from the public generally, customary invitees to the premises and children who may be on the premises.

~~(ee) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 66-1987. Passed 7-20-87.)~~

505.091 VICIOUS DOGS. DEFINITIONS

As used in this Chapter, and unless otherwise defined in section 505.09, certain terms are defined as follows:

(a) "Dangerous dog" means a dog which, has chased or approached in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any

person, or which presents a risk to the safety of any person, or which has caused serious physical injury to another domestic animal.

(1) A "dangerous dog" shall not include the following:

A. A police dog that is being used to assist one or more law enforcement officers in the performance of their duties.

(2) It shall be prima-facie evidence that a dog is dangerous if its owner, keeper or harborer has been notified in writing by the Animal Warden that the dog is considered dangerous, based on the following:

A. One or more verified incidents reported to the City that the dog (i) has chased or approached in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person or (ii) has caused serious physical injury to any domestic animal; or

B. Because of improper training, neglect, prior history, physical or other characteristics including height and weight, or other good and sufficient cause, the dog presents a risk to the safety of any person.

(3) A determination by the Animal Warden that a dog is dangerous may be appealed as set forth in Section 505.20 of this Chapter.

(b) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(c) "Owner, keeper or harborer" means a person who owns, provides shelter or cares for an animal, or otherwise has control of or is responsible for such animal.

(d) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(e) "Verified" means substantiated by investigation or confirmed by formal oath or affidavit.

(f) "Vicious dog" means a dog that, has attacked any person with such severity or has caused such physical harm so as to cause a reasonable person to conclude that the dog presents a substantial risk to the safety of any person, or has killed another domestic animal. A "vicious dog" shall not include a police dog.

(1) It shall be prima-facie evidence that a dog is vicious:

A. If its owner, keeper or harborer has been notified in writing by the Animal Warden that the dog is considered vicious, based upon the following:

1. One or more verified incidents reported to the City that the dog has, attacked any person with such severity or has caused such physical harm so as to cause a reasonable person to conclude that the dog presents a substantial risk to the safety of any person; or

2. One or more verified incidents reported to the City that the dog has, killed another domestic animal.

B. If state law is amended to provide that it is prima facie evidence that a dog is vicious if it belongs to a particular breed. In that event, the ownership, keeping, or harboring of such a breed of dog shall be prima facie evidence of the ownership, keeping, or harboring of a vicious dog.

1. A determination by the Animal Warden that a dog is vicious, pursuant to 505.091(f)(1)(B), may be appealed as set forth in Section 505.20 of this Chapter.

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505.092 DANGEROUS AND VICIOUS DOGS

(a) No person owning, harboring or having the care or control of a dangerous or vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(b) No person owning, harboring or having the care or control of a dangerous or vicious dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed on a chain no more than three (3) feet in length with at least 300 pounds of tensile strength and such dog is muzzled. (~~Ord. 71-1987. Passed 7-20-87.~~)

(c) No person owning, harboring or having the care or control of a dangerous or vicious dog shall fail to post a sign conspicuously on the property visible to any person approaching the property from the street that states that a dangerous dog or vicious dog is present on the premises.

(d) A dangerous or vicious dog is "unconfined" as the term is used in this section if such dog is not confined on the premises of the person described in subsection (a) hereof as follows:

(1) If the dog is outside, it must be in a securely enclosed pen or dog run area which has secure sides and a secure top attached to all sides, and which has a secure floor or bottom attached to all sides of the pen or which is embedded in the ground no less than two (2) feet. Such pen or dog run area shall be locked with a key or combination lock at all times when the animal is within the structure.

(2) If the dog is inside, it may not be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure. A dangerous or vicious dog may not be kept on a patio, porch or in any part of a house or structure which would allow the animal to exit the building on its own volition, whether or not such dog is on a chain or leash. (Ord. 163-2003. Passed 3-15-04.)

(e) No person shall keep, own, harbor, care for, or control a vicious dog within the City of Cleveland Heights until such dog has been registered with the Animal Warden of the City and a permit is obtained. Such dogs shall be registered with the City within ten (10) days of the date the dog is first brought into the City, and thereafter on an annual basis on or before the 31st day of January of each calendar year. The permit fee shall be twenty dollars (\$20.00) per year. No person shall keep, own, harbor, care for or control more than one vicious dog in any dwelling unit in the City at any one time. No person shall keep, own, harbor, care for or control any vicious dog on any premises in the City at any time unless such person is the owner of said premises or unless such person has the written permission of the owner of said premises to keep, own, harbor, care for or control such vicious dog on said premises.

(f) Any person keeping, owning, harboring or having the care or control of any vicious dog shall maintain a policy of liability insurance providing coverage for each occurrence in an amount not less than one hundred thousand dollars (\$100,000) and insuring such person against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the vicious dog. Such person shall produce evidence of such policy of insurance at the time of the initial registration and annual renewal of registration of the vicious dog with the Animal Warden of the City and at any time upon request of a law enforcement agent or other employee of the City. The City shall be named as a certificate holder on all such policies.
(Ord. 51-2008. Passed 5-19-08.)

(g) Impoundment of Dogs.

(1) Any vicious dog being harbored or cared for within the City that is not registered with the Animal Warden as provided in subsections (f) hereinabove may be seized and impounded by the Animal Warden or his agent or other law enforcement officer until such time as the dog is properly registered and a permit obtained. In the event the Animal Warden or other law enforcement officer seizes such an unregistered vicious dog, notice shall be given the presumed owner within two (2) business days after the seizure by posting a written notice upon the

premises at which the dog was being harbored or kept. The dog shall not be released until the owner registers the dog and pays all accumulated boarding charges. In the event the owner does not register such dog and pay all such boarding charges within five (5) business days of the delivery of the notice of impoundment, such dog shall be deemed abandoned and may be destroyed or otherwise disposed of by the City.

(2) In the event a law enforcement officer has probable cause to believe a dog has attacked a human being or other domestic animal in the City, the law enforcement officer may impound such dog pending trial. In the event the Court finds that such dog attacked a human being or other domestic animal, in addition to any penalty imposed by the Court, the dog shall not be released to the owner until all accumulated boarding and impound charges are paid; provided, however, that nothing herein shall prohibit the Court from ordering the dog destroyed or banished as provided in subsection (j) herein below, in which case the owner shall still be responsible for boarding charges. If the dog is not ordered destroyed or banished, the owner shall reclaim such dog and pay all accumulated boarding and impound charges within five (5) business days after sentencing, otherwise the dog shall be deemed abandoned and may be destroyed or otherwise disposed of by the City.

(3) In the event a law enforcement officer has probable cause to believe that a registered vicious dog is being harbored or cared for in violation of this section, and such animal has not attacked a human being or other domestic animal, the law enforcement officer may petition a court of competent jurisdiction to order the seizure and impoundment of the vicious dog pending trial, with the boarding charges to be paid by the owner.

(Ord. 163-2003. Passed 3-15-04.)

(h) Whoever violates any provision of this section is guilty of a misdemeanor of the second degree for a first violation and shall be guilty of a misdemeanor of the first degree for each such subsequent violation within three (3) years of the first violation.

(i) For purposes of subsections (a) and (b) hereof, testimony that a dangerous or vicious dog was unconfined on the premises of its owner, harborer, or person having the care or control of such dangerous or vicious dog, or that a dangerous or vicious dog was beyond the premises of its owner, harborer, or person having the care or control of such dangerous or vicious dog and was not securely leashed and muzzled according to the provisions of subsection (b) hereof, shall be prima-facie evidence that such owner, harborer, or person having the care or control of a dangerous or vicious dog suffered or permitted such dog to go unconfined on the premises of such person or suffered or permitted such dangerous or vicious dog to go beyond the premises of such person when not securely leashed and muzzled as described in subsection (b) hereof. For purposes of subsections (a), (b), (d) and (e) hereof, strict criminal liability is contemplated. (Ord. 71-1987. Passed 7-20-87.)

(j) Any dangerous or vicious dog which attacks a human being or another domestic animal may be ordered to be destroyed or to be permanently banished from the City when, in the court's judgment, such dangerous or vicious dog represents a continuing threat of serious harm to human beings or other domestic animals. (Ord. 163-2003. Passed 3-15-04.)

(k) In prosecution for a violation of division (a) or (e) of section 505.091 in connection with which a dog has caused injury or serious injury to or the death of a person or companion animal, any of the following may be asserted as an affirmative defense as applicable:

(1) The dog was teased, tormented or abused by a person.

(2) The dog was coming to the aid or defense of a person who was not engaged in

Illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(3) The dog caused injury or serious injury to a person or killed a person while the person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

(4) In the case of another domestic animal, that the dog was attacked by such animal or that such animal was running at large. Definitions-

(1) A vicious dog is "unconfined" as the term is used in this section if such dog is not confined on the premises of the person described in subsection (a) hereof as follows:

A. If the dog is outside, it must be in a securely enclosed pen or dog run area which has secure sides and a secure top attached to all sides, and which has a secure floor or bottom attached to all sides of the pen or dog run area shall be locked with a key or combination lock at all times when the animal is within the structure.

B. If the dog is inside, it may not be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure. A vicious dog may not be kept on a patio, porch or in any part of a house or structure which would allow the animal to exit the building on its own volition, whether or not such dog is on a chain or leash. (Ord. 163-2003. Passed 3-15-04.)

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(2) A "vicious" dog as the term is used in this section means:

- A. Any dog which has been judicially or administratively determined, pursuant to Section 505.19, to have a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or
- B. Any dog which has been judicially or administratively determined, pursuant to Section 505.19, to have attacked a human being or other domestic animal; or
- C. Any pit bull terrier, which shall be herein defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

(Ord. 150 2004. Passed 10 4 04.)

(d) No person shall keep, own, harbor, care for, or control a vicious dog within the City of Cleveland Heights until such dog has been registered with the Animal Warden of the City and a permit is obtained. Such dogs shall be registered with the City within ten (10) days of the date the dog is first brought into the City, and thereafter on an annual basis on or before the 31st day of January of each calendar year. The permit fee shall be twenty dollars (\$20.00) per year. No person shall keep, own, harbor, care for or control more than one vicious dog in any dwelling unit in the City at any one time. No person shall keep, own, harbor, care for or control any vicious dog on any premises in the City at any time unless such person is the owner of said premises or unless such person has the written permission of the owner of said premises to keep, own, harbor, care for or control such vicious dog on said premises.

(e) Any person keeping, owning, harboring or having the care or control of any vicious dog shall maintain a policy of liability insurance providing coverage for each occurrence in an amount not less than one hundred thousand dollars (\$100,000) and insuring such person against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the vicious dog. Such person shall produce evidence of such policy of insurance at the time of the initial registration and annual renewal of registration of the vicious dog with the Animal Warden of the City and at any time upon request of a law enforcement agent or other employee of the City. The City shall be named as a certificate holder on all such policies. (Ord. 51-2008. Passed 5-19-08.)

(f) Impoundment of Dogs:

(1) Any vicious dog being harbored or cared for within the City that is not registered with the Animal Warden as provided in subsections (d) and (e) hereinabove may be seized and impounded by the Animal Warden or his agent or other law enforcement officer until such time as the dog is properly registered and a permit obtained. In the event the Animal Warden or other law enforcement officer seizes such an unregistered vicious dog, notice shall be given the presumed owner within two (2) business days after the seizure by

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~~posting a written notice upon the premises at which the dog was being harbored or kept. The dog shall not be released until the owner registers the dog and pays all accumulated boarding charges. In the event the owner does not register such dog and pay all such boarding charges within five (5) business days of the delivery of the notice of impoundment, such dog shall be deemed abandoned and may be destroyed or otherwise disposed of by the City.~~

~~(2) In the event a law enforcement officer has probable cause to believe a dog has attacked a human being or other domestic animal in the City, the law enforcement officer may impound such dog pending trial. In the event the Court finds that such dog attacked a human being or other domestic animal without provocation, in addition to any penalty imposed by the Court, the dog shall not be released to the owner until all accumulated boarding and impound charges are paid; provided, however, that nothing herein shall prohibit the Court from ordering the dog destroyed or banished as provided in subsection (i) hereinbelow, in which case the owner shall still be responsible for boarding charges. If the dog is not ordered destroyed or banished, the owner shall reclaim such dog and pay all accumulated boarding and impound charges within five (5) business days after sentencing, otherwise the dog shall be deemed abandoned and may be destroyed or otherwise disposed of by the City.~~

~~(3) In the event a law enforcement officer has probable cause to believe that a registered vicious dog is being harbored or cared for in violation of this section, and such animal has not attacked a human being or other domestic animal, the law enforcement officer may petition a court of competent jurisdiction to order the seizure and impoundment of the vicious dog pending trial, with the boarding charges to be paid by the owner.~~

~~(Ord. 163-2003. Passed 3-15-04.)~~

~~(g) Whoever violates any provision of this section is guilty of a misdemeanor of the second degree for a first violation and shall be guilty of a misdemeanor of the first degree for each such subsequent violation within three (3) years of the first violation.~~

~~(h) For purposes of subsections (a) and (b) hereof, testimony that a vicious dog was unconfined on the premises of its owner, harborer, or person having the care or control of such vicious dog, or that a vicious dog was beyond the premises of its owner, harborer, or person having the care or control of such vicious dog and was not securely leashed and muzzled according to the provisions of subsection (b) hereof, shall be prima facie evidence that such owner, harborer, or person having the care or control of a vicious dog suffered or permitted such dog to go unconfined on the premises of such person or suffered or permitted such vicious dog to go beyond the premises of such person when not securely leashed and muzzled as described in subsection (b) hereof. For purposes of subsections (a), (b), (d) and (e) hereof, strict criminal liability is contemplated. (Ord. 71-1987. Passed 7-20-87.)~~

~~(i) Any vicious dog which attacks a human being or another domestic animal may be ordered to be destroyed or to be permanently banished from the City when, in the court's judgment, such vicious dog represents a continuing threat of serious harm to human beings or other domestic animals. (Ord. 163-2003. Passed 3-15-04.)~~

505.092 505.093 **IMPOUNDMENT OF DOGS INVOLVED IN BITING/ATTACKING INCIDENTS.**

(a) The Animal Warden may take up and impound any dog which is alleged to have bitten or attacked a human being or other domestic animal in violation of this chapter, pending the completion of criminal proceedings arising from such incident. Such dog shall be boarded

and housed in an animal shelter, animal hospital, kennel or other place which the Animal Warden deems equally secure until such time as the owner, harborer, or other person having custody or control of such dog shall be tried or enter a guilty or no contest plea to any and all charges arising out of the biting/attack incident, and until such further time as the Court enters sentence, unless otherwise ordered by the Court.

(b) Any dog impounded shall be released at the earlier of the following times, unless a longer period of impoundment is authorized or permitted by this chapter:

- (1) At least ten working days have passed since the biting or attack incident and no charges are pending against the owner, harborer or person caring for or in control of such dog;
- (2) The owner, harborer or person caring for or in control of the dog has been acquitted of all criminal charges arising out of the attack/biting incident.

(c) Any person aggrieved by an order of the Animal Warden pursuant to subsection (a) herein may appeal such order to the ~~Health Code Board of Appeals pursuant to Sections 1701.07 and 1780.08 of Part Seventeen of these Codified Ordinances as established in 505.20.~~ Any such appeal shall be heard within five working days of the date the notice of appeal is filed. Notice of such ~~hearing shall~~ hearing shall be given to the person(s) who has allegedly been bitten or attacked by the dog, the parent(s) or guardian(s) of any minor(s) who has allegedly been the victim of such an attack, and the owner(s) of any domestic animal(s) which has allegedly been bitten or attacked by the dog.

(d) The costs of the boarding and lodging of the dog shall be charged to the owner, harborer, and/or person caring for or in control of the dog, unless the dog has been released pursuant to the provisions of subsection (b) hereof.

(e) The provisions of this section shall be in addition to any other procedures, penalties and/or remedies provided in this chapter or otherwise available at law. (Ord. 150-1994. Passed 12-19-94.)

505.10 CRUELTY TO ANIMALS.

(a) No person shall overdrive, overload, torture, torment or deprive of necessary sustenance, whether food or water, unnecessarily or cruelly beat, whip or maltreat or needlessly mutilate or kill, or cruelly expose to natural elements, any animal, nor by any act either of commission or omission do or fail to do anything which is cruel to a domestic animal.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 66-1987. Passed 7-20-87.)

505.101 CRUELTY TO COMPANION ANIMALS; TETHERING ANIMALS

(a) ~~(a) Unlawful restraint of animals: The owner of an animal may restrain an animal on a tether for a reasonable period, not to exceed three hours in a 24-hour period. The tether must be not less than 20 feet or five times the length of the dog, must keep the animal within the owner's property and must not touch a fence. Further, the animal must have access to shade, dry shelter, and tip-proof water supply.~~

(b) ~~Tethering is prohibited:~~

- ~~(1) Between the hours of 10 p.m. and 6 a.m.;~~
- ~~(2) If a heat advisory has been issued by a local or state authority or the National Weather Service;~~
- ~~(3) If a severe weather warning has been issued for the jurisdiction by the National Weather Service;~~
- ~~(4) If the tether is attached by means of a pinchtype, prongtype, or choketype collar or if the collar is unsafe or is not properly fitted;~~
- ~~(5) If the tether inhibits the animal's free movement or causes injury or entanglement;~~
- ~~(6) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal;~~

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(c) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(c) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

505.102 CRUELTY TO COMPANION ANIMALS

(a) As used in this section:

- (1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. "Companion animal" does not include livestock or any wild animal.
- (2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.
- (3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.
- (5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

- (6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.
- (7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Torture, torment or commit an act of cruelty against the companion animal;
- (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
- (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(d) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Torture, torment, or commit an act of cruelty against the companion animal;
- (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
- (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

- (e) Subsections (b), (c) and (d) of this section do not apply to any of the following:
- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
 - (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
 - (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
 - (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
 - (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.
(ORC 959.131)
- (f)
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.
 - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
 - (3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.
 - (4)
 - A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.
 - B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.
 - (5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

505.11 ADMINISTERING POISON.

(a) No person, with intent to injure or kill any animal, shall maliciously administer poison to any dog, bird, fowl or other animal, the property of another, except rodents, nor shall any person with such intent place any poisoned food, liquid or other substance about where it may be easily found or consumed by any such dog, bird, fowl or other animal, except rodents, either upon his own premises, the premises of another or in any public place within the City.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 66-1987. Passed 7-20-87.)

505.12 HUNTING OR KILLING ANIMALS PROHIBITED.

(a) Except as otherwise specifically provided in this chapter, no person shall hunt, kill or attempt to kill any animals within the City.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 66-1987. Passed 7-20-87.)

505.13 PROTECTION OF WILD LIFE IN PARKS.

(a) No person shall, within any park, molest, hunt, take, chase, shoot or throw any object at any animal, or remove or have in his possession any animal or the eggs or young of any such animal.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 66-1987. Passed 7-20-87.)

505.14 CARRIER PIGEONS.

(a) No person shall shoot, kill or maim an Antwerp or homing pigeon, commonly known as "carrier" pigeon, nor shall any person, except the owner thereof, entrap, catch or detain a carrier pigeon, provided it has the name of the owner stamped upon its wing or tail or a band with the owner's name, initial or number on its leg.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 66-1987. Passed 7-20-87.)

505.15 GENERAL RABIES QUARANTINE.

Whenever, in the judgment of the Director of Public Safety, he determines that rabies is or may be prevalent in the City, he shall quarantine all animals in the City. During such quarantine, no owner, keeper or person in charge of any animal shall, with knowledge of such quarantine, permit an animal to leave the premises where such animal lives. Such a quarantine order shall be considered an emergency. Animals found at large in violation of such quarantine order may be impounded or destroyed within the discretion of the Director of Public Safety.

505.16 QUARANTINE PROCEDURE AND COMPLIANCE.

(a) Whenever it is shown that any animal has bitten any person or shows signs of being infected with rabies, the owner, keeper or person having custody or possession of such animal, shall, within twenty-four hours following the biting incident, upon notice from the Cuyahoga County Board of Health, or upon direction from the Cuyahoga County Board of Health and/or Animal Warden for any reason stated in this section, take and remove such animal to a qualified veterinarian for examination and, subsequently, on the tenth day following such original examination by the veterinarian, permit re-examination of such animal by the veterinarian. After such animal is first examined, it shall be confined during the ten-day period until the second examination is completed in either the animal clinic, kennel or hospital where examined, or secured at the home of the owner, keeper or person having custody or possession of the animal, in an area inaccessible to the public at large. The owner, keeper or person having custody or possession of such animal shall then submit to the Animal Warden or Cuyahoga County Board of Health, within twenty-four hours following the last examination, a written report signed by the examining veterinarian, setting forth therein the dates of examination of such animal and the results thereof.

If the animal dies prior to the tenth day of examination, as hereinbefore provided, the owner, keeper or person having custody or possession of such animal shall immediately contact the Animal Warden or Cuyahoga County Board of Health, who shall arrange for the removal of the animal to a qualified laboratory for examination. Under no circumstances shall the owner or keeper of the animal purposely destroy the animal prior to compliance with the requirements of this section.

No owner, keeper or person having custody or possession of such an animal shall fail or refuse to remove and take such animal for the examinations required herein, or fail to comply with the submission of the report as required, or fail to notify the Animal Warden or Cuyahoga County Board of Health immediately upon the death of the animal, or purposely destroy such animal prior to compliance with the requirements of this section. (Ord. 28-2001. Passed 3-5-01.)

(b) If the owner or person having custody or possession of such animal fails to comply with any such order of the Animal Warden within twenty-four hours of the notification that such order has been issued and served upon such owner or person having custody or possession, the Animal Warden or any police officer may take such animal into custody and place the same in quarantine, at the expense of the owner or person having custody or possession of such animal.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 66-1987. Passed 7-20-87.)

505.17 IMPOUNDING PROCEDURE; REDEMPTION OR DISPOSITION.

(a) In addition to other procedures and penalties applicable to violations of this chapter, the Animal Warden may take up and impound any animal found in violation hereof. If such animal is not wearing a valid license tag, the Animal Warden may, within three (3) days after taking up such animal, turn such animal over to an officer charged by law with the custody and disposal of such animals. If the animal is wearing a license tag or some other type of identification showing the name and address of its owner, the Animal Warden shall immediately give such person notice that the animal has been found and taken up. The animal shall not be released to its owner except upon payment to the City of ~~twenty five dollars (\$25.00)~~ all lawful costs assessed against the animal to cover the cost of taking it up, plus such additional costs as may be incurred by the City for impounding the animal.

Such release payment shall be tendered within five (5) days of receipt of notice by the animal's owner; however, no period of holding by the City shall exceed seven (7) days unless the seventh (7th) days falls on a weekend. Any animal not reclaimed within the respective time periods may be destroyed or otherwise disposed of at the discretion of the Animal Warden. "Otherwise disposed of" shall include the right to sell these animals to suitable individuals for the cost to the City of the animal's boarding. When such a sale does occur, the City shall not charge the buyer with the ~~twenty five dollar (\$25.00)~~ impounding fee. No sale will be transacted until a valid registration tag, if required, is obtained.
(Ord. 66-1987. Passed 7-20-87.)

(b) The City may assess against or charge the owner, keeper or harbinger of any domestic animal the actual costs relative to the seizure and/or impoundment of such animal for its seizure, shelter, food, and any veterinary care found necessary during impoundment. Such costs may include the cost to have the animal spayed or neutered and vaccinated.

~~(bc)~~ The Animal Warden's Office may keep a register of people interested in obtaining an animal impounded by the City. Such register may be categorized by the breed desired and should be set up to give the person who has been registered the longest period of time the first chance to obtain the animal.
(Ord. 117-1979. Passed 11-5-79.)

505.18 COURT ORDER TO REMOVE OR DESTROY ANIMAL.

In addition to any penalty provided herein, if the court determines that any animal, on one or more occasions, has bitten or attacked any person or domestic animal without provocation, or if the court determines that the owner of the animal has habitually permitted such animal to run at large, or violated this chapter on one or more occasions, the court may, in order to protect the health, welfare, safety and property of the City's inhabitants, order that such animal be destroyed or permanently banished from the City.
(Ord. 163-2003. Passed 3-15-04.)

505.19 DESIGNATION OF DOG AS "DANGEROUS" AND "VICIOUS"; APPEAL.

(a) A dog may be determined to be "dangerous" or "vicious", as defined in subsections ~~A. and B. of subsection 505.091(c)(2)~~ 505.091(a) and 505.091(f), and thus subject to the requirements of Section ~~505.091092~~, in one of the two following ways:

- (1) A court of competent jurisdiction may declare the dog to be vicious in an independent or related civil or criminal proceeding; or
- (2) The Animal Warden may provide written notice to the owner or other person harboring or having care or control of the dog that the Animal Warden has determined the dog to be vicious. Such notice shall be given by personal service, ordinary mail, or by posting on the property at which the person resides. ~~Any person aggrieved by the order of the Animal Warden hereunder may appeal such order in writing to the Health Code Board of Appeals pursuant to Sections 1701.07 and 1780.08 of Part Seventeen of these Codified Ordinances. Such appeal shall be filed within five (5) working days of the date of notice, and heard within ten (10) working days of the date the appeal is filed. The filing of a notice of appeal hereunder shall stay the requirements of Section 505.091, but shall not preclude the Animal Warden or Cuyahoga County Board of Health from impounding the dog if otherwise permitted by this chapter or other provisions of law and shall not in any way relieve the owner or other person harboring or having care or control of the dog from civil or criminal liability for injury or damage caused by the dog or for violations of provisions of this chapter other than Section 505.091.~~

(b) The provisions of this section are not applicable to dogs classified as vicious pursuant to the provisions of subsection (c)(2)C. of Section 505.091. (Ord. 150-2004. Passed 10-4-04.)

505.20 APPEAL

(a) There is hereby created a board consisting of the Chairperson of the Safety and Municipal Services committee of Council or other member of City Council appointed by the Mayor, and the City manager or designee, and a member of the City's Community Relations Division appointed by the City manager. The Board shall have jurisdiction to hear appeals from notices and orders issued pursuant to this Chapter. The presence of two (2) members shall constitute a quorum. Any action of the Board shall require two (2) affirmative votes.

(b) Any person aggrieved by the order of the Animal Warden hereunder may appeal such order in writing to the board. Such appeal shall be filed within five (5) working days of the date of notice, and heard within ten (10) working days of the date the appeal is filed. The filing of a notice of appeal hereunder shall stay the requirements of Section 505.091, but shall not preclude the Animal Warden or Cuyahoga County Board of Health from impounding the dog if otherwise permitted by this chapter or other provisions of law and shall not in any way relieve the owner or other person harboring or having care or control of the dog from civil or criminal liability for injury or damage caused by the dog or for violations of provisions of this chapter other than Section 505.091

(c) The provisions of this section are not applicable to dogs classified as vicious pursuant to the provisions of subsection (c)(2)C. of Section 505.091.

505.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

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Ohio Laws Regarding Dogs, Proposed Senate Bill 151 (passed 12/6/16) and Surrounding Municipalities as of September 27, 2019

State/Municipality	Definition of Vicious Dog	Definition of Nuisance Dog	Definition of Dangerous Dog	Dog Bites	Subsequent Dog Bites	Tethering Laws	Animal Warden	Civil Fines
Ohio Revised Code 955.99	"Any dog that has seriously injured or killed a person while on or off the owner, keeper, or harbored's property." §955.11	"Nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harbored has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person. §955.11	"Dangerous dog" means a dog that, without provocation, has done any of the following: Caused injury, other than killing or serious injury, to any person; Killed another dog; or been the subject of a third or subsequent violation. §955.11	If death results from the bite, 4th Degree Felony, \$15,000 and up to 18 months in jail. If there is no death, -First Degree Misdemeanor, \$1,000, up to 180 days in jail	Not Applicable	Not Applicable - Note: Proposed Bill H.B. 94 introduced 3/2/15 - To amend section 959.99 and to enact section 959.133 of the Revised Code to prohibit a person from negligently allowing an animal to be tethered outdoors under specified circumstances.	Except as provided in section 955.121 of Revised Code, a board of county commissioners shall appoint or employ a county dog warden and deputies in such number, for such periods of time, and at such compensation as the board considers necessary to enforce sections 955.01 to 955.27, 955.50 and 955.53 of the Revised Code.	Not Applicable
Proposed Senate Bill 151; Revises provisions of the Dog Laws covering nuisance dangerous, and vicious dogs. (It should be noted that this Bill is still pending. It is currently in the State Agriculture Committee.) SB 151 passed unanimously on 12/6/16	"Vicious dog" means a dog that has killed any person or any companion animal. § 955.11(A)(1)	"Nuisance dog" means a dog that while off the premises of its owner, keeper, or harbored has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person. § 955.11(C)(1)	"Dangerous dog" means a dog that, has done any of the following: (a) caused injury or serious injury to any person; (b) caused injury or serious injury to any companion animal; (c) been the subject of a third or subsequent violation of division (B) of section 955.22 of the Revised Code. § 955.11(B)(1)	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Cleveland Heights Codified Ordinances: Chapter 505	A "vicious dog" is defined as any dog which has been judicially or administratively determined, pursuant to Section 505.19, to have a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or Any dog which has been judicially or administratively determined, pursuant to Section 505.19, to have attacked a human being or other domestic animal; or any pit bull terrier, which shall be herein defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier. § 505.091 VICIOUS DOGS	Not Applicable	Not Applicable	Second degree misdemeanor, \$750, up to 90 days jail time.	First degree misdemeanor, \$1,000, up to 180 days in jail.	Not Applicable	The City Manager shall appoint an Animal Warden or other person(s) including, but not limited to, the Chief of Police and/or City police officers to enforce the terms of this chapter, and for the purposes of this chapter, "Animal Warden" shall be defined to include any such persons so appointed or authorized by the City Manager. Such persons shall have the authority to enter all public and private property, and to do all other things reasonable and necessary to enforce this chapter. Nothing contained herein shall prohibit the Animal Warden from destroying an animal when in his judgment such act is necessary and proper to protect life and property. §505.01	Not Applicable
Proposed Changes to Cleveland Heights Codified Ordinances: Chapter 505	§505.091(f) - "Vicious dog" means a dog that, has attacked any person with such severity or has caused such physical harm so as to cause a reasonable person to conclude that the dog presents a substantial risk to the safety of any person, or has killed another domestic animal. A "vicious dog" shall not include a police dog.	X	§505.091(a) - "Dangerous dog" means a dog which, has chased or approached in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person, or which presents a risk to the safety of any person, or which has caused serious physical injury to another domestic animal.	X	X	§505.101(a) - Unlawful restraint of animals: The owner of an animal may restrain an animal on a tether for a reasonable period, not to exceed three hours in a 24-hour period. Tethering is prohibited: (1) Between the hours of 10 p.m. and 6 a.m.; (2) If a heat advisory has been issued by a local or state authority or the National Weather Service; (3) If a severe weather warning has been issued for the jurisdiction by the National Weather Service; (4) If the tether is less than 20 feet, provided the tether does not allow the animal to touch the fence or cross the property line or cross onto a public easement; (5) If the tether is attached by means of a pinchtype, prongtype, or choke-type collar or if the collar is unsafe or is not properly fitted; (6) If the tether inhibits the animal's free movement or causes injury or entanglement; (7) If the animal does not have access to shade, dry shelter, and a tipproof water supply. (8) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal; (b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about. (c) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.	X	Not Applicable

Ohio Laws Regarding Dogs, Proposed Senate Bill 151 (passed 12/6/16) and Surrounding Municipalities as of September 27, 2019

<i>State/Municipality</i>	<i>Definition of Vicious Dog</i>	<i>Definition of Nuisance Dog</i>	<i>Definition of Dangerous Dog</i>	<i>Dog Bites</i>	<i>Subsequent Dog Bites</i>	<i>Tethering Laws</i>	<i>Animal Warden</i>	<i>Civil Fines</i>
Cleveland Codified Ordinances: Chapter 603 & Chapter 604	A Level-Two (2) Threat dog is one that, without provocation, and subject to division (b) of this section, has killed or caused serious injury to any person, or has killed or caused serious injury to another domestic animal. §604.01(d)	Not Applicable	(1) A dog designated as a Level-One (1) threat is one that, without provocation, and subject to division (c) of this section, has chased or approached a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner, keeper, or harboree's property in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harboree, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure, which has a top. A level-one (1) threat dog may also be one who has repeatedly exhibited a propensity, tendency or disposition to attack, without provocation, or otherwise threatens the safety of humans or domestic animals. (2) Any dog that on three (3) separate occasions within a twelve (12) month period has been impounded by the City Animal Control Officer for being unrestrained or uncontrolled off its owner's, keeper's, or harboree's premises is a level-one (1) threat. §604.01(b)	Misdemeanor of the second degree, \$750 and up to 90 days jail.	First degree misdemeanor, \$1,000 and up to 6 months in jail. §604.99(b)	§ 603.092 - No person shall tether an animal in any of the following circumstances: (1) For more than six (6) hours total in a twenty-four (24) hour period and not more than two (2) consecutive hours with no less than a one (1) hour period between tetherings; (2) Between the hours of 10:00 p.m. and 6:00 a.m.; (3) If a heat or cold advisory has been issued by a local or state authority or the National Weather Service; (4) If a severe weather warning has been issued by a local or state authority or the National Weather Service; (5) If the tether is less than twenty (20) feet in length; (6) If the tether allows the animal to touch the fence or cross the property line or cross onto public property; (7) If the tether is attached by means of a pinch-type, prong-type, or choke-type collar or if the collar is unsafe or is not properly fitted; (8) If the tether may cause injury or entanglement; (9) If the animal is not provided with its needs as identified in division (b) of Section 603.091; (10) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal. (11) If no owner or occupant is present at the premises. (b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about. (c) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.	§604.01 (a) There is established in the Department of Public Safety, a Division of Animal Care and Control, which shall consist of one (1) Chief Animal Control Officer and at least one (1) animal control officer permanently assigned to each of the five (5) police districts on a full-time basis, and other animal control officers as the Director of Public Safety deems necessary. All of these employees shall be uniformed employees under the control and management of the Director, who shall designate the kind of uniform to be worn and direct the operation of the Chief and other animal control officers. (b) The Chief Animal Control Officer and all other animal control officers are authorized to give notice and issue citations, in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure, to anyone found to be in violation of Section 603.01, Section 603.02 or Section 603.04. The Chief Animal Control Officer and all other animal control officers are hereby established as "dog wardens" for purposes of enforcing applicable statutes pertaining to animals under the Ohio Revised Code. The Chief Animal Control Officer and all other animal control officers are authorized with the power and duty to enforce and prosecute the provisions of Chapters 603 and 604.r	Not Applicable
Lakewood Codified Ordinances: Chapter 506	(f) "Vicious dog" means a dog that, without provocation, has killed or caused serious injury to any person. "Vicious dog" does not include either of the following: (1) A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties; (2) A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harboree of the dog. (g) "Without provocation" means that a dog was not teased by a person or animal, tormented by a person or animal, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. §506.01(f)	(c) "Nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harboree, including within common areas of multiple-unit properties, has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person. "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person. §506.01(c) (h) "Potential nuisance dog" means a dog that, without provocation, while off the premises of its owner, keeper, or harboree, including within common areas of multiple-unit properties, either aggressively bites any domestic animal or displays threatening or aggressive behavior toward or otherwise threatens or endangers the safety of any animal; or, while on the premises of its owner, keeper or harboree, displays threatening or aggressive behavior toward or otherwise threatens or endangers the safety of any domestic animal or person. §506.01(h)	a) "Dangerous dog" means a dog that, without provocation, has done any of the following: (1) Caused injury, other than killing or serious injury, to any person; (2) Killed another dog; (3) Been the subject of a third or subsequent violation of Section 505.02 of the Code. §506.01(a)	The first bite is charged as violation of an animal running at large. The charge is a minor misdemeanor. The fine is \$150 and no jail time.	After the first bite, a hearing is held and if the dog is found to be dangerous or vicious, it is ordered out of the city.	(b) No person shall tether an animal in a way that causes the animal to: (1) Suffer from a condition that is known, by that person, to be exacerbated by tethering; (2) Become entangled in a manner that is harmful to the animal or become entangled with other tethered animals; (3) Be tethered with a lead that (A) is more than one eighth of the animal's body weight or (B) is a tow chain or a log chain; (4) Be tethered with a lead fixed onto the ground or a stationary structure or object that measures, when rounded to the nearest whole foot, fewer than 10 feet in length; (5) Be tethered with an improperly fitting harness or collar; or a pinch, prong, or choke-type collar; (6) Be tethered with a lead fixed onto the ground or a stationary structure or object in a manner that will allow the animal to move upon the property of another person, a public walkway or a road, or be a menace to or injure another person or animal on a neighboring property, public walkway or road; (7) Be tethered for more than six (6) hours total in a twenty-four (24) hour period and not more than two (2) consecutive hours with no less than a one (1) hour period between tetherings; (8) Be tethered between the hours of 10:00 p.m. and 6:00 a.m.; (9) Be tethered if a heat or cold advisory has been issued by a local or state authority or the National Weather Service; (10) Be tethered if a severe weather warning has been issued by a local or state authority or the National Weather Service.	(a) The Animal Control Officer shall hold the position as established by ordinance and shall be appointed by the Director of Public Safety. The Animal Control Officer shall not be on the classified list of the Division of Police, nor eligible for participation in the Police Pension Fund. (b) It shall be the duty of the Animal Control Officer, and the Animal Control Officer shall have the authority, to enforce the provisions of the Codified Ordinances of the City and laws of the State, relative to the licensing, impounding, boarding and disposition of animals, livestock or poultry within the corporate limits; however, no police or other officer of this City, charged with the responsibility of enforcing the ordinances of this City and the laws of this State, shall be relieved of such responsibility. (c) The Animal Control Officer shall be provided with a badge designating his office, and such other uniform, vehicles and equipment necessary to carry out his duties; however, any vehicles used for picking up and impounding animals, livestock or poultry shall be clearly marked on both sides with the following: "Animal Control". (d) In the exercise of his duties, the Animal Control Officer is hereby authorized to issue, on a form provided by the City, a citation to any person found by him to be in violation of this chapter. §505.01	Not Applicable

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<i>State/Municipality</i>	<i>Definition of Vicious Dog</i>	<i>Definition of Nuisance Dog</i>	<i>Definition of Dangerous Dog</i>	<i>Dog Bites</i>	<i>Subsequent Dog Bites</i>	<i>Tethering Laws</i>	<i>Animal Warden</i>	<i>Civil Fines</i>
<p>Shaker Heights Codified Ordinances: Chapter 705 <i>(It should be noted that Shaker Heights had proposed amendments to their animal ordinances. In early January 2016, the proposed amendments were voted down by Shaker City Council.)</i></p>	<p>(f) "Vicious dog" means a dog that, without provocation, has attacked any person with such severity or has caused such physical harm so as to cause a reasonable person to conclude that the dog presents a substantial risk to the safety of any person, or has killed another domestic animal. §705.01(f)</p>	<p>Not Applicable</p>	<p>"Dangerous dog" means a dog which, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person, or which presents a risk to the safety of any person, or which has caused serious physical injury to another domestic animal. §705.01(b)</p>	<p>First degree misdemeanor- \$1,000 fine and up to 6 months in jail.</p>	<p>The Municipal Court may order the owner, keeper or harbinger of any animal which is determined by the Court to be vicious, or a perennial and continued nuisance, or which constitutes a serious threat to the health or safety of the public, to forthwith remove such animal from the City, or the Court may order the Chief of Police to cause the animal to be impounded and destroyed, or otherwise disposed of as the Court shall determine.</p>	<p>Not Applicable</p>	<p>"Animal Warden" means the Director of Public Works and his or her designee, who may be a City employee or a contractor hired to act as Animal Warden on behalf of the City, and those employees of the City or its contractor designated by the Director as Animal Wardens. §705.01(a)</p>	<p>Not Applicable</p>
<p>South Euclid Codified Ordinances: Chapter 505</p>	<p>(4) "Vicious dog." A. A dog that, without provocation and subject to division (a)(4)B. of this definition, meets any of the following requirements: 1. Has killed or caused serious physical harm to any person; or 2. Has killed or caused serious physical harm to any domestic animal. §505.01(4)</p>	<p>Not Applicable</p>	<p>A dog that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has bitten or attempted to bite or has otherwise endangered any person, or domestic animal, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top. §505.01(1)</p>	<p>Misdemeanor of the fourth degree, \$250 and up to 30 days in jail.</p>	<p>Misdemeanor of the first degree, \$1,000 and up to 6 months in jail.</p>	<p>Unlawful restraint of animals: The owner of an animal may restrain an animal on a tether for a reasonable period, not to exceed three hours in a 24-hour period. Tethering is prohibited: (1) Between the hours of 10 p.m. and 6 a.m.; (2) If a heat advisory has been issued by a local or state authority or jurisdiction; (3) If a tornado warning has been issued for the jurisdiction by the National Weather Service; (4) If the tether is less than 20 feet, provided the tether does not allow the animal to touch the fence or cross the property line or cross onto a public easement; (5) If the tether is attached by means of a pinstripe, prong type, or choke-type collar or if the collar is unsafe or is not properly fitted; (6) If the tether inhibits the animal's free movement or causes injury or entanglement; (7) If the animal does not have access to shade, dry shelter, and a tipproof water supply. §505.071(e)</p>	<p>§131.03 - There is established in the Department of Public Safety the position of City Animal Warden who shall be appointed by the Mayor. §131.05 - (a) The City Animal Warden or any person having the authority of a police officer in the City shall enforce the laws of the State and the City relative to the impounding of animals, and shall take up and impound animals at large in public or private places in violation of Chapter 505 of the General Offenses Code. (b) The City Animal Warden shall keep a record of all animals seized and impounded, shall be responsible for the collection of charges provided in this chapter for the taking up or boarding of any animals and shall have general supervision of the City Pound. He/she shall turn over all moneys together with a complete record of his activity for the month at the end of each month to the Director of Finance.</p>	<p>Not Applicable</p>



CLEVELAND HEIGHTS

Monday, October 7, 2019 Minutes

COMMITTEE OF THE WHOLE

6:20 – 7:25 p.m.

Mayor Roe presiding

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

Staff present: Anderson, Briley, Butler, Clinkscale, Freeman, Hanna, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Smith, Trupo, Wong

Topics discussed: Report of City Council Members, Legislation Discussion, Report of the City Manager, Student Loan Incentive Research

CITY COUNCIL

7:40 – 9:15 p.m.

Mayor Roe presiding

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

Staff present: Boland, Briley, Butler, Clinkscale, Freeman, Hanna, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Smith, Trupo, Wong

The minutes from the City Council meeting held on September 16, 2019 were approved with submitted corrections.

Personal communications from citizens

Mark Pultesker made a statement of concern for the planned demo of a house on Altamont and the amount the Housing Department quoted that would be need for rehabilitation. The Mayor asked Allan Butler to come to the microphone. Allan Butler stated he evaluated the property and the house was a demo candidate and cannot be saved for market value. Councilman Ungar stated staff would look into it and Council would discuss it at their next meeting.

Ari Cohen is in the congregation on the other side of the Altamont house and thanked Council for the demo of the house which is blight on the neighborhood.

Veronica Chapman made a statement about the tree on the tree lawn having an effect on the sidewalk and sewer. Mayor Roe referred her to Allan Butler.

Susan Efroymsen from Citizens for an Elected Mayor made a statement in response to Councilwoman Dunbar's comment about misinformation out there. She made a statement about Shaker Heights receiving state funds and Cleveland Heights not receiving funds, Top of the Hill, water bills, the Refuse and Recycling Task Force, and the contribution from ICMA.

Carla Rautenberg made a statement regarding the publishing errors in Issue 26. Corrected versions will be printed in the October 10 and October 17 editions of the Sun Press and perhaps in the Plain Dealer as well. She requested an official public statement from the Clerk of Council or Law Department regarding those errors. Law Director Bill Hanna stated the correct wording and formatting went to the Sun Press correctly and the document printed is inconsistent with what was provided to them. He confirmed the upcoming print dates and an accompanying statement.

Barb Sesnowsky from Noble Neighbors stated she was thankful of the work done on Noble Road, the Noble Road Corridor Project and the yard signs that remind her that her vote counts.

Palida Moody stated she didn't want to see a Mayor because she'd seen what happened to East Cleveland when they switched. She made a statement about people gathering signature for the petition at Zagara's and misinformation from both sides.

Tamara Adrine Davis made a statement about the violations issued by the Housing Department which was on the Cleveland Heights Municipal Court docket for the following day. She made a statement about being attacked and raped.

Joanne Podaris, a resident of The Buckingham, made a statement about the zoning codes which will affect residents regarding the Top of the Hill development. She stated residents had sent a letter about this and was hoping to get a response before the meeting Thursday night. Richard Wong made a statement about the adequate light and air and stated there would be shadows during winter and certain hours of the day. He stated a written response would be prepared the next day.

Joyce Rajki stated she had 265 pages of citizens' letters sent to the city opposing an aspect of the Top of the Hill project. She is against the current design, not development.

Blanche Valancy, Voter Services Coordinator for the League of Women Voters of Greater Cleveland, Cleveland Heights and University Heights Chapter, made a statement about the previously held candidates forum. This Thursday, October 10, 7:00 – 9:00 p.m. at Cleveland Heights High School Cafeteria, there will be a free panel to discuss both sides of ballot Issue 26.

Laura Marks invited everyone to attend Arbor Day Friday morning, 9:00 – 10:00 at Cumberland Park to plant two trees. She made a statement about the difficulty of getting landlords to sign to plant more trees.

Susan Miller made a statement that Council should not use water bottles, but instead use reusable vessels for water.

Report of the City Manager

Confirmation of the City Manager's appointment of Charles Howard as Interim Director of Finance

Introduced by Council Member Stein, Seconded by Council Member Dunbar

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

Motion Passed

Tanisha Briley gave an overview of the City Manager's Report to Council which may be viewed in full at https://www.clevelandheights.com/DocumentCenter/View/5449/cc_packet_10072019?bidId=.

Council Member Ungar asked Tanisha Briley to confirm that we've been able to secure millions dollars in funding which she did confirm. He asked if she was aware of any funding opportunities that have been lost because we didn't have an elected Mayor. She replied she was not. He asked if there had been funding opportunities that she, as City Manager, would not pursue based on the fact she is not in an elected position. She replied there was not. Tanisha Briley stated staff works closely with State Representative Janine Boyd and State Senator Sandra Williams to submit projects to the Capital Budget to the State every year.

Report of the Clerk of Council

FINANCE COMMITTEE

RESOLUTION NO. 87-2019. A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2019 tax year collection pursuant to Section 321.34 of the Ohio Revised Code

Introduced by Council Member Cobb, Seconded by Council Member Ungar

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

Legislation Passed

RESOLUTION NO. 88-2019. A Resolution accepting the amounts and rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer

Introduced by Council Member Cobb, Seconded by Council Member Dunbar

Roll Call: Ayes: Seren, Stein, Ungar, Yasinow, Cobb, Dunbar, Roe

Nays: None

Legislation Passed

ORDINANCE NO. 89-2019. An Ordinance adding Section 171.15, “Houston-Galveston Area Council Cooperative Purchasing Program” to Chapter 171, *Contracts*, of the Cleveland Heights Codified Ordinances

Introduced by Council Member Cobb, Seconded by Vice Mayor Yasinow

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

Legislation Passed

HOUSING AND TRANSPORTATION COMMITTEE

Council Member Dunbar made a statement that the equipment for the projects on the Mayfield Road Signalization and Noble Quilliams signals cost over \$100,000 and there are still places in the city where those need replaced.

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Ungard stated the Architectural Board of Review will meet on October 10, the same night as the Issue 26 panel held by the League of Women Voters.

RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE

Council Member Seren stated he was upset with the manner and timing that Ms. Davis’s comments were handled and cut off.

RESOLUTION NO. 90-2019. A Resolution authorizing the City Manager to submit an application to the Northeast Ohio Areawide Coordinating Agency for funding from the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) program

Introduced by Council Member Seren, Seconded by Council Member Ungar

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

Legislation Passed

RESOLUTION NO. 91-2019. A Resolution joining communities throughout the nation in proclaiming October 2019 *National Breast Cancer Awareness Month*; October 13, 2019, *Metastatic Breast Cancer Awareness Day*; and October 18, 2019, *National Mammography Day*

Introduced by Council Member Seren, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Yasinow, Cobb, Dunbar, Roe, Seren, Stein, Ungar

Nays: None

Legislation Passed

RESOLUTION NO. 92-2019. A Resolution proclaiming October 2019 as *Domestic Violence Awareness Month*

Introduced by Council Member Seren, Seconded by Council Member Dunbar

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

Legislation Passed

SAFETY AND MUNICIPAL SERVICES COMMITTEE

Vice Mayor Yasinow said for those who celebrate Shana Tova, she wished them a Happy New Year. For those who observe Yom Kippur, it begins Tuesday night through Wednesday evening and she wished a meaningful fast.

Vice Mayor Yasinow stated that as it was discussed in Committee of the Whole, they anticipate receiving legislation for a student loan grant pilot program in the near future. She thanked staff for their work. Student loan assistance would be provided for 2 years for up to 10 households for those who build on vacant lots or move into unoccupied homes in specified zones.

She stated there is an Issue 26 mailer being sent that has a photo of the Cleveland Heights Community Center with the electronic billboard stating, "Vote Yes on 26." That is not the message from the City of Cleveland Heights and the City does not appropriate tax dollars for the pro or con of any ballot issue. This was a photoshopped picture.

ADMINISTRATIVE SERVICES COMMITTEE

No report.

Mayor's Report

Mayor Roe made a statement about Governor DeWine's press conference today to reveal details of his plan for gun violence. The video is available at www.ohiochannel.org and an executive summary is available at www.strongohio.gov. The Ohio Mayor's Alliance, a bipartisan group of Mayors of the 30 largest Ohio cities, issued a statement, "For the last decade, gun laws in Ohio have gotten weaker while the threat of gun violence in our communities has grown stronger. The Chardon school shooting, the mass shooting in downtown Cincinnati, and the deadly massacre of nine people in Dayton are all tragic reminders of the urgent need for change. Governor DeWine's Strong Ohio proposal gives us a real chance to begin changing course and start enacting meaningful gun reform laws. We know some Mayors would like to see this legislation go further, but make no mistake, the Strong Ohio plan is an improvement over current law that will help reduce gun violence and better protect our communities. The plan improves Ohio's background check system and gives law enforcement the tools to act when someone with guns is

exhibiting dangerous behavior. The legislature must come together and pass this bill to reduce gun deaths in Ohio and help prevent the next tragic shooting.”

NEXT MEETING OF COUNCIL: MONDAY, OCTOBER 21, 2019

Respectfully submitted,

Carol Ann Roe, Mayor

Susanna Niermann O’Neil, Acting Clerk of Council
/jkc