



COUNCIL UPDATE

September 2, 2020

MEETINGS & REMINDERS

Please note meetings are being held as webinars and conference calls. Information for residents to participate may be found on the clevelandheights.com calendar.

Thursday, September 3	-	6:00 p.m.	-	Meet Your Police
Monday, September 7	-			Observation of Labor Day
Tuesday, September 8	-	6:00 p.m.	-	Committee of the Whole
	-	7:30 p.m.	-	City Council
Tuesday, September 15	-	7:00 p.m.	-	Citizens Advisory Council
	-	7:00 p.m.	-	Architectural Board of Review
Wednesday, September 16	-	7:00 p.m.	-	Board of Zoning Appeals

LEGISLATION (for discussion)

- **Kimble Recycling Processing Services, First Reading.** An Ordinance authorizing the City Manager to enter into an agreement for recycling processing services between the City of Cleveland Heights and Kimble Company
- **Amending Bodycam Lease.** A Resolution amending Section 1 of Resolution No. 87-2020, which authorized the City Manager to enter into an agreement with Motorola Solutions, Inc. for the purchase of upgraded police-worn body cameras and associated software for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program, to authorize entering into a Municipal Lease for the lease-purchase of said equipment

LEGISLATION (consent agenda)

- **Budget Commission Tax Levy Certification.** 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

- **Tax Advance Request.** A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2020 tax year collection pursuant to Section 321.34 of the Ohio Revised Code
- **Welcoming Week.** A Resolution proclaiming September 11 – 18, 2020, as Welcoming Week
- **Jax.** An Ordinance authorizing the sale of K-9 Officer Jax to his handler for the sum of One Dollar (\$1.00)
- **Nirvana Fund Signatories.** A Resolution updating the signatories designated for the account with Nirvana Public Funding, LLC
- **City Account Signatories.** A Resolution updating the list of City employees authorized to be signatories on certain City accounts
- **Prostate Cancer Awareness Month.** A Resolution joining communities throughout the nation in proclaiming September 2020 as Prostate Cancer Awareness Month
- **National Preparedness Month.** A Resolution proclaiming September 2020 to be National Preparedness Month

Strategic Plan

- Senior staff will be completing the Strategic Plan process during September and early October by participating in online work sessions. It had been postponed due to staffing issues and COVID considerations. The final report is to be finalized by November 1st.

Community Relations

- City news continues to promote the COVID protocols, the Census, and pertinent updates.
- The “All are Welcome” campaign will kick off on September 14th with the video and ad campaign going forward into the Fall.
- The Bradford path neighbors are coming together to clean up and enhance the path. Through research, they have discovered that the path will be 100 years old next year just like our City. Members of the Canterbury garden are also involved in an effort to pull out the weeds and overgrown foliage. Our forester will be taking out a dead tree and trimming some low hanging branches. Neighbors in the area have been advised of

the efforts.

Economic Development

- **CEDAR-LEE-MEADOWBROOK SITE REDEVELOPMENT:**

- **ISSUING A REQUEST FOR QUALIFICATIONS & PRELIMINARY DEVELOPMENT PROPOSALS (RFQ/RFP)**

Background: On July 20, 2020, the Memorandum of Understanding (MOU) between the City and Cedar Lee Connection (CLC), LLC expired. Unfortunately, the City and CLC were unable to reach a consensus on certain elements to be included in the Development Agreement for the project by the established negotiating deadline. As a result, this effectively ended negotiations for the redevelopment of this site with this Development Partner. City staff has reviewed and updated the RFQ/RFP previously issued for this project and has prepared this document to be issued at this time.

Purpose: The purpose of issuing an RFQ/RFP for a significant City-owned redevelopment site is to advertise the City's desire to redevelop the site and maximize the number of responses from the marketplace from several highly qualified development firms. The City can then evaluate multiple creative options for redevelopment and ultimately select a firm to be its development partner. The City is looking for a firm with the track record and expertise in infill mixed-use redevelopment to collaborate with to successfully redevelop the site to attract new residents, create new employment opportunities, increase tax revenue, and growth in investment and economic vitality in the surrounding Cedar-Lee District and throughout the City.

Request: The Administration is requesting approval of a motion from the City Council authorizing staff to issue the RFQ/RFP and to prepare the process for selecting an eventual Development Partner for the site.

- **NEIGHBORHOOD REDEVELOPMENT PROGRAM – PHASE I:**

- **ISSUING A REQUEST FOR QUALIFICATIONS & PRELIMINARY DEVELOPMENT PROPOSALS (RFQ/RFP)**

Background: Housing has long been a top strategic priority for the City. Currently, the City has accumulated an inventory of 177 vacant City-owned residential lots, primarily as a result of foreclosures in the community. The staff has evaluated this inventory and recommends proceeding with a Phase I issuance of an RFQ/RFP to attract a Development Partner to construct new infill housing in the Nelaview, Greyton, Dresden, Hanover, and Desota neighborhoods.

Purpose: City staff has identified approximately 40 City-owned vacant residential lots that have tremendous potential for the construction of infill housing. Accordingly, the staff has prepared an RFQ/RFP for issuance in order to attract a qualified Development Partner. The purpose of issuing an RFQ/RFP is to advertise the City's desire to redevelop an area and to maximize the number of responses from the marketplace from highly qualified development firms. The City can then evaluate multiple creative options for redevelopment and ultimately select a firm. The City is looking for a firm with the track record and expertise in infill housing to collaborate with to successfully redevelop these neighborhoods to achieve neighborhood stabilization, attract new residents, increase tax revenue, and generate new economic vitality in the Noble Road and Desota/Berkley neighborhoods, and throughout the City.

Request: The Administration is requesting approval of a motion from the City Council authorizing staff to issue the RFQ/RFP and to prepare the process for selecting an eventual Development Partner to construct new housing in our community.

Parks and Recreation

- The Parks and Recreation Department is now renting fields and tennis courts to schools for fall sports only. Each school signs an agreement mandating compliance with State provided safety protocols. The City reserves the right to revoke access if appropriate safety protocols are not followed.
- The Community Center will remain closed during the month of September. Staff is researching the feasibility of a limited/measured reopening of the community center in October. Staff will review relative medical science data and best practices being used by other communities to evaluate the feasibility of a safe reopen.
- The Senior Center will remain closed until further notice. Seniors remain among the most vulnerable to COVID-19. The staff does not feel that we can safely meet the state protocols to reopen at this time. However, staff continues to provide food & mask delivery services, as well as virtual and parking lot programs, and limited transportation. Staff is discussing the potential of making the computer lab accessible to seniors in a limited fashion to help with the technological difficulties many seniors face. Many do not have access to technology and deal with isolation as a result.
- Virtual classes continue Tuesday through Friday on the Cleveland Heights Parks and Recreation Facebook Page. Some of the classes were recently featured on local news

outlets such as Fox 8. Staff will look to expand these offerings in the Fall and Winter.

- The School District informed staff that the indoor pool will be closed for the foreseeable future due to the pandemic. As such, the Fall indoor swim program has been postponed.

Police

- On August 24, 2020, officers responded to reports of a stove fire at 3757 Shannon Road. Upon arrival officers observed smoke coming from the home and it was reported that an elderly female was still inside the home and unable to walk. Officers Wolf, Old, and Ciccone entered the residence and located the female in the back of the home. Officer Ciccone was able to carry the woman out of the home to safety until the arrival of the Fire Department. The other officers attempted to extinguish the fire but were unable to successfully do so. No serious injuries were reported as a result of the efforts of these three police officers.
- On August 24, 2020, at 2:12 a.m., officers responded to calls of shots fired at 1924 Staunton. Upon arrival, officers discovered that multiple rounds had been fired into the house. No one was home at the time of the incident and no one was injured. It was later learned that one of the sons of the resident was being treated at an area hospital for a gunshot wound he sustained in Cleveland an hour earlier. Detectives are investigating, but the residents are not cooperating with the investigation. A check of the call log revealed that we have responded to this address on prior occasions for disturbances. The management company that owns the house has been contacted and advised of the recent events. A nuisance warning letter has been sent to the management company and the current tenants. Special attention is being provided to the area.
- On the morning of August 30, 2020, officers responded to a call of graffiti in the street in the 3600 block of Harvey. Upon arrival, officers discovered a racial slur spray-painted in white paint in the middle of the street. The Service Department was contacted and quickly responded to remove the paint. Detectives are following up on some investigative leads into this incident. Special attention is being provided to the area.
- On the morning of August 30, 2020, a resident in the 2900 block of Coleridge reported that an unknown person spray-painted "F*** the police" on the walkway to his

house. The resident further reported that approximately two weeks prior, the Back the Blue sign was stolen from his front yard. Detectives are following up on some investigative leads into this incident. Special attention is being provided to the area.

- On August 30, 2020, at 9:25 p.m., several calls were received reporting gunshots in the area of Quilliams and Randolph. Upon arrival, officers learned that the shots were fired in front of a house in the 3600 block of Randolph. Two juveniles were home at the time of the incident, however no one was injured. Detectives are investigating this matter, however, the residents are not cooperating with the investigation. Special attention is being provided to the area.
- On August 27, 2020, an update was posted on the City's website outlining the Police Department's progress on Police policies and training. One significant update to note is that we are currently in the process of contracting with the Diversity Institute Team at Cleveland State University regarding the following areas:
 - A training program with a focus on cultural competency, implicit bias, professional conduct, and de-escalation. This would consist of 8 hours of training utilizing various participatory exercises, hands-on de-escalation scenarios, dialogue, and audiovisual images and videos. The curriculum would cover such areas as an overview of the relationship between the police and the African American community, current challenges facing law enforcement, changing demographics that have influenced a need for diversity competency, dynamics of difference, the impact of bias, stereotypes, prejudice and discrimination, professionalism and impact of cultures of honor, the role of police officers as street-level bureaucrats and the appropriate use of power and authority, de-escalation and the value of slowing down and behaviors and skills that build community trust.
 - Analysis of policies developed by the Police Department in consultation with Lexipol
 - Data analysis of Cleveland Heights traffic stops
 - Community engagement and listening sessions
 - Community complaint review board and process development
- The proposal from the Diversity Institute is currently being reviewed by the Law Department and if approved, the City will then look to formalize the agreement. At this time we are hopeful that the training will be completed by the end of the year. Additional updates will be provided as they become available.

Public Works

- Bulk Collection - The new bulk collection policy was implemented on August 1st. Bulk collection occurs the first full week of each month. Up to four (4) bulk items are allowed. Special pickups are still available for a fee during non-bulk pickup times. Bulk drop off has been discontinued. (See attached Calendar)
- Sanitary Sewer Evaluation Survey

	Requirements	Due
Phase 1 SSES	CCTV - 393,658 LF	Complete
Phase 2 SSES	CCTV – 224,792 LF	30-Jun-21
Phase 1 SSES	1,980 Manhole Inspections	Complete
Phase 2 SSES	1,125 Manhole Inspections	30-Jun-21
CMOM	132,000 LF/yr Pipe Cleaned	31-Dec-20
Model	Calibrated Model	Complete

Completed Through July 3, 2020

	<u>Completed Thru Mat August 28, 2020 (LF)</u>	<u>Overall Remaining (LF)</u>	<u>Overall Remaining (%)</u>
CCTV Phase 1	395,097	0	0%
CCTV Phase 2	118,165	106,627	47%
MHs Phase 1	1,978	0	0%
MHs Phase 2	1,115	10	1%
Cleaning Total	595,957	-	-
Cleaning (2018) only	173,355	-	-
Cleaning (2019) only	304,188	-	-

Cleaning (2020) only 118,414 13,586 10%

Work Completed by Entity

	City	Contractor	County
CCTV (Phase 1)	19% 75,464 LF	54% 215,287 LF	27% 104,346 LF
CCTV (Phase 2)	11% 24,893 LF	26% 57,737 LF	16% 35,535 LF
Cleaning (2020) only	19% 25,142 LF	44% 57,737 LF	27% 35,535 LF
Cleaning Total	30% 178,306 LF	45% 270,451 LF	25% 147,200 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

- Capital Projects
 - #20-01 – 2020 Street Resurfacing & ADA Curb Ramp Replacement Program - Work continues on Berkshire and Derbyshire Roads without any setbacks with spot concrete curb replacement and curb ramp work. When this is completed the concrete contractor will continue installing curb ramps at other areas around the city, and the paving company will return to install the final surface course of asphalt on Berkshire, Derbyshire, and Andrews.
 - #20-02 – 2020 Surface Treating Program - Chip sealing work is completed, and the fog seal has been applied on Oak, Scarborough, Glenwood, and Demington. Crack sealing on Monticello Blvd. along with edge sealing of the medians on Monticello,

Fairmount, Euclid Heights, and Washington is tentatively scheduled to start later this week or early next week.

- 19-03 – 2020 Pavement Striping Program - All the 2020 Pavement Striping work is completed. The contractor will be returning in the next couple of weeks to start striping all the city parking lots.
- Safe Routes to Schools – FY2020 – ODOT PID 103700 - Work continues without any setbacks
- Solar Panel Update - The contractor is currently waiting for permits to be approved, and materials to be delivered. Work installing the new solar panels is expected to begin in the next two weeks.
- #20-03 – Selwyn Waterline Replacement & Road Resurfacing - All of the waterline work is completed, along with all of the curb ramp replacement work. The contractor is finishing up with some spot curb and drive apron repairs. Paving should begin in the next two weeks.
- #20-05 – Fire Vehicle Source Capture Exhaust Systems - Work is underway at Station 2 and should be wrapping up this week.
- MCIP – Delamere Project - Wade Trim, Inc. has completed the design work and it is currently under review. The permit to install (PTI) is under review with the Ohio EPA.
- Glenwood - Work has been completed.

2020 Refuse/Recycle Calendar

CLEVELAND HEIGHTS

216-691-7300

www.clevelandheights.com

Bulk Pick Up Week (limit 4 items) **Shredding Day**

Fall Loose Leaf Pick Up **City Hall Closed (see your trash pick up day at www.clevelandheights.com)**

Proper Rubbish & Recycle Placement

- ◆ Place trash on your treelawn near the curb after 7pm the evening before your collection day or before 7am on the day of your collection.
- ◆ Place bagged trash and bagged recycling apart from one another. Bags must weigh less than 40 pounds each. **DO NOT PILE THESE ITEMS TOGETHER.**
- ◆ Recycling is to be co-mingled together in the same see-through (clear or blue) bag.

Bulk Pick Up Week: Bulk will be picked up the First full week of each month on your trash collection day. **Bulk is limited to 4 items ONLY.** If you have more than 4 items you will have to arrange a special pick up with a fee. **MOVE OUTS WILL NOT BE PICKED UP.**

Yard Waste: Yard waste is collected April through October on your regular trash day. Yard waste must be placed in brown kraft bags weighing less than 40 pounds and is **limited to 10 bags per pick up. Bags containing other material will not be picked up.** Branches should be cut into 4-foot lengths, no more than 3" in diameter and must be bundled only with string, rope or twine. Items that do not adhere to these rules will not be picked up. Please place bags and stack the bundles separately from trash.

Shredding Day: October 17th at City Hall 9am—noon

Fall Loose Leaf Collection: Nov 2nd through Nov 30th Rake loose leaves to the curb. Make sure no rocks or other materials are mixed in with the leaves. There will be 2 collections during this month.

The following items can be dropped off year round at the Service Facility (Monday-Friday 7:00am-3:00pm):

- Computers/Electronics
- Car or Rechargeable batteries
- Rx Drugs (in Police Dept. Lobby)

January

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5	6	7	8	9	10	11
12	13	14	15	16	17	18
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November

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29	30					

December

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August 18, 2020

To the Council of the City of Cleveland Heights, Ohio

Ladies and Gentlemen:

This is to report that a meeting of the Assessment Equalization Board, appointed pursuant to Resolution Nos. 89-2020 and 90-2020, was held on Tuesday, August 18, 2020 at 2:00 pm. The meeting was held virtually via the City's WebEx.

The meeting was held to consider the equalization of assessments requested in all objections, timely filed against Resolution No. 48-2020 entitled,

"A Resolution declaring the necessity of assessing a portion of the expense of street lighting."

And Resolution No. 49-2020 entitled,

"A Resolution declaring the necessity of assessing a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon."

The Clerk of Council received nine objections and all parcel owners were invited to be heard at the meeting. The Board heard two objections and subsequently voted to have the assessments stand based on the information presented by the parcel owners.

The Board therefore recommends to Council that the assessment lists prepared pursuant to Resolution Nos. 48-2020 and 49-2020 and heretofore filed with the Clerk of Council and advertised pursuant to law be filed with no adjustments and so certified to the County Fiscal Officer.

Respectfully submitted,

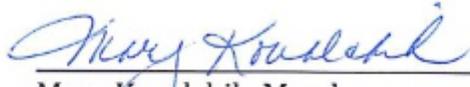
A handwritten signature in blue ink that reads "Amy Himmelein".

Amy Himmelein, Secretary
Assessment Equalization Board



8-18-20

Dennis Kennedy, Member



Mary Kovalchik, Member



Angie Rich, Member



CITY OF CLEVELAND HEIGHTS
ACTIONS OF THE BOARD OF ZONING APPEALS
ON WEDNESDAY, JULY 15, 2020

Cal. No. 3503 A **Jim Posch & Joyce Braverman, 2205 Demington Dr.**, A Single-Family, requests variances to Section 1121.12(a)(3) to permit a swimming pool to be less than 15' from the side & rear property lines

Action: Granted 4-0 with the following conditions:

1. Variance 3503A is granted to permit the lap swimming pool to have a setback of 6' from the side and rear property lines as shown in the July 9, 2020 site plan;
2. Approval by the Architectural Board of Review;
3. Receipt of required building permit(s);
4. Receipt of a fence permit; and
5. Complete construction within 24 months of the effective date of this variance.

Cal. No. 3503 B **Jim Posch & Joyce Braverman, 2205 Demington Dr.**, A Single-Family, requests variances to Section 1121.12(a)(2) to permit a pool equipment shed to be less than 5' from rear property line

Action: Granted 4-0 with the following conditions:

1. Variance 3503B is granted to permit the pool equipment shed to have a setback of 3.5' from the rear property line as shown in the July 9, 2020 site plan;
2. Approval by the Architectural Board of Review;
3. Receipt of required building permit(s);
4. Receipt of a fence permit; and
5. Complete construction within 24 months of the effective date of this variance.

Cal. No. 3503 C **Jim Posch & Joyce Braverman, 2205 Demington Dr.**, A Single-Family, requests variances to Section 1121.12(d)(5) to permit the rear yard coverage to be greater than 60%.

Action: Granted 4-0 with the following conditions:

1. Variance 3503(C) is granted to permit the total rear yard coverage to be 68.1% as shown on the July 9, 2020 site plan;
2. Approval by the Architectural Board of Review;
3. Receipt of required building permit(s);
4. Receipt of a fence permit; and
5. Complete construction within 24 months of the effective date of this variance.



CLEVELAND HEIGHTS

Request for Qualifications and Preliminary Development Proposals (RFQ/RFP)

For the **Cedar-Lee-Meadowbrook Site** in Cleveland Heights, Ohio

RFQ/RFP Issued: **, September , 2020**

Response Deadline: **, October , 2020 (5:00 pm EST)**

DRAFT 9/1/2020

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I. INTRODUCTION

A. RFQ/RFP OVERVIEW

The City of Cleveland Heights, Ohio seeks to identify a qualified developer or development team whom the City can work collaboratively with, to redevelop approximately 4.80 acres of City-owned property known as the “**Cedar-Lee-Meadowbrook Redevelopment Site**” (the “Site”). The Site currently consists of vacant land and an area used primarily to provide municipal surface and covered parking for the surrounding commercial district and neighborhood.

The Site is roughly bounded by Cedar Road, Lee Road, and Meadowbrook Road, and is bisected by Tullamore Road, consisting of parcel numbers 687-06-009, 678-06-010, 687-06-013, 687-06-088, 687-06-089, 687-06-090, 687-06-091, 687-06-092, 687-06-093, 687-06-094, 687-06-095, 687-06-096, 687-06-159, and 687-08-001, in the heart of, and within easy walking distance to businesses in, one of the City’s most popular and vibrant commercial districts, the Cedar Lee District.

This Request for Qualifications and Preliminary Development Proposals (“RFQ/RFP”) provides details about the Site and surrounding areas, establishes the redevelopment goals of the City, and outlines the information required from interested development partners, as well as the process by which a development partner will be selected. **Qualifications and supporting materials must be received by , October , 2020 at 5:00 pm EST.**

In the interest of efficiency, rather than undertaking separate Request for Qualifications (“RFQ”) and Request for Proposals (“RFP”) processes, the City wishes to use this single process, which is a hybrid between a true RFQ and an RFP, to understand each developer’s or team’s qualifications as well as their proposed vision(s) of this Site’s redevelopment potential. Through this process, the City seeks to identify and select a developer with whom to work collaboratively with to refine and implement the final redevelopment concept.

As input from the City and the public is expected to shape the final development plan, the City does not require that conceptual drawings or renderings be submitted at this time. However, such drawings and/or renderings will be accepted and considered as part of this RFQ/RFP process.

At the conclusion of the evaluation process, the City anticipates entering into a Memorandum of Understanding (MOU) followed by a Development Agreement with the selected development partner that will outline the roles and responsibilities of each party and establish timelines for completing the development. Upon commencement of this

redevelopment, the City envisions consideration of several site control options such as selling the Site to the selected developer, entering into a long term ground lease, or other arrangements to be negotiated with the developer. It should be noted that the City's preference at this time is for a long-term ground lease to be entered into for the redevelopment of the Site.

B. DEVELOPMENT GOALS

The City seeks to develop the Site in a way which, at a minimum:

1. Creates a dense, vibrant, pedestrian friendly and unique mixed-use development consisting of commercial, office, and/or residential uses that leverages the placemaking opportunities of the site;
2. Dovetails with the architecture and aesthetics of the surrounding Cedar Lee District;
3. Complements and is harmonious with adjacent residential neighborhoods;
4. Creates positive economic and fiscal benefits for the neighborhood and the City;
5. Incorporates greenspace, and/or a strong landscaping plan into the design and construction of the development;
6. Effectively incorporates community feedback into the design;
7. Encourages the inclusion of minority-owned and female-owned business enterprises in the construction of the development; and
8. Strives to achieve LEED certification and, at a minimum, implements sustainability best practices.

C. USES

The City welcomes and encourages highly creative ideas and approaches from the development team regarding the redevelopment of the Site. Proposed uses should be consistent with the City's development goals. The City believes this is an excellent opportunity to create an amenity-filled development that will add to the unique character of the surrounding Cedar Lee neighborhood and the City.

D. SURROUNDING AREA

Cleveland Heights is a diverse, progressive, inner-ring suburb of Cleveland, Ohio, with approximately 46,000 residents. The City's homes have architectural styles ranging from Craftsman bungalows and front porch Colonial Revival homes to historic mansions, new townhouses and condominiums. The City has a thriving arts community that includes galleries, theatre and dance companies, and Cain Park, a municipally owned arts and entertainment complex. The City is home to eleven (11) commercial districts, including the

Cedar Lee District, and over 500 small businesses, with more than 150 of these businesses located in the Cedar Lee District.

The Site is located in the heart of the Cedar Lee commercial district, a vibrant, pedestrian-oriented commercial district encompassing a mile long corridor that is among the City's most active commercial districts, extending from Superior Road to Coleridge Road. Cedar Lee has an impressive variety of stores, restaurants, businesses and cultural assets including the Cedar Lee Theatre, the Cleveland Heights/University Heights Lee Road Library, Dobama Theater, and the City's own cultural gem, Cain Park, all within the Cedar Lee District. The District is truly one of the Cleveland area's most vibrant shopping and dining experiences.

Transportation of all types provide patrons with easy access to this Site. A Cleveland Regional Transit Authority (RTA) bus stop is on the Site's frontage, providing convenient access to public transportation along Lee Road. Abundant bike parking attracts patrons to bicycle to the District on a regular basis. Many residents also walk to the District. The Site is also located on what is currently the City's Municipal Surface Parking Lot #5, comprised of 189 parking spaces. In addition, the City has built a 377 space structured parking facility on the Site, located directly across the street from the Meadowbrook Road portion of the Site off Tullamore Road. Eighty-two (82) spaces in this garage have been designed with a separate access entrance and intended to be available to help support redevelopment of the Meadowbrook Road portion of the Redevelopment Site.

The District offers a wide array of foods, entertainment and retail opportunities including HeightsArts Gallery, Boss Dog Brewery, MOJO World Eats, Stone Oven, the Wine Spot, BottleHouse Brewery, Phoenix Coffee, Voodoo Brewery, Zagara's Marketplace, and Mitchell's Chocolates, as well as the Cedar Lee Theatre, which is adjacent to the site. The District also boasts two bank branches, and a drugstore. The Cedar Lee commercial area is a designated Special Improvement District (SID) with active property owners and merchants and a low vacancy rate.

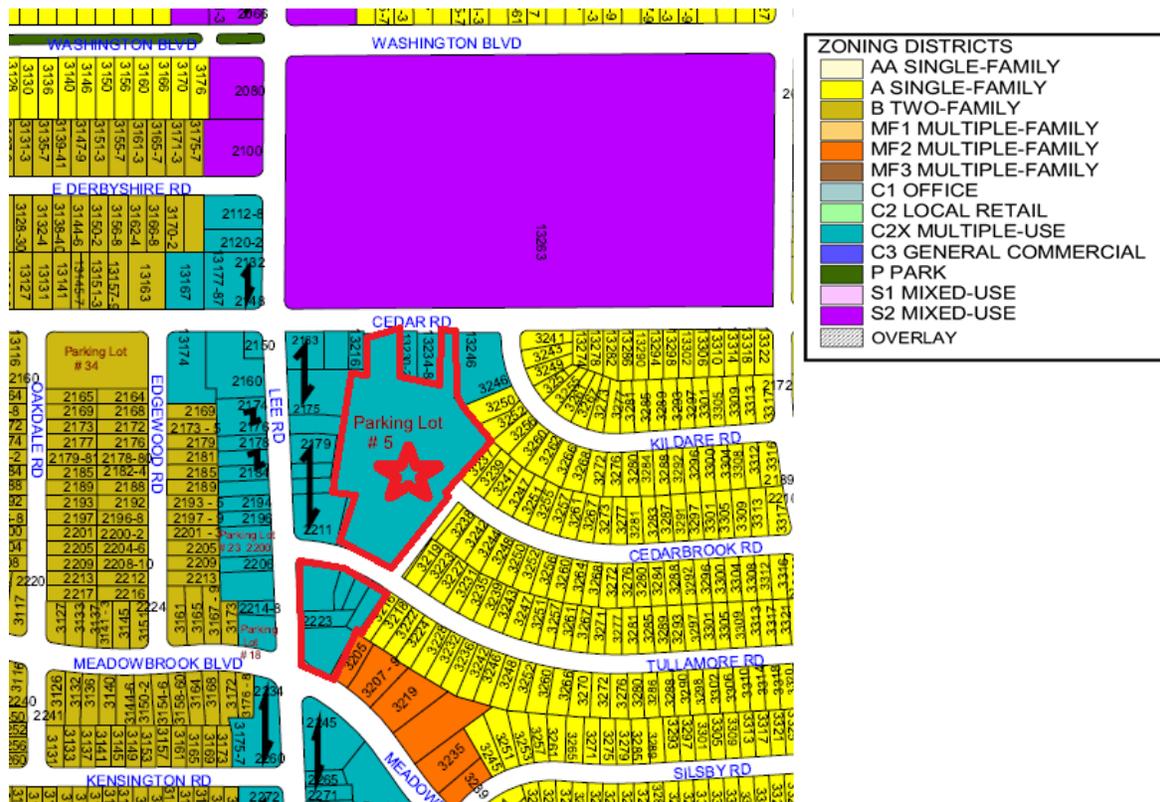
The Site is located less than three miles from University Circle, a world class center of education, medical, arts and cultural institutions including the Cleveland Clinic, Case Western Reserve University, University Hospitals Case Medical Center, the world-renowned Cleveland Orchestra, the Cleveland Museum of Art, and many more institutions and employers.

II. SITE INFORMATION

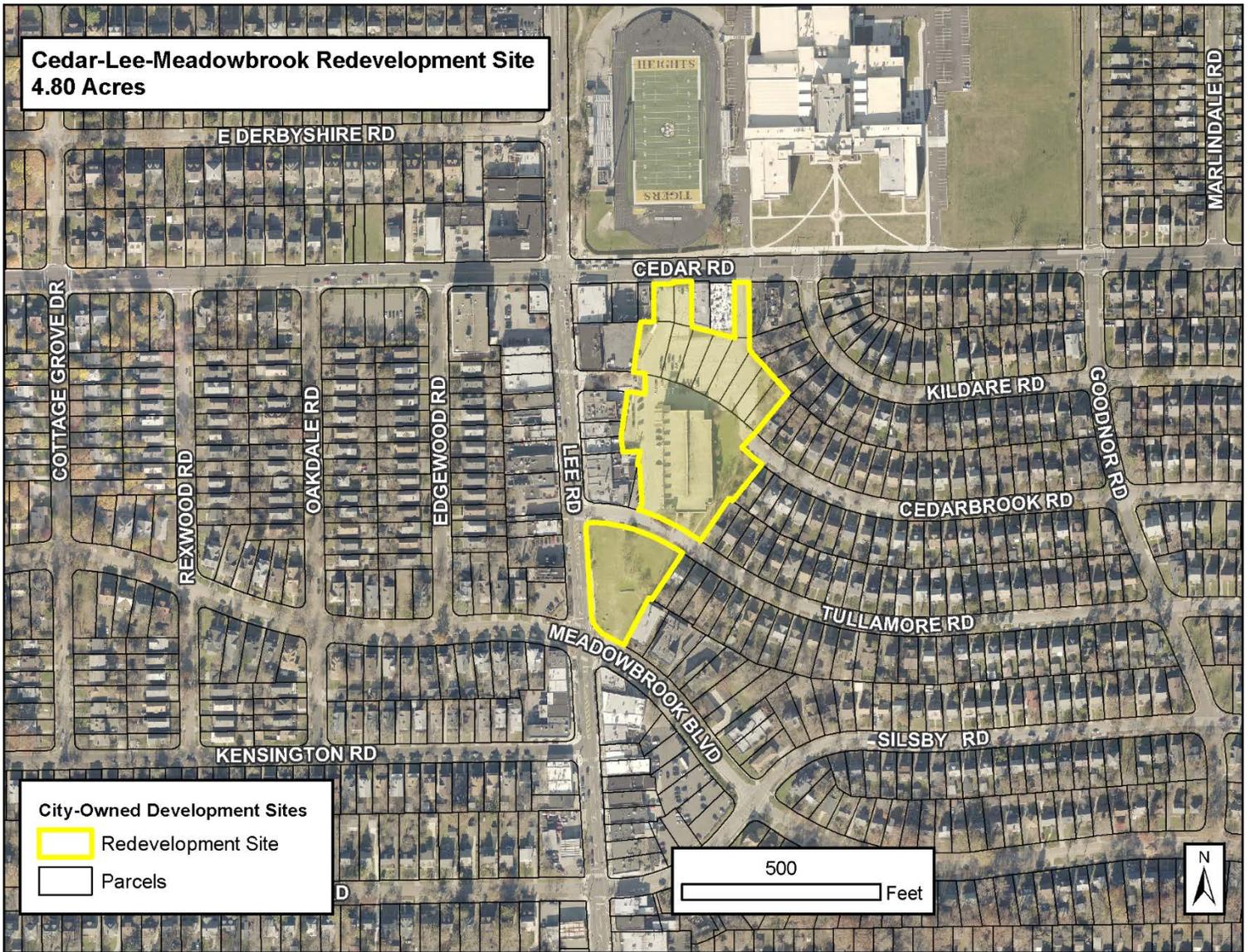
A. SITE DESCRIPTION

The Site is located on land situated between Cedar Road, Lee Road, and Meadowbrook Road, and is bisected by Tullamore Road. The approximately 4.80 acre Site consists of parcel numbers: 687-06-009, 678-06-010, 687-06-013, 687-06-088, 687-06-089, 687-06-090, 687-06-091, 687-06-092, 687-06-093, 687-06-094, 687-06-095, 687-06-096, 687-06-159, and 687-08-001. The Site includes land currently used as the City’s Municipal Surface Parking Lot #5, comprised of 189 parking spaces. In addition, the City has built a 377 space structured parking facility on the Site, located directly across the street from the Meadowbrook Road portion of this Redevelopment Site off Tullamore Road. Eighty-two (82) spaces in the garage have been designed with a separate access entrance and intended to be available to help support redevelopment of the Meadowbrook Road portion of the Site.

The following maps and table identify the Site as being zoned C2X Multiple-Use, and the applicable zoning in the immediate vicinity. In addition, recent photographs of the Site and surrounding Cedar Lee District are also provided below.



**Cedar-Lee-Meadowbrook Redevelopment Site
4.80 Acres**



Cedar-Lee-Meadowbrook Redevelopment Site



CEDAR RD

KILDARE RD

EDGEWOOD RD

LEE RD

3.73 Acres

CEDARBROOK RD

1.07 Acres

TULLAMORE RD

MEADOWBROOK BLVD

100 Feet

Redevelopment Site
Parcels

Current Photos of the Cedar-Lee-Meadowbrook Redevelopment Site



Current Photos of Cedar-Lee-Meadowbrook Redevelopment Site



Examples of Existing Development on Lee Road



B. DEVELOPMENT HISTORY

Municipal Surface Parking Lot #5 was developed as public parking for the Cedar Lee area and has served that purpose going back decades. The 377 space parking deck on the Site was constructed and opened in 2008.

By the 1940's, the Meadowbrook portion of the Site housed two gas stations. In the 1950's or 1960's, the northernmost gas station was replaced with a bank building and parking lot. This building and parking improvements were removed from the Site in 2005. In October of 2007, the City received a NFA (no further action) letter from the Ohio Department of Commerce noting the resolution from the Bureau of Underground Storage Tank Regulations for this portion of the Site.

The Cedar Lee area has recently experienced a tremendous amount of improvement and new investment. The City recently completed significant streetscape improvements along Lee Road including new street lights, sidewalks and other improvements totaling roughly \$3.5 million in new infrastructure investment.

Since 2016, a number of new businesses have opened in the District including Boss Dog Brewing Company, CLE Urban Winery, Cleveland Running Shop, Zoma Ethiopian Restaurant, MOJO World Eats, Kensington Pub, and Voodoo Brewery, indicating strong private sector investment in the future of the District. Finally, the Cleveland Heights – University Heights School District recently completed its renovation and rehabilitation of the High School on Cedar Road representing a \$95 million investment in education and the future of our youth. All of these projects have created a tremendous amount of momentum throughout the District, with the Cedar-Lee-Meadowbrook Site located in the heart of the District.

C. ADDITIONAL INFORMATION

Links to additional information about the Site can be found in the Additional Resources section at the end of this document. A summary of the additional information that is available follows.

City of Cleveland Heights Master Plan – Land Use Plan: The Future Land Use Plan illustrated in the City's Master Plan, calls for the area along the Lee Road Corridor in the Cedar Lee District to develop as a mixed-use commercial and retail area with walkable buildings having upper-floor residential or office uses. The Plan calls for the area where the current surface parking and parking garage are located to develop as attached or multi-family uses with a range of high density options including townhouses and apartment buildings.

Zoning: The Site is currently zoned “C2X Multiple Use” District, as outlined in Zoning Code Chapter 1131. The C2X District is established to provide standards for the continued operation of mixed-use neighborhoods and to provide for dense, mixed-uses along main thoroughfares and to concentrate mixed-use buildings to promote and encourage pedestrian activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity.

At 4.80 acres, this development site is eligible for redevelopment under the City’s Planned Development Overlay (PDO) District requirements as established in Chapter 1147 of the City Zoning Code. The PDO District was established to provide greater opportunity for development or redevelopment in areas of the City that have shallow commercial or high density residential frontages which abut low density residential areas; to promote new commercial and residential development and, where appropriate, mixed-use development while assuring that any increased density or commercial development is compatible with the surrounding areas; to assure that a proposed Planned Development occurs in a unified manner in accordance with a conditionally approved Development Plan prepared by either the City or the property owner,; and, to encourage sustainable development and practices in residential and commercial areas’

Incentives: The Site is currently located within an existing incentive area, known as a Community Reinvestment Area (CRA). This incentive allows for an exemption on the increased value created by new construction or remodeling of residential or commercial improvements.

The CRA program provides for levels of up to a 15-year term, and up to 100% for new mixed-use commercial development on a case-by-case basis. The City is open to negotiating incentives for redevelopment of this Site, subject to the developer providing a detailed financial analysis clearly illustrating the need for such incentives to achieve market success for the project.

For residential only development, the area of the site north of Tullamore Road is located in the highest target incentive level area (meeting 6 or more of the City’s reinvestment criteria), while the area of the site south of Tullamore is located in the mid target incentive level area (meeting 5 of the City’s target reinvestment criteria).

Additional information on the City’s CRA program can be found on the City website at <https://www.clevelandheights.com/1075/Community-Reinvestment-Area-CRA> .

In the past, the City has also provided the opportunity for Tax Increment Financing (TIF), most recently with the Top of the Hill Redevelopment project, to assist City-owned land redevelopment projects. The City recognizes that Tax Increment Financing may be necessary to finance the construction of project improvements, and that this tool has the ability to provide strong and significant school compensation opportunities for our school district partners.

III. SUBMISSION REQUIREMENTS

All proposals submitted for consideration shall include, but not be limited to, the following components. If development teams consist of more than one company, please provide the requested qualifications for all companies.

A. DEVELOPMENT TEAM INFORMATION

Provide a narrative description of the proposed development team, including the following:

- Brief history and overview of your company and your experience with urban development projects having similar characteristics with the Site;
- Identification of key members of your development team, their proposed roles for this project, and their qualifications and experience;
- Summary of the team's past experience working together;
- Identification of the principal person who will speak for the development team and any other key participants who will be involved in negotiating the project terms;
- Specification of whether the development entity is or intends to form a corporation, a general or limited partnership, a joint venture, or other type of business association to carry out the proposed development; and
- Your firm's long-term goals related to ownership of the development.

B. RELEVANT DEVELOPMENT EXPERIENCE

Describe at least three recent urban development projects that your company has successfully completed or that are currently underway. Include a project summary, location, project cost, funding sources, development challenges and solutions, and municipal references. List development team members and their role in each project.

C. FINANCIAL CAPACITY

Present evidence of your company/team’s ability to finance the development project including commitments of equity and debt capital and any public (city, county, state, or federal) financial assistance necessary for the project to proceed.

D. PROPOSED DEVELOPMENT VISION(S)

Provide a narrative description of the proposed development vision(s), including the following:

- Boundaries of the Site to be developed;
- Size of proposed project buildings in square feet with breakdown by use;
- Estimated capital investment;
- Description and evidence of how the vision(s) addresses existing market conditions;
- Design approach and discussion of its compatibility with surrounding neighborhoods, activities, uses, architecture, and aesthetics, including how the existing parking garage will be integrated into the future site redevelopment;
- Plan for any new parking and traffic needs created by the redevelopment of this Site, and the potential impact of the proposed development on the existing and surrounding neighborhoods; and
- Discussion of pedestrian friendliness/walkability, sustainability, greenspace and other elements of the vision(s), including areas to be preserved and your firm’s understanding of the significance of this site to the City and adjacent commercial district and neighborhoods.

As stated previously, the City does not require or request conceptual drawings or renderings at this time. However, such drawings or renderings will be accepted and considered as part of the Team’s submission.

E. COMMUNITY ENGAGEMENT

The development process must be inclusive and involve input not only from the City administration and City Council, but adjacent residents, property and business owners, as well as the greater Cleveland Heights community. Please describe your approach to effective community engagement for this project and your experience successfully navigating this process with previous projects.

F. PROPOSED PROCESS AND TIMELINES

Having the Site reach its full development potential quickly is a primary goal of the City. Please describe the anticipated timelines and critical path for fully developing the Site, specifically identifying dates for commencement and completion of key project activities including, but not limited to:

- Site, market, financial analysis and/or other due diligence;
- Securing financing commitments;
- Design development, pre-construction planning, etc.;
- Permitting and approvals (the City intends to assist, as much as possible, to facilitate approvals);
- Construction;
- Project completion; and
- Sales/Leasing.

If the proposed project involves phasing, please be specific regarding the above timelines for each phase.

G. ECONOMIC IMPACTS

At a high level, please describe the anticipated economic and fiscal benefits of the proposed development, including but not limited to:

- Projected capital investment;
- Number of proposed residential units, office and/or retail/commercial square footage and related property and income tax creation projected;
- Projected new employment and payroll anticipated to result from the project; and
- Discussion of how the project could catalyze additional nearby development.

H. RESOURCES REQUIRED FROM THE CITY AND OR OTHERS

It is the City's intent to work collaboratively with the chosen developer to refine the concept in a mutually beneficial way that streamlines the process of approvals and ultimately accelerates the timeline for commencing and completing the development. What support or resources will you require from the City to bring your concept to fruition and ensure an effective partnership between your company and the City? To the extent that the proposed development concept would require financial assistance from the City, County, State, or Federal Government, please be specific as to what would be required. What other contingencies exist that must be cleared in order for the development to proceed?

I. MINORITY AND FEMALE BUSINESS ENTERPRISES INCLUSION

The City encourages the participation of minority-owned and female-owned business enterprises in the development of the Site. Please describe any efforts you have made on past projects to include minority-owned and female-owned businesses and any steps you intend to take to include minority-owned and female-owned businesses for this project.

J. DEVELOPMENT AND USE AGREEMENT

At the conclusion of the evaluation process, the City anticipates entering into a non-binding Memorandum of Understanding (MOU) and a subsequent Development Agreement with the selected developer that would outline the roles and responsibilities of the City and developer and establish timelines for completing the development. Broadly identify any development agreement terms that would not be acceptable or that the respondent would require.

K. PROJECT SUMMARY

The following project summary should be completed and included in project submission:

Company Information	
Founded	
Employees	
Headquarters	
Development Partner(s)	
Timeline	
Phases	
Time from groundbreaking to completion	
Financing	
Equity source	
Personal guarantee of debt financing from the firm’s principal(s)	
Tax Increment Financing required for current concept?	
Guarantee of public infrastructure financing	
Tax abatement required?	
Development contingent on availability of any County, State, Federal funding sources outside of City control?	
MBE and FBE Inclusion	
MBE and FBE Inclusion	

Project Team	
Development Partner	
Architect	
MBE and FBE participation	
Public finance	
Construction	
Site work	
For-sale housing development partner	
Residential sales	
Parking	
Parking study to be completed?	
Project Examples	
Example	
Example	

IV. Evaluation Criteria

The goal of this RFQ/RFP process is to identify the development partner or team possessing the vision, experience, and financial resources to carry out a development of this scope and which is best suited to work collaboratively with the City to create and execute a development plan for the Site that accomplishes the goals of the City and its residents.

It is anticipated that submittals will be evaluated by a review team composed primarily, if not entirely, of City staff and based upon, but not limited to, the criteria below. To facilitate review of your company’s submission, we suggest that the following items be specifically addressed in your response:

Developer Qualifications

- Recent history of successful, high-impact urban development projects;
- Access to sufficient equity and debt capital;
- Commitment to long-term ownership, ground lease, or other site control arrangement; and
- Ability to successfully navigate development hurdles.

Development Concept

- Size of the development, number of dwelling units, office and/or retail/commercial square footage proposed, and investment levels anticipated;
- Size and type(s) of residential units and proposed amenities to be provided;
- Compatibility with surrounding uses, architecture and aesthetics;
- Architectural style, durability, use of high-quality materials, visual impact, and development standards anticipated;

- Impact on parking and traffic conditions, as well as Site ingress and egress;
- Incorporation of greenspace and landscaping into the project;
- Impact on neighborhood economic and demographic diversity;
- Pedestrian friendliness and walkability;
- Potential to catalyze nearby investment;
- Sustainability; and
- Ability for the project to “stand the test of time” and age well over time.

Development Approach

- Strategy for soliciting and incorporating neighborhood/stakeholder input; and
- Inclusion of minority-owned and female-owned business enterprises.

Economic & Fiscal Impact

- Maximization of the Site for residential (projected number of new residents), office and or retail/commercial uses;
- New job and payroll creation;
- Capital investment;
- Synergy with neighborhood businesses;
- Benefit to residents and/or employees and all users of the site (convenience, amenities, accessibility and similar site design considerations);
- Promotion of this development as a unique, high-end residential development and/or quality mixed use development;
- Potential to generate City income and property tax;
- Potential to build property value and generate property tax both on and off the Site; and
- Generation of other City revenue streams (fees, taxes, and other similar revenue streams).

Development Schedule

Projected timeline / critical path to accomplish the following milestones:

- Pre-Development activities including Memorandum of Understanding (MOU) and Development Agreement;
- Design and engineering of the project; and
- Commencing and completion of construction.

V. EVALUATION PROCESS AND TIMELINE

It is expected that the developers or development teams whose submissions best meet the evaluation criteria established above will be selected for an interview with the review team.

Following the review team interviews, some or all of the developers or development teams may be invited to present their qualifications and preliminary development proposals to City Council. City Council will make the final selection of a developer. The following is the anticipated schedule for the evaluation and selection of a development team.

Milestone	Date (2019)
RFQ/RFP available	September/2020
Deadline for submissions	October/2020
Interviews with selected development teams	November/2020
City Council presentations by finalists	January/2021
Begin contract negotiations with selected development team	February/2021

The City intends to adhere to this selection process, but reserves the right to reject all submissions or deviate from the process, as necessary, to accomplish the goal of selecting the most qualified development partner for this important Site and to begin the development process as soon as is possible.

Confidentiality

The City of Cleveland Heights complies with all applicable laws regarding public meetings and public records. The City will endeavor to maintain, but cannot guarantee, the confidentiality during the selection and review process of financial information or disclosures of the developer or prospective users, provided that such confidential information shall be segregated into a separate volume in the original or any subsequent submission and shall be clearly marked "CONFIDENTIAL-TRADE SECRETS."

Rights Reserved by the City

The City of Cleveland Heights reserves the right to reject any and all submittals, to negotiate with parties interested in developing the site, to change, without notice, the RFQ/RFP and evaluation process, and to waive any formality in submissions whenever same is in the interest of the City of Cleveland Heights and its development objectives.

VI. SUBMISSION INSTRUCTIONS

To ensure that all potential respondents have access to the same information, all questions regarding this project shall be posed via e-mail to:

clm@clvhts.com

Questions and answers with general relevance will be posted on the following page of the City's website: www.clevelandheights.com/clm . Questions and answers will be posted weekly. Timothy M. Boland, Director of Economic Development, is the single point of contact for any questions related to this RFQ/RFP. Please do not contact anyone else at the City to discuss this RFQ/RFP.

Development teams shall submit 15 identical bound hard copies, one unbound hard copy, and one electronic copy. Packages must be clearly labeled “Developer Qualifications for the Cedar-Lee-Meadowbrook Redevelopment Site.” Documents containing confidential financial or trade secrets should be submitted in a sealed envelope clearly labeled “CONFIDENTIAL-TRADE SECRETS.” The City will endeavor to maintain but cannot guarantee confidentiality of these documents.

Qualifications packages and supporting materials must be received by **, October , 2020 at 5:00 pm EST** to be considered. Packages should be addressed to:

The City of Cleveland Heights
Attn: Timothy M. Boland, Director of Economic Development
40 Severance Circle
Cleveland Heights, OH 44118

P 216-291-4857
clm@clvhts.com

The electronic copy should be e-mailed to clm@clvhts.com or delivered on a flash drive with the paper transmission.

VII. ADDITIONAL RESOURCES

The following documents provide additional information about the Site and surrounding area and are accessible via the City of Cleveland Heights website: www.clevelandheights.com/clm .

- [The City’s Master Plan](#)
- [Zoning Code](#) – Contact the Planning Department with specific questions at 216-291-4878
- Utility Maps – Maps are available upon request from interested parties

Relevant Websites

- www.clevelandheights.com
- www.cedarlee.org

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CLEVELAND HEIGHTS

Request for Qualifications and Preliminary Development Proposals (RFQ/RFP)

For the **City of Cleveland Heights Neighborhood Redevelopment
Program (NRP) Sites – Phase I** in Cleveland Heights, Ohio

- **Nelaview Road/Greyton Road**
- **Dresden Road / Hanover Drive**
- **DeSota Avenue**

RFQ/RFP Issued:

Response Deadline:

DRAFT 9/1/2020

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I. INTRODUCTION

A. RFQ/RFP OVERVIEW

The City of Cleveland Heights, Ohio seeks to identify a qualified developer or development team whom the City can work collaboratively with, to redevelop and build in-fill housing on various City or Land Bank-owned vacant residential lots.

The lots available for redevelopment are located on Nelaview Road (10 Lots), Greyton Road (8 lots), Dresden Road (3 Lots), Hanover Drive (1 Lot), and Desota Avenue (19 Lots). A listing of all 41 lots available is provided below, with zoning, lot size, and tax abatement incentive levels for each parcel noted.

Location	PPN	Zoning District	Permitted Use	Lot acres	Abatement Levels Available
<u>833 Nelaview</u>	681-06-059	SF-A	Single-Family	0.11	15 years, 100%
<u>859 Nelaview</u>	681-06-065	SF-A	Single-Family	0.11	15 years, 100%
<u>866 Nelaview</u>	681-06-045	SF-A	Single-Family	0.11	15 years, 100%
<u>927 Nelaview</u>	681-07-116	SF-A	Single-Family	0.11	15 years, 100%
<u>931 Nelaview</u>	681-07-117	SF-A	Single-Family	0.11	15 years, 100%
<u>961 Nelaview</u>	681-07-126	SF-A	Single-Family	0.11	15 years, 100%
<u>965 Nelaview</u>	681-07-127	SF-A	Single-Family	0.11	15 years, 100%
<u>1013 Nelaview</u>	681-08-008	SF-A	Single-Family	0.11	15 years, 100%
<u>1030 Nelaview</u>	681-05-041	SF-A	Single-Family	0.14	15 years, 100%
<u>1063 Nelaview</u>	681-08-023	SF-A	Single-Family	0.13	15 years, 100%
<u>869 Greyton</u>	681-06-104	SF-A	Single-Family	0.12	15 years, 100%
<u>924 Greyton</u>	681-07-107	SF-A	Single-Family	0.11	15 years, 100%
<u>943 Greyton</u>	681-07-083	SF-A	Single-Family	0.11	15 years, 100%
<u>945 Greyton</u>	681-07-084	SF-A	Single-Family	0.11	15 years, 100%
<u>963 Greyton</u>	681-07-089	SF-A	Single-Family	0.12	15 years, 100%
<u>971 Greyton</u>	681-07-091	SF-A	Single-Family	0.14	15 years, 100%
<u>1014 Greyton</u>	681-08-107	SF-A	Single-Family	0.11	15 years, 100%
<u>1016 Greyton</u>	681-08-106	SF-A	Single-Family	0.11	15 years, 100%
<u>1031 Greyton</u>	681-08-065	SF-A	Single-Family	0.43	15 years, 100%
<u>920 Dresden</u>	681-04-019	SF-A	Single-Family	0.12	15 years, 100%
<u>940 Dresden</u>	681-04-010	SF-A	Single-Family	0.16	15 years, 100%
<u>954 Dresden</u>	681-04-006	SF-A	Single-Family	0.15	15 years, 100%
<u>2057 Hanover</u>	681-01-007	SF-A	Single-Family	0.23	15 years, 100%

<u>3266 Desota</u>	684-31-039	B	Single-, Two-Family	0.12	15 years, 100%
<u>3286 Desota</u>	684-31-034	B	Single-, Two-Family	0.09	15 years, 100%
<u>3294 Desota</u>	684-31-032	B	Single-, Two-Family	0.09	15 years, 100%
<u>3308 Desota</u>	684-28-099	B	Single-, Two-Family	0.09	15 years, 100%
<u>3317 Desota</u>	684-28-094	B	Single-, Two-Family	0.11	15 years, 100%
<u>3320 Desota</u>	684-28-102	B	Single-, Two-Family	0.10	15 years, 100%
<u>3321 Desota</u>	684-28-092	B	Single-, Two-Family	0.14	15 years, 100%
<u>3324 Desota</u>	684-28-103	B	Single-, Two-Family	0.13	15 years, 100%
<u>3328 Desota*</u>	684-28-104	B	Single-, Two-Family	0.14	15 years, 100%
<u>3332 Desota</u>	684-28-105	B	Single-, Two-Family	0.13	15 years, 100%
<u>3354 Desota</u>	684-28-109	B	Single-, Two-Family	0.16	15 years, 100%
<u>3369 Desota</u>	684-28-082	B	Single-, Two-Family	0.17	15 years, 100%
<u>3380 Desota</u>	684-29-048	B	Single-, Two-Family	0.17	15 years, 100%
<u>3396 Desota</u>	684-29-051	B	Single-, Two-Family	0.16	15 years, 100%
<u>3413 Desota</u>	684-29-069	B	Single-, Two-Family	0.14	15 years, 100%
<u>3417 Desota</u>	684-29-068	B	Single-, Two-Family	0.14	15 years, 100%
<u>3420 Desota</u>	684-29-056	B	Single-, Two-Family	0.13	15 years, 100%
<u>3421 Desota</u>	684-29-067	B	Single-, Two-Family	0.14	15 years, 100%
<u>3427 Desota</u>	684-29-066	B	Single-, Two-Family	0.10	15 years, 100%
*The City expects the house currently on this property to be vacant and demolished by the end of the year.					

This Request for Qualifications and Preliminary Development Proposals (“RFQ/RFP”) provides details about these lots and the surrounding neighborhoods, establishes the redevelopment goals of the City, and outlines the information required from interested development partners, as well as the process by which a development partner will be selected. **Qualifications and supporting materials must be received by ., 2020 at 5:00 pm EST.**

In the interest of efficiency, rather than undertaking separate Request for Qualifications (“RFQ”) and Request for Proposals (“RFP”) processes, the City wishes to use this single process, which is a hybrid between a true RFQ and an RFP, to understand each developer’s or team’s qualifications as well as their proposed vision(s) for in-fill housing and redevelopment potential in the neighborhoods noted above. Through this process, the City seeks to identify and select a developer with whom to work collaboratively with to select housing types and designs, and establish development standards / guidelines, for each street and implement the final redevelopment concept. As input from the City and the public is crucial to, and expected to shape, the final development plan, the City does not require that conceptual drawings or renderings be submitted at this time. However, such drawings and/or

renderings of proposed housing types and designs will be accepted and considered as part of this RFQ/RFP process.

At the conclusion of the evaluation process, the City anticipates entering into a Memorandum of Understanding (MOU) followed by a Development Agreement with the selected development partner that will outline the roles and responsibilities of each party and establish timelines for completing the development of infill housing. Upon commencement of this redevelopment, the City envisions consideration of several site control options such as selling the lots to be redeveloped to the selected developer, entering into a long-term ground lease, or other arrangements to be negotiated with the developer.

B. DEVELOPMENT GOALS

The City seeks to develop the Site in a way which, at a minimum:

1. Results in housing designs and types that complement and are harmonious with the other houses on these streets and the adjacent residential neighborhoods;
2. Creates positive economic and fiscal benefits for the neighborhood and the City;
3. Incorporates greenspace, and/or a strong landscaping plan into the design and construction of the development;
4. Effectively incorporates community feedback into the design;
5. Encourages the inclusion of minority-owned and female-owned business enterprises in the construction of the development; and
6. Strives to achieve LEED certification and, at a minimum, implements sustainability best practices.

C. USES

The City welcomes and encourages highly creative ideas and approaches from the development team regarding the redevelopment of these streets and neighborhoods. The City believes this is an excellent opportunity to create an amenity-filled redevelopment area that will add to the unique character of the surrounding neighborhoods and the City.

D. SURROUNDING AREA

Cleveland Heights is a diverse, progressive, inner-ring suburb of Cleveland, Ohio, with approximately 46,000 residents. The City's homes have architectural styles ranging from Craftsman bungalows and front porch Colonial Revival homes to historic mansions, new townhouses and condominiums. The City has a thriving arts community that includes galleries, theatre and dance companies, and Cain Park, a municipally owned arts and

entertainment complex. The City is home to eleven (11) commercial districts and over 500 small businesses.

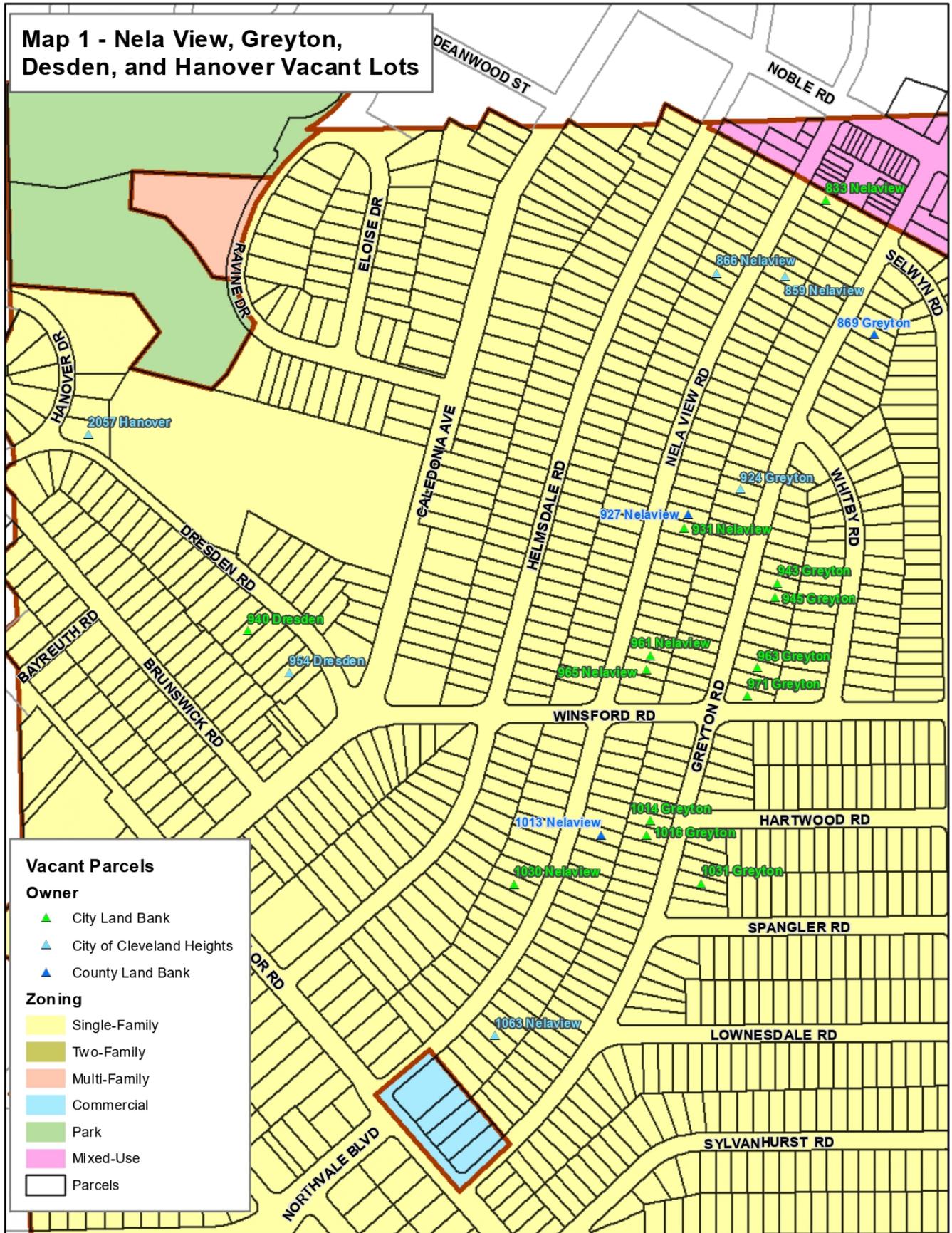
The streets and neighborhoods within this project are located less than three miles from University Circle, a world class center of education, medical, arts and cultural institutions including the Cleveland Clinic, Case Western Reserve University, University Hospitals Case Medical Center, the world-renowned Cleveland Orchestra, the Cleveland Museum of Art, and many more institutions and employers.

II. SITE INFORMATION

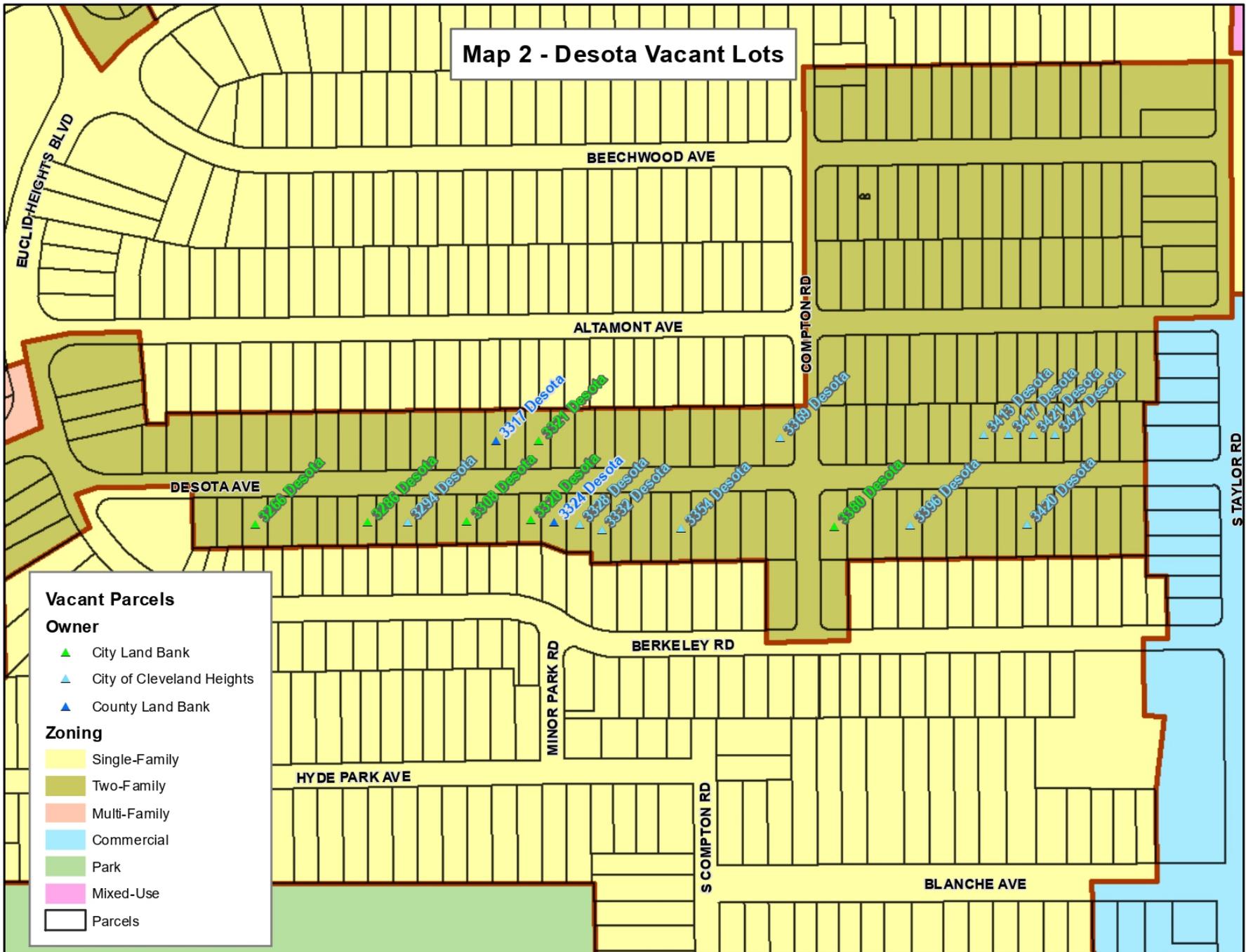
A. SITE DESCRIPTION

The following maps identify the locations of the available lots in these neighborhoods, zoning of the streets and neighborhoods within this project, and the applicable zoning in the immediate vicinity. In addition, recent photographs of the lots on the streets where infill development is to occur and the surrounding areas are also provided below. A link is also provided to a Google Maps image of each property.

Map 1 - Nela View, Greyton, Desden, and Hanover Vacant Lots



Map 2 - Desota Vacant Lots



Vacant Parcels

Owner

- ▲ City Land Bank
- ▲ City of Cleveland Heights
- ▲ County Land Bank

Zoning

- Single-Family
- Two-Family
- Multi-Family
- Commercial
- Park
- Mixed-Use
- Parcels

Current Photos of the Nelaview, Greyton, Hanover & Dresden Redevelopment Area:



833 Nelaview



859 Nelaview



866 Nelaview



927 & 931 Nelaview



961 & 965 Nelaview



1013 Nelaview



1030 Nelaview



1063 Nelaview

Current Photos of the Nelaview, Greyton, Hanover & Dresden Redevelopment Area:



869 Greyton Road



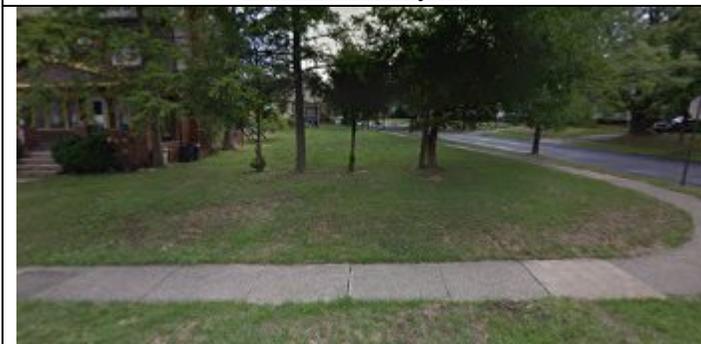
924 Greyton



943 & 945 Greyton



963 Greyton



971 Greyton



1014 & 1016 Greyton



920 Dresden



940 Dresden

Current Photos of the Nelaview, Greyton, Hanover & Dresden Redevelopment Area:



954 Dresden



2057 Hanover

Current Photos of the Desota Redevelopment Area:



3266 Desota



3286 Desota



3294 Desota



3308 Desota



3317 Desota



3320, 3324, 3328, 3332 Desota



3321 Desota



3354 Desota

Current Photos of the Desota Redevelopment Area:



3369 Desota



3380 Desota



3396 Desota



3413, 3417, 3421, 3427 Desota



3420 Desota

B. ADDITIONAL INFORMATION

Links to additional information about the development can be found in the **Additional Resources** section at the end of this document. A summary of the additional information that is available follows.

City of Cleveland Heights Master Plan – Land Use Plan:

The Future Land Use Plan illustrated in the City’s Master Plan, calls for the **Nelaview, Greyton, Dresden and Hanover neighborhoods** to be developed with detached single-family land uses (separated single-family residential uses). The Future Land Use Plan illustrated in the City’s Master Plan, calls for the **Desota neighborhood** to be developed with detached, attached, or two-family development; single-family residential uses, two-family homes or townhouses would be appropriate redevelopment in this neighborhood.

Zoning:

The **Nelaview, Greyton, Dresden and Hanover neighborhoods** are currently zoned “A – Single Family District”, as outlined in Chapter 1121 of the City of Cleveland Heights zoning code. The “A” District has been established to provide for single-family residential uses on smaller lots having a minimum of 7,500 square feet. The **Desota neighborhood** is currently zoned “B – Two Family District”, as outlined in Chapter 1121 of the City of Cleveland Heights zoning code. The “B” District has been established to provide for single-family residential uses on lots having a minimum of 7,500 square feet, and two-family residential uses with a minimum lot size of 10,000 square feet.

Incentives:

The **Nelaview, Greyton, Dresden, Hanover and Desota neighborhoods** are currently located within an existing tax abatement incentive area, which is the City-wide Community Reinvestment Area (CRA), known as the “Cleveland Heights Grow Program”. This incentive allows for an exemption from property taxes on the increased value created by new construction or remodeling of residential or commercial improvements.

For new single-family residential building construction of owner-occupied dwelling units, attaining sustainability requirement certification and located in these neighborhoods, tax abatement levels with a term of 15 years and a rate of 100% is available.

In the Desota neighborhood, for new two-family residential building construction of dwelling units, attaining sustainability requirement certification, tax abatement levels with a

term of 15 years and a rate of 100% is available. For construction of new residential fee simple, owner-occupied townhome or condominium structures, attaining sustainability requirement certification, and a minimum per unit investment of \$270,000, tax abatement levels with a term of 15 years and a rate of 100% is available.

Additional information on the City's CRA program can be found on the City website at <https://www.clevelandheights.com/1075/Community-Reinvestment-Area-CRA>.

In the past, the City has also provided the opportunity for Tax Increment Financing (TIF), most recently with the Top of the Hill Redevelopment project, to assist City-owned land redevelopment projects. The City recognizes that Tax Increment Financing may be necessary to finance the construction of project improvements, and that this tool has the ability to provide strong and significant school compensation opportunities for our school district partners.

III. SUBMISSION REQUIREMENTS

All proposals submitted for consideration shall include, but not be limited to, the following components. If development teams consist of more than one company, please provide the requested qualifications for all companies.

A. DEVELOPMENT TEAM INFORMATION

Provide a narrative description of the proposed development team, including the following:

- Brief history and overview of your company and your experience with urban development / infill housing projects having similar characteristics with this proposed project;
- Identification of key members of your development team, their proposed roles for this project, and their qualifications and experience;
- Summary of the team's past experience working together;
- Identification of the principal person who will speak for the development team and any other key participants who will be involved in negotiating the project terms;
- Specification of whether the development entity is or intends to form a corporation, a general or limited partnership, a joint venture, or other type of business association to carry out the proposed development; and
- Your firm's long-term goals related to ownership of the development.

B. RELEVANT DEVELOPMENT EXPERIENCE

Describe at least three recent similar urban development / infill housing projects that your company has successfully completed or that are currently underway. Include a project summary, location, project cost, funding sources, development challenges and solutions, and municipal references. List development team members and their role in each project.

C. FINANCIAL CAPACITY

Present evidence of your company/team's ability to finance the development project including commitments of equity and debt capital and any public (city, county, state, or federal) financial assistance necessary for the project to proceed.

D. PROPOSED DEVELOPMENT VISION(S)

Provide a Development Proposal with narrative description of the proposed development vision(s), including the following:

- Boundaries of the Site to be developed;
- Size of proposed project buildings in square feet with breakdown by use;
- Estimated capital investment;
- Proposed residential housing types and designs to be developed on the site;
- Proposed general development standards / guidelines that would be anticipated to guide redevelopment of these neighborhoods;
- Proposed ownership structure of new in-fill housing;
- Description and evidence of how the vision(s) addresses existing market conditions;
- Design approach and discussion of its compatibility with surrounding neighborhoods, activities, uses, architecture, and aesthetics;
- Plan for any new parking and traffic needs created by the redevelopment of these neighborhoods, and the potential impact of the proposed development on the existing and surrounding neighborhoods; and
- Discussion of pedestrian friendliness/walkability, sustainability, greenspace and other elements of the vision(s), including areas to be preserved and your firm's understanding of the significance of these neighborhoods to the City and the adjacent commercial district and residential neighborhoods;
- Proposed amount/financial consideration the Developer is offering to pay the City to purchase these available lots;
- Is the Developer open to developing infill housing on other City-owned, Land Bank-owned lots in other areas of the City? If so, to what extent?

As stated previously, the City does not require or request conceptual drawings or renderings at this time. However, such drawings or renderings will be accepted and considered as part of the Team's submission.

E. COMMUNITY ENGAGEMENT

The development process must be inclusive and involve input not only from the City administration and City Council, but adjacent residents, property and business owners, as well as the greater Cleveland Heights community. Please describe your approach to effective community engagement for this project and your experience successfully navigating this process with previous projects.

F. PROPOSED PROCESS AND TIMELINES

Having the Site reach its full development potential as quickly as possible is a primary goal of the City. Please describe the anticipated timelines and critical path for fully developing these lots, specifically identifying dates for commencement and completion of key project activities including, but not limited to:

- Site, market, financial analysis and/or other due diligence;
- Securing financing commitments;
- Design development, pre-construction planning, etc.;
- Permitting and approvals (the City intends to assist, as much as possible, to facilitate approvals);
- Construction;
- Project completion; and
- Sales/Leasing.

If the proposed project involves phasing, please be specific regarding the above timelines for each phase.

G. ECONOMIC IMPACTS

At a high level, please describe the anticipated economic and fiscal benefits of the proposed development, including but not limited to:

- Projected capital investment;
- Number of proposed residential units, square footage and related property and income tax creation projected;
- Projected new employment and payroll anticipated to result from the project; and

- Discussion of how the project could catalyze additional nearby neighborhoods.

H. RESOURCES REQUIRED FROM THE CITY AND OR OTHERS

It is the City’s intent to work collaboratively with the chosen developer to refine the concept in a mutually beneficial way that streamlines the process of approvals and ultimately accelerates the timeline for commencing and completing the development. What support or resources will you require from the City to bring your concept to fruition and ensure an effective partnership between your company and the City? To the extent that the proposed development concept would require financial assistance from the City, County, State, or Federal Government, please be specific as to what would be required. What other contingencies exist that must be cleared in order for the development to proceed?

I. MINORITY AND FEMALE BUSINESS ENTERPRISES INCLUSION

The City encourages the participation of minority-owned and female-owned business enterprises in the development of the Site. Please describe any efforts you have made on past projects to include minority-owned and female-owned businesses and any steps you intend to take to include minority-owned and female-owned businesses for this project.

J. DEVELOPMENT AND USE AGREEMENT

At the conclusion of the evaluation process, the City anticipates entering into a non-binding Memorandum of Understanding (MOU) and a subsequent Development Agreement with the selected developer that would outline the roles and responsibilities of the City and developer and establish timelines for completing the development. Broadly identify any development agreement terms that would not be acceptable or that the respondent would require.

K. PROJECT SUMMARY

The following project summary should be completed and included in project submission:

Company Information	
Founded	
Employees	
Headquarters	
Development Partner(s)	
Timeline	
Phases	
Time from groundbreaking to completion	

Financing	
Equity source	
Personal guarantee of debt financing from the firm's principal(s)	
Tax Increment Financing required for current concept?	
Guarantee of public infrastructure financing	
Tax abatement required?	
Development contingent on availability of any County, State, Federal funding sources outside of City control?	
MBE and FBE Inclusion	
MBE and FBE Inclusion	
Project Team	
Development Partner	
Architect	
MBE and FBE participation	
Public finance	
Construction	
Site work	
For-sale housing development partner	
Residential sales	
Parking	
Parking study to be completed?	
Project Examples	
Example	
Example	

IV. Evaluation Criteria

The goal of this RFQ/RFP process is to identify the development partner or team possessing the vision, experience, and financial resources to carry out a development of this scope and which is best suited to work collaboratively with the City to create and execute a development plan for infill housing in these neighborhoods that accomplishes the goals of the City and its residents.

It is anticipated that submittals will be evaluated by a review team composed primarily, if not entirely, of City staff and based upon, but not limited to, the criteria below. To facilitate

review of your company's submission, we suggest that the following items be specifically addressed in your response:

Developer Qualifications

- Recent history of successful, high-impact urban residential / infill housing development projects;
- Access to sufficient equity and debt capital;
- Commitment sale for owner-occupancy, ground lease, or other site control arrangement; and
- Ability to successfully navigate development hurdles.

Development Concept

- Size of the development, number of dwelling units, square footage proposed, and investment levels anticipated;
- Size and type(s) of residential units and proposed amenities to be provided;
- Compatibility with surrounding uses, architecture and aesthetics;
- Architectural style, durability, use of high-quality materials, visual impact, and development standards / guidelines anticipated;
- Impact on parking and traffic conditions, as well as lot ingress and egress;
- Incorporation of greenspace and landscaping into the project;
- Impact on neighborhood economic and demographic diversity;
- Pedestrian friendliness and walkability;
- Potential to catalyze nearby investment;
- Sustainability; and
- Ability for the project to "stand the test of time" and age well in the future.

Development Approach

- Strategy for soliciting and incorporating neighborhood/stakeholder input; and
- Inclusion of minority-owned and female-owned business enterprises.

Economic & Fiscal Impact

- Maximization of the available lots for residential uses;
- New job and payroll creation;
- Capital investment;
- Synergy with neighborhood businesses;
- Benefit to residents, employees and all users of the site (convenience, amenities, accessibility and similar site design considerations);
- Promotion of this development as a unique, high quality residential development;
- Potential to generate City income;
- Potential to build property value and generate property tax; and
- Generation of other City revenue streams (fees, taxes, and other similar revenue streams).

Development Schedule

Projected timeline / critical path to accomplish the following milestones:

- Pre-Development activities including Memorandum of Understanding (MOU) and Development Agreement;
- Design and engineering of the project; and
- Commencing and completion of construction.

V. EVALUATION PROCESS AND TIMELINE

It is expected that the developers or development teams whose submissions best meet the evaluation criteria established above will be selected for an interview with the review team.

Following the review team interviews, some or all of the developers or development teams may be invited to present their qualifications and preliminary development proposals to City Council. City Council will make the final selection of a developer. The following is the anticipated schedule for the evaluation and selection of a development team.

Milestone	Date (2020 & 2021)
RFQ/RFP available	September, 2020
Deadline for submissions	November, 2020
Interviews with selected development teams	December, 2020
City Council presentations by finalists	January, 2021
Begin contract negotiations with selected development team	February, 2021

The City intends to adhere to this selection process, but reserves the right to reject all submissions or deviate from the process, as necessary, to accomplish the goal of selecting the most qualified development partner for this important project and to begin the development process as soon as is possible.

Confidentiality

The City of Cleveland Heights complies with all applicable laws regarding public meetings and public records. The City will endeavor to maintain, but cannot guarantee, the confidentiality during the selection and review process of financial information or disclosures of the developer or prospective users, provided that such confidential information shall be segregated into a separate volume in the original or any subsequent submission and shall be clearly marked "CONFIDENTIAL-TRADE SECRETS."

Rights Reserved by the City

The City of Cleveland Heights reserves the right to reject any and all submittals, to negotiate with parties interested in developing the available lots, to change, without notice, the RFQ/RFP and evaluation process, and to waive any formality in submissions whenever same is in the interest of the City of Cleveland Heights and its development objectives.

VI. SUBMISSION INSTRUCTIONS

To ensure that all potential respondents have access to the same information, all questions regarding this project shall be posed via e-mail to:

NeighborhoodRedevelopment@clvhts.com

Questions and answers with general relevance will be posted on the following page of the City's website: www.clevelandheights.com/NeighborhoodRedevelopment . Questions and answers will be posted weekly. Timothy M. Boland, Director of Economic Development, is the single point of contact for any questions related to this RFQ/RFP. Please do not contact anyone else at the City to discuss this RFQ/RFP.

Development teams shall submit 15 identical bound hard copies, one unbound hard copy, and one electronic copy. Packages must be clearly labeled "Developer Qualifications for the City of Cleveland heights Neighborhood Redevelopment Program (NRP) – Phase I." Documents containing confidential financial or trade secrets should be submitted in a sealed envelope clearly labeled "CONFIDENTIAL-TRADE SECRETS." The City will endeavor to maintain but cannot guarantee confidentiality of these documents.

Qualifications packages and supporting materials must be received by **., 2020 at 5:00 pm EST** to be considered. Packages should be addressed to:

**The City of Cleveland Heights
Attn: Timothy M. Boland, Director of Economic Development
40 Severance Circle
Cleveland Heights, OH 44118**

**P 216-291-4857
NeighborhoodRedevelopment@clvhts.com**

The electronic copy should be e-mailed to NeighborhoodRedevelopment@clvhts.com or delivered on a flash drive with the paper transmission.

VII. ADDITIONAL RESOURCES

The following documents provide additional information about the project and surrounding areas and are accessible via the City of Cleveland Heights website:

www.clevelandheights.com/NeighborhoodRedevelopment .

- [The City's Master Plan](#)
- [Zoning Code](#) – Contact the Planning Department with specific questions at 216-291-4878
- Utility Maps – Maps are available upon request from interested parties

Relevant Websites

- www.clevelandheights.com

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CLEVELAND HEIGHTS

Committee of the Whole

September 8, 2020

Agenda

1. Legislation
Goal: Review upcoming legislation
2. Report of the City Manager
Goal: City Manager and staff will address questions about the City Manager's Report
3. Elected Mayor's Salary Discussion
Goal: Council will discuss the salary for the elected Mayor
4. RFQ/RFP Discussion
Goal: Staff will provide information and answer questions regarding Cedar-Lee-Meadowbrook Redevelopment, vacant lot development, and progress at Milliken
5. Executive Session
1.) To consider the appointment of a public official



CLEVELAND HEIGHTS

AGENDA (tentative) – CLEVELAND HEIGHTS CITY COUNCIL MEETING

Tuesday, September 8, 2020

Online Only

Regular Meeting

7:30 p.m.

<http://www.youtube.com/c/cityofclevelandheights/live>

- 1) **Meeting called to order by Mayor**
- 2) **Roll Call of Council Members**
- 3) **Excuse absent members**
- 4) **Approval of the minutes of the regular Council meeting held Monday, July 20, 2020**
- 5) **Personal communications received from citizens (via electronic mail)**
- 6) **Report of the City Manager**

Request permission to issue a Request for Qualifications and Preliminary Development Proposals (RFQ/RFP) for a redevelopment plan of Cedar-Lee-Meadowbrook.

Matter of Record

Refer to: Planning and Development Committee

Request permission to issue a Request for Qualifications and Preliminary Development Proposals (RFQ/RFP) for a Neighborhood Redevelopment Program.

Matter of Record

Refer to: Planning and Development Committee

- 7) **Report of the Chief of Police**
- 8) **Report of the 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 the following: Greater Heights Institute, Inc., 3492 Mayfield Rd., Cleveland Heights, Ohio 44118 for a new D1 and D3 permit.

Matter of Record

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

9) Committee Reports

- a.) **ADMINISTRATIVE SERVICES COMMITTEE**
- b.) **COMMUNITY RELATIONS AND RECREATION COMMITTEE**
- c.) **FINANCE COMMITTEE**
- d.) **MUNICIPAL SERVICES COMMITTEE**

ORDINANCE 91-2020 (MS). An Ordinance authorizing the City Manager to enter into an agreement for recycling processing services between the City of Cleveland Heights and Kimble Company

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

- e.) **PLANNING AND DEVELOPMENT COMMITTEE**
- f.) **PUBLIC SAFETY AND HEALTH COMMITTEE**

RESOLUTION 92-2020 (PSH). A Resolution amending Section 1 of Resolution No. 87-2020, which authorized the City Manager to enter into an agreement with Motorola Solutions, Inc. for the purchase of upgraded police-worn body cameras and associated software for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program, to authorize entering into a Municipal Lease for the lease-purchase of said equipment

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

10) Consent Agenda

Note: Individual Consent Agenda items are not discussed separately during the Council meeting, unless removed from the Consent Agenda on the request of a member of Council. Once an item is removed from the Consent Agenda it will be placed on the Regular Agenda.

RESOLUTION NO. 93-2020 (F). A Resolution accepting the amounts and rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer

RESOLUTION NO. 94-2020 (F). A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2020 tax year collection pursuant to Section 321.34 of the Ohio Revised Code

RESOLUTION NO. 95-2020 (CRR). A Resolution proclaiming September 11 – 18, 2020, as Welcoming Week

ORDINANCE NO. 96-2020 (PSH). An Ordinance authorizing the sale of K-9 Officer Jax to his handler for the sum of One Dollar (\$1.00)

RESOLUTION NO. 97-2020 (F). A Resolution updating the signatories designated for the account with Nirvana Public Funding, LLC

RESOLUTION NO. 98-2020 (F). A Resolution updating the list of City employees authorized to be signatories on certain City accounts

RESOLUTION NO. 99-2020 (CRR). A Resolution joining communities throughout the nation in proclaiming September 2020 as Prostate Cancer Awareness Month

RESOLUTION NO. 100-2020 (MS). A Resolution proclaiming September 2020 to be *National Preparedness Month*

Motion to suspend rules by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

Motion to adopt by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

11) **Mayor's Report**

12) **Adjournment**

NEXT MEETING OF COUNCIL: MONDAY, SEPTEMBER 21, 2020

Proposed: 09/08/2020

ORDINANCE NO. 91-2020 (MS),
First Reading

By Council Member

An Ordinance authorizing the City Manager to enter into an agreement for recycling processing services between the City of Cleveland Heights and Kimble Company, and declaring an emergency.

WHEREAS, pursuant to Ordinance No. 49-2015 and Section 171.13 of the City's Codified Ordinances, the City of Cleveland Heights participated in the Consortium organized by the Cuyahoga County Solid Waste District and comprised of the communities of Beachwood, Cleveland Heights, Highland Hills, Independence, Lyndhurst, Moreland Hills, Pepper Pike, Shaker Heights, Solon, University Heights and Woodmere, to request bids for the processing of recyclables collected within the participating communities; and

WHEREAS, on behalf of the Consortium, the Cuyahoga County Solid Waste District advertised an Invitation to Bid for Recycling Processing Services in The Plain Dealer on May 31, 2020 and June 3, 2020; and

WHEREAS, on June 26, 2020, bids were received from four (4) companies and publicly opened; and

WHEREAS, on July 14, 2020 representatives from the Consortium communities met to review the bids and select the lowest and best bidder; and

WHEREAS, following the bid review, the Consortium communities, including the City of Cleveland Heights, determined that Kimble Company submitted the lowest and best bid and that therefore it is in the best interest of the City of Cleveland Heights to award a contract to Kimble Company for recycling processing services for the term to commence October 1, 2020.

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

SECTION 1. This Council hereby approves the recommendation of the Consortium to select the bid submitted by Kimble Company as the lowest and best and to award the contract to Kimble Company to provide recycling processing services for the City of Cleveland Heights.

SECTION 2. This Council hereby authorizes the City Manager to deliver to Kimble Company a copy of this Resolution, which will serve as a Notice of Award, and to execute, on behalf of the City of Cleveland Heights, an *Agreement for Recycling Processing Services* substantially in accordance with the form, terms and conditions of the Agreement attached hereto as Exhibit A and incorporated by reference.

ORDINANCE NO. 91-2020 (MS), *First Reading*

SECTION 3. It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public as required by the Codified Ordinances of the City.

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

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the inhabitants of the City of Cleveland Heights, such necessity existing for the further reason that it is necessary to authorize the execution of the agreement with Kimble Company as soon as possible so that the City will realize savings on recycling processing services to be provided to the Consortium communities. Wherefore, provided it receives the affirmative vote of five (5) or more 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.

JASON S. STEIN, Mayor
President of the Council

AMY HIMMELEIN
Acting Clerk of Council

PASSED:

**AGREEMENT FOR
RECYCLING PROCESSING SERVICES**

THIS AGREEMENT for the processing of Recyclable Materials collected by the City of Cleveland Heights is entered into by and between the City of Cleveland Heights, a municipal corporation in the County of Cuyahoga, State of Ohio (the “City”) and Kimble Company (the “Contractor”).

W I T N E S S E T H

WHEREAS, pursuant to Ordinance/Resolution No. 91-2020, the City is authorized to participate in a municipal consortium to obtain bids for Recycling Processing Services and the Cuyahoga County Solid Waste District was authorized to issue an Invitation to Bid on behalf of the Consortium; and,

WHEREAS, following publication of the Invitation to Bid in the Plain Dealer on May 31, 2020 and June 3, 2020 and the evaluation of the Bids, the Consortium selected the Contractor as the Successful Contractor and recommended that each Consortium Community enter into an agreement for Recycling Processing Services with the Contractor; and,

WHEREAS, the City has considered the Bids and recommendation of the Consortium; and, the City, pursuant to Ordinance/Resolution No. 91-2020, approved the Contract and authorized the Mayor to execute the Contract by and on behalf of the City and the City has received the required executed original and copies from the Contractor.

NOW THEREFORE, in consideration of the mutual promises and obligations contained herein, the City and the Contractor agree as follows:

ARTICLE I: DEFINITIONS

The capitalized terms used herein are defined in **Exhibit B: Definitions**.

ARTICLE II: TERM AND RENEWAL TERMS

This Contract shall be effective on October 1, 2020 and shall terminate on September 30, 2022. Following the initial term of the Contract, the City may, by mutual agreement, renew and extend the Contract for two consecutive one-year terms ending on September 30, 2023 and September 30, 2024, respectively. The City shall provide written notice to the Contractor of the City’s desire to renew and extend this Contract on or before May 1, 2022 and May 1, 2023, respectively, and the Contractor shall provide written consent to the City to renew and extend the Contract on or before June 1, 2022 and June 1, 2023, respectively.

ARTICLE III: STATEMENT OF WORK

During the Term, the Contractor will perform the services set forth in this Article III and also set forth in the Invitation to Bid and the Contractor’s Bid, which are incorporated herein by reference, including, but not limited to, the provision of all labor, materials, equipment, management, facilities, record keeping, and billing related to the provision of services. The Contractor agrees to perform all services hereunder in a safe and workmanlike manner, and in full compliance with all applicable laws, regulations, and ordinances of any federal, state or local governmental entity. The Contractor represents and warrants that the all facilities used in the performance of this Contract are, and shall remain, properly permitted, licensed and available to the City.

1. Recycling Processing Services

- a. Receipt of Recyclable Materials. The Contractor shall receive all Recyclable Materials delivered by the City to the Kimble Transfer and Recycling Facility and upon acceptance, shall transfer title of the Recyclable Materials to the Contractor. Notwithstanding anything to the contrary in this Agreement, Contractor does not accept title or liability for hazardous, radioactive, infectious wastes or any materials containing such prohibited materials. The Contractor must receive the City vehicles in such a manner so as to allow the vehicles to unload and return to service in a timely fashion. The Contractor must weigh all Recyclable Materials delivered and provide either an electronic ticket or a weight ticket to the driver of the City vehicle.
- b. Material Recovery Facility (MRF). The Contractor shall utilize its Material Recovery Facility, located at 8500 Chamberlain Road, Twinsburg, Ohio 44087 for the processing of Recyclable Materials delivered by the City. This facility shall be open to receive deliveries from 7:00 a.m. to 5:00 p.m. Monday through Friday and 7:00 a.m. to 11:00 p.m. on Saturdays, excluding holidays.
- c. Recyclable Materials. Acceptable Recyclable Materials include mixed paper, cardboard, cartons, metal and bi-metal cans, and glass and plastic bottles, jars and jugs.
- d. Recycling Processing Services. The Contractor shall provide all facilities, equipment, labor, expertise and management needed to process and market the Recyclables delivered by the City. The Contractor shall ensure that all Recyclable Materials received from the City are Recycled except for those materials that are rejected due to contamination or grading requirements. The Contractor shall sort and prepare the Recyclables for sale to recycling markets and transport to end-users. The Contractor must have established relationships with recycling markets that are sufficient to ensure that the Recyclable Materials delivered by the City are Recycled during all market conditions. On an annual basis, the Contractor must identify the companies to which they sell the Recyclables and provide verifiable information that the Recyclable Materials delivered to the Contractor by the City are being continuously delivered to a recycling market as more particularly detailed in Contractor's Bid Form 4.
- e. Recycling Terms and Conditions. The Contractor may inspect each load delivered by the City for excessive contamination or quality issues. Excessive contamination is defined as any load containing more than 22% of unacceptable or non-Recyclable Materials. The Contractor is not required to accept loads containing excessive contamination and will utilize the process described in **Bid Form 4 and Bid Form 9: Recycling Terms and Conditions** contained in the Bid to identify and manage these loads.
- f. Recycling Composition Analysis. At the request of the City or the Consortium, the Contractor shall perform a composition analysis of a representative sample of the materials delivered by the City or the Consortium for the purpose of determining contamination levels and Recyclable Material percentages. This shall be required no more than once annually during the Term. If requested, the analysis would be performed at the Contractor's expense and according to a mutually agreed upon procedure.

2. Container Services

Upon request by the City, the Contractor shall provide container rental and hauling services to collect OCC and Mixed Paper. The Contractor shall provide the containers and must pick up and replace the containers within 24 hours of receiving a pick-up request from the City.

ARTICLE IV: STATEMENTS, PAYMENTS AND INVOICES

1. Compensation

During the Term, the City agrees to pay the Contractor the amounts as set forth in **Exhibit A: Price Sheet**, and in Contractor's **Bid Form 9**, which includes all direct and indirect costs related to Recycling Processing Services and for Container Services.

2. Record Keeping – Monthly and Annual Report

During the term of this Contract, the Contractor shall send to the City, a statement documenting the tonnage of Recyclables received from the City during the previous month. This statement must be submitted with the monthly invoice to the City. The Contractor shall also submit a year-end annual report. The year-end report will be due within 30-days after the end of the reporting year and include a month by month accounting of the tonnage of Recyclable Materials delivered to the Transfer Station.

3. Billing Service and Payment

The Contractor will invoice the City for services rendered within ten (10) days following the end of the month. The invoice will be sent to City Hall at the attention of the Finance Department.

4. Fuel Adjustments

The Contractor will not apply a Fuel Price Adjustment at any time during the term of this Contract.

ARTICLE V - PERFORMANCE BOND AND INSURANCE

1. Performance Bond.

Within ten (10) days after receiving the Notice of Award, the Contractor after receiving a Notice of Award, will furnish a Performance Bond in the amount equal to 100% of the estimated first year contract price, as set forth in Exhibit A, executed by a duly authorized surety, acceptable to the City in all respects, or such other security acceptable to the City. Such Performance Bond or other acceptable security shall be attached hereto as **Exhibit E**. The Performance Bond will be issued annually for each contract year during the Term. The entire cost of the bond(s) will be paid for by the Contractor.

2. Insurance.

The Contractor will at all times during the Contract maintain in full force and effect the insurance coverages listed below, including contractual liability coverage arising hereunder. All insurance will be issued by insurers and for policy limits acceptable to the City, and Contractor will furnish the City certificates of insurance or other evidence satisfactory to the City evidencing the required insurance has been procured and is in force. Contractor will, upon written request from the City, provide the City with original copies of the policies and all endorsements to any such policies.

The City and its council members, officers, representatives, agents, and employees will be additional insureds on the Contractor's Commercial General Liability, Employers Liability, Automobile Liability, and Excess/Umbrella Liability insurance; the extent of the additional insured coverage afforded will be no less broad than that provided under ISO Form CG 20 26 11/85 for General Liability and Umbrella/Excess Liability, ISO Form CA 20 48 02/99 for Auto Liability, or substitute forms providing equivalent coverage. The additional insured coverage afforded under Contractor's policies will include both ongoing operations (work in progress) and completed operations (completed work). The insurance coverage to be purchased and maintained by Contractor as required by this paragraph will be primary to any insurance, self-insurance, or self-funding arrangement maintained by the City, which will not contribute therewith, and there will be severability of interests under the insurance policies required hereunder for all coverages provided under said insurance policies and otherwise provide cross liability coverage.

The Contractor will be responsible for the payment of any and all deductible(s) or retention(s) under the policies of insurance purchased and maintained by it pursuant to this Contract. To the extent permitted by law, all or any part of any required insurance coverage may be provided under an approved plan or plans of self-insurance. The coverages may be provided by the Contractor's parent corporation.

Insurance Coverage Requirements Minimum limits of liability, terms and coverage Coverage

Commercial General Liability	\$1,000,000 bodily injury and property damage each occurrence, including advertising and personal injury, products and completed operations \$2,000,000 products/completed operations annual aggregate \$2,000,000 general annual aggregate
Auto Liability Insurance	\$1,000,000 each person, bodily injury and property damage, including owned, non-owned and hired auto liability ISO Form CA 9948, or a substitute form providing equivalent coverage, is required
Employer’s Liability	\$1,000,000 bodily injury by accident, each accident \$1,000,000 bodily injury by disease, each employee \$1,000,000 bodily injury by disease, policy aggregate
Umbrella/Excess Liability	\$5,000,000 each occurrence and annual aggregate Underlying coverage shall include General Liability, Auto Liability, and Employers Liability
Pollution Legal Liability	\$1,000,000 per claim \$1,000,000 annual aggregate covering damages or liability arising or resulting from Contractor’s services rendered, or which should have been rendered, pursuant to this Contract
Property	Contractor shall purchase and maintain property insurance covering machinery, equipment, mobile equipment, and tools used or owned by Contractor in the performance of services hereunder. City shall in no circumstance be responsible or liable for the loss or damage to, or disappearance of, any machinery, equipment, mobile equipment and tools used or owned by Contractor in the performance of services hereunder.

3. Workers’ Compensation Coverage.

Prior to commencing work under this Contract, the Contractor shall furnish to the City satisfactory proof that the Contractor has paid current premiums for workers’ compensation coverage for all persons employed in carrying out the work covered by this Contract. Such proof must be included as **Exhibit C**. The Contractor is responsible for forwarding updated proof of payment for workers’ compensation coverage on an on-going basis when such proof expires. The Contractor shall hold the City free and harmless for any and all personal injuries of all persons performing work for the Contractor under this Contract.

ARTICLE VI - INDEMNIFICATION

1. General Indemnity.

The Contractor will indemnify, save, and hold the City, its members of council, employees, agents, officers and consultants (each an “Indemnitee”) harmless from and against any and all liabilities, claims, demands, causes of action, penalties, judgments, forfeitures, liens, suits, costs and expenses whatsoever (including those arising out of death, injury to persons, or damage to or destruction of property), and the cost and expenses incident thereto (including reasonable attorneys’ fees), which any Indemnitee may hereafter incur, become responsible for, or pay out for or resulting from the performance of the services under this Contract, provided that any such claim, damage, loss, or expense: is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting there from; and is

caused in whole or in part by any negligent act or omission of the Contractor, anyone directly or indirectly employed by the Contractor, or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation will not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this section. Any Indemnitee will promptly notify the Contractor of any assertion of any claim against it for which it is entitled to be indemnified hereunder, will give the Contractor the opportunity to defend such claim and will not settle such claim without the approval of the Contractor. This section will survive expiration or earlier termination of this Contract.

2. Environmental Indemnity.

The Contractor will indemnify, save, and hold the City, its members of council, employees, agents, officers and consultants (each an "Indemnitee") harmless from and against any and all liabilities, claims, demands, causes of action, penalties, judgments, forfeitures, liens, suits, costs and expenses whatsoever (including those arising out of death, injury to persons, or damage to or destruction of property), and the costs and expenses incident thereto which any Indemnitee may incur, become responsible for, or pay out for or resulting from contamination of or adverse effects on the environment, or any violation of governmental laws, regulations, or orders, in each case, to the extent caused by the Contractor's negligence or willful misconduct relating to the performance of the work hereunder. Any Indemnitee will promptly notify the Contractor of any assertion of any claim against it for which it is entitled to be indemnified hereunder, will give the Contractor the opportunity to defend such claim and will not settle such claim without the approval of the Contractor. This section will survive expiration or earlier termination of this Contract.

3. Indemnity Not Limited.

In any and all claims against the City, its employees, agents, officers and consultants, by any employee of the Contractor or anyone for whose acts any of them may be liable, the indemnification obligation under this section shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the Contractor under workers' compensation acts, disability benefit acts, or other employees' benefit acts. Nothing herein shall be construed as creating any personal liability on the part of any employee, agent, officer or consultant of the City.

ARTICLE VII: PERFORMANCE ASSURANCE; BREACH AND TERMINATION

1. Performance Assurance.

The Contractor agrees to immediately report to the City any notice or order from any governmental agency or court or any event, circumstance or condition that may adversely affect the ability of the Contractor to fulfill its obligations hereunder. If upon receipt of such report or upon the City's own determination that any such notice, order, event, circumstance or condition adversely affects the ability of the Contractor to fulfill its obligations hereunder, the City will have the right to demand adequate assurances from the Contractor that the Contractor is able to fulfill its obligations hereunder. Upon receipt by the Contractor of any such demand, the Contractor, within fourteen (14) days will submit to the City its written response. In the event that the City does not agree that the Contractor's response will provide adequate assurance of future performance to the City, then the City may, in the exercise of its sole discretion, seek substitute or additional sources for the delivery of all or a portion of the services pursuant to this Contract, declare the Contractor is in default of its obligations under this Contract or take such action the City deems necessary to assure that the services will be available to the City.

2. Breach of Contract; Termination.

Upon the material failure of the Contractor to comply with the terms or conditions of this Contract, the City may terminate the Contract in the following manner: The City shall provide notice to the Contractor, by certified mail, return receipt requested, of the alleged material failure of the Contractor to comply with the Contract. The Contractor shall have ten (10) days to provide the City with written assurance, which can be substantiated by reasonable proof, that the material failure(s) identified in the notice have been corrected. In

the event that the Contractor fails to provide such written assurance and substantiating proof within the ten (10) day period for corrective action, or there are ongoing or continuing failures to perform the services, the City may terminate this Contract. Any such termination shall not take effect until the City is able to secure alternate or substitute performance. The City may commence the process to obtain an alternate or substitute service provider for the services following the failure of the Contractor to cure the alleged material failure to the satisfaction of the City, in the exercise of the reasonable discretion of the City.

3. Surety or City Cover in the Event of a Material Failure.

In the event of termination, the Contractor's surety, as required by Article V, Paragraph 1 herein, shall have the right to take over and perform under the Contract. However, if the surety does not commence performance, the City shall take over performance by contract or otherwise at the expense of the surety. In the event there is no surety-provided cover, or the City is unable to provide or obtain cover, the effective termination date may be delayed by the City until the City completes the process of obtaining a substitute service provider of the services. In such event, the Contractor shall continue to perform its responsibilities under this Contract until the effective date of termination. Material failure includes, but is not limited to, the City's receipt of more than twenty (20) bona fide complaints in any given month regarding the services. A bona fide complaint is a complaint that the City has investigated and determined represents failures of the Contractor to provide the required services. Material failure also includes the failure of the Contractor to provide the Performance Bond and proof of insurance as required, or payment of the City income taxes.

4. Termination for Change of Control of Contractor.

The award of this Contract is based on the ownership and control of the Contractor as of the time of the award. Such ownership and control is a material term in such award. If during the term of this Contract, the Contractor shall be merged or sold, the City shall have the right, in its sole discretion, to terminate this Contract upon thirty (30) days written notice of termination to the Contractor. In the event of such notice of termination, the Contractor shall continue to perform under the terms of this Contract until such time as the City is able to obtain alternate or substitute service.

5. Force Majeure.

Performance hereunder may be suspended where made impracticable due to events beyond the reasonable control of a Party required to perform, including without limitation, acts of God, war, riot, labor unrest, or acts of superior governmental authority.

ARTICLE VIII. MISCELLANEOUS

1. Entire Agreement

This Contract, the Invitation to Bid, Contractor's Bid Forms and all attachments hereto represent the entire agreement of the parties as to its subject matter and supersedes all other prior written or oral understandings. This Contract may be modified or amended only by a writing signed by both parties.

2. Communications and Notices

The City shall communicate directly with Mr. Don Johnson or his designee, and at his direction, shall consult with the personnel of the Contractor or other appropriate persons, agencies, and instrumentalities as necessary to assure understanding of the work and satisfactory completion thereof.

The Contractor shall communicate directly with the City Service Director or his/her designee, and at his/her direction, with the personnel of the City and other appropriate persons, agencies, and instrumentalities as necessary to assure understanding of the work and satisfactory completion thereof.

Any notices or reports required by this Contract shall be in writing and sent by the City and the Contractor in the United States mail to the address below:

As to the City:

Collette Clinkscale
City of Cleveland Heights
40 Severance Circle
Cleveland Heights, OH 44118
216-291-4444
cclinkscale@clvhts.com

As to the Contractor:

Don Johnson
Kimble Transfer & Recycling
3596 State Route 39, NW
Dover, OH 44622
(330) 343- 1226
djohnson@kimblecompanies.com

With a copy to:

Kimble Recycling & Disposal, Inc.
Attn: Legal Department
3596 State Route 39, NW
Dover, OH 44622

3. Waiver

No waiver, discharge, or renunciation of any claim or right of the City or the Contractor arising out of a breach or alleged breach of this Contract by the City or the Contractor will be effective unless in writing signed by the City and the Contractor.

4. Applicable Law

This Contract will be governed by, and construed in accordance with, the laws of the State of Ohio.

5. Optional Opt-In

Additional Cities/Villages located within the Solid Waste Management District may “opt in” at a later date without the necessity of a further competitive bidding process, in accordance with Ohio Revised Code section 9.48.

6. Unenforceable Provision

If any provision of this Contract is in any way unenforceable, such provision will be deemed stricken from this Contract and the parties agree to remain bound by all remaining provisions. The parties agree to negotiate in good faith a replacement provision for any provision so stricken.

7. Binding Effect

This Contract will be binding upon and will inure to the benefit of, and be enforceable by and against, the respective successors and assigns of each party hereto. Provided, however, that the Contractor may not assign this Agreement or any of the Contractor’s rights or obligations hereunder without the express written consent of the City, which consent may be withheld for any reason or for no reason.

8. Rights or Benefits

Nothing herein will be construed to give any rights or benefits in this Contract to anyone other than the City or the Contractor and all duties and responsibilities undertaken pursuant to this Contract will be for the sole and exclusive benefit of the City or the Contractor and not for the benefit of any other party.

IN WITNESS WHEREOF, the City and the Contractor, acting herein by their duly authorized representatives, have hereunto set their hands this day and year first above written.

CITY OF CLEVELAND HEIGHTS

Name Title

Signature Date

Approved by City Attorney or Village Law Director

Signature Date

KIMBLE COMPANY

Name Title

Signature Date

EXHIBIT A: PRICE SHEET

Recycling Processing Services * Price per ton to be charged for the processing of recyclables at the MRF.	
Contract Year	Price per ton (bagged material)
Year 1: 10/1/20 – 9/30/21	\$96.00
Year 2: 10/1/21 – 9/30/22	\$98.88
Option Year 1: 10/1/22 – 9/30/23	\$101.85
Option Year 2: 10/1/23 – 9/30/24	\$105.92

In the event the City converts to a recycling system to collect loose recyclables, the following prices for recycling processing services will be charged.

Recycling Processing Services* Price per ton to be charged for the processing of recyclables at the MRF.	
Contract Year	Price per ton (loose material)
Year 1: 10/1/20 – 9/30/21	\$69.00
Year 2: 10/1/21 – 9/30/22	\$71.07
Option Year 1: 10/1/22 – 9/30/23	\$73.20
Option Year 2: 10/1/23 – 9/30/24	\$76.13

Container Services for OCC and Mixed Paper Recycling					
	10-yard	20-yard	40-yard		
Container Rental Fee	\$62.50 / mo.	\$62.50 / mo.	\$62.50 / mo.		
	Price Per pull	Price per pull	Price per pull	Price per ton	
Year 1: 10/1/20 – 9/30/21	\$287.00	\$287.00	\$287.00	<u>Mixed Paper** / OCC</u> \$38.00	\$0.00
Year 2: 10/1/21 – 9/30/22	\$296.00	\$296.00	\$296.00	\$38.00	\$0.00
Option Year 1: 10/1/22 – 9/30/23	\$305.00	\$305.00	\$305.00	\$38.00	\$0.00
Option Year 2: 10/1/23 – 9/30/24	\$317.00	\$317.00	\$317.00	\$38.00	\$0.00

*Any loads with excessive contamination may be disposed as solid waste at the rates shown for container services for solid waste as more particularly specified in Contractor’s Bid.

**Includes mixed paper and mixed paper with OCC.

EXHIBIT B: DEFINITIONS

“Bid” means a proposal submitted to the Consortium in response to the Invitation to Bid as described herein and all attachments thereto including the June 26, 2020 cover letter.

“Bid Attachment” means the supplemental information required by the Consortium to be submitted with the Bid Forms.

“Bid Bond” means a bond issued in the name of each individual Consortium Community in the amount of \$2,000 guaranteeing that if the Bid is accepted, a Contract will be entered into by the Bidder and each Community.

“Bidder” means a person, partnership, joint venture or corporation submitting a Bid to the Consortium in response to the Invitation to Bid to provide Recycling Processing Services.

“Bid Documents” means the documents prepared and furnished by the District on behalf of the Consortium. Bidders are to use the Bid Documents in the submission of all Bids. Bid Documents include the Legal Notice, Instructions to Bidders, Form of Contract, Bid Forms and all attachments thereto.

“Bid Form” means the forms provided by the Consortium in the Bid Documents on which all Bids must be submitted.

“City” means the Contracting Community.

“Consortium” and **“Consortium Communities”** means the Cities and Villages participating in this Invitation to Bid that have passed resolutions authorizing participation.

“Consortium Resolutions” means the resolutions of the legislative bodies of the Contracting Communities authorizing participation in the Consortium.

“Contract” means the agreement entered into by and between the Successful Contractor and the Contracting Community.

“Contracting Community” means the Consortium Community that enters into an agreement with the Successful Contractor.

“Contractor” means a person, partnership, joint venture or corporation that will provide the Recycling Processing Services.

“District”, “District Offices” and “Solid Waste District” means the Cuyahoga County Solid Waste District with offices located at 4750 East 131 Street, Garfield Heights, OH 44105.

“Holiday” means New Year’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

“Invitation to Bid” means the request of the Consortium for Solid Waste Disposal and Recycling Processing Services issued by the Cuyahoga County Solid Waste District.

“Material Recovery Facility or MRF” means the facility provided by the Contractor that has the adequate capacity, equipment, and labor needed to receive, sort, process, and prepare all commingled cans, glass, plastic, paper, cardboard and cartons delivered by the Contracting Communities for shipment to a recycled product manufacturer.

“Notice of Award” means written notification that a Bid has been accepted by a Contracting Community.

“Notice to Proceed” means written notice from a Contracting Community to commence the Recycling Processing Services.

“Performance Bond” means the bond insuring performance of the Recycling Processing Services to be submitted to each Contracting Community upon Contract award in substantially the same form as that included in the Bid Documents.

“Recyclables” and “Recyclable Materials” means residential mixed paper, cardboard, cartons, aluminum, steel and bi-metal cans; glass bottles and jars; and plastic bottles and jugs at a minimum.

“Recycled” and **“Recycling”** as defined in Chapter 3745 of the Ohio Administrative Code and/or the regulations promulgated thereunder.

“Recycling Processing Services” means all services relating to the receiving, sorting, baling and other handling of Recyclables delivered by the Consortium Communities in order to prepare the Recyclable Materials for shipment and sale to recycling markets to be made into new products.

“Solid Waste” means unwanted residual or semi-solid materials resulting from community, commercial, industrial and agricultural operations, but excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, non-toxic foundry sand, slag and other substances that are not harmful to public health. Solid waste does not include any material that is an infectious or hazardous waste. Solid Waste includes Solid Waste, Catch Basin Debris and Street Sweepings.

“Solid Waste Landfill or Landfill(s)” means the Ohio EPA permitted and licensed facility or facilities to be used for the disposal of Solid Waste generated by the Consortium and delivered to the Solid Waste Transfer Station.

“Successful Contractor” means the Recycling Company selected by the Consortium to provide Recycling Processing Services.

“Term” means the duration of the Contract, including all executed option years, as defined by Article II of this Contract.

EXHIBIT C: WORKERS' COMPENSATION CERTIFICATE

EXHIBIT D: CORPORATION AFFIDAVIT

EXHIBIT E: PERFORMANCE BOND

To be provided by the Contractor within one week following the execution for the agreement



Bureau of Workers' Compensation

30 W. Spring St.
Columbus, OH 43215

Certificate of Ohio Workers' Compensation

This certifies that the employer listed below participates in the Ohio State Insurance Fund as required by law. Therefore, the employer is entitled to the rights and benefits of the fund for the period specified. This certificate is only valid if premiums and assessments, including installments, are paid by the applicable due date. To verify coverage, visit www.bwc.ohio.gov, or call 1-800-644-6292.

This certificate must be conspicuously posted.

Policy number and employer
00268946

Period Specified Below
07/01/2020 to 07/01/2021

KIMBLE COMPANY
PENN OHIO COAL CO
3596 STATE ROUTE 39 NW
DOVER, OH 44622-7232



www.bwc.ohio.gov
Issued by: BWC

Administrator/CEO

You can reproduce this certificate as needed.

Ohio Bureau of Workers' Compensation

Required Posting

Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means an employee may dispute or prove untrue the presumption (or belief) that alcohol, marihuana or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury.

The burden of proof is on the employee to prove the presence of alcohol, marihuana or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.



Bureau of Workers' Compensation

You must post this language with the Certificate of Ohio Workers' Compensation.

Proposed: 09/08/2020

RESOLUTION NO. 92-2020 (PSH)

By Council Member

A Resolution amending Section 1 of Resolution No. 87-2020, which authorized the City Manager to enter into an agreement with Motorola Solutions, Inc. for the purchase of upgraded police-worn body cameras and associated software for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program, to authorize entering into a Municipal Lease for the lease-purchase of said equipment; and declaring an emergency.

WHEREAS, the Chief of Police and City Manager have determined that the acquisition of the selected equipment under a Municipal Lease for the lease-purchase of the selected equipment would be in the City's best interests; and

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

SECTION 1. The City Manager be, and she is hereby, authorized to enter into any and all agreements, and to sign any related documents, necessary for the lease-purchase of upgraded police-worn body cameras and associated software with Motorola Solutions, Inc. through the Ohio Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements Section 171.11 of the Cleveland Heights Codified Ordinances. The agreement shall provide for the lease-purchase of the selected equipment at a total cost not to exceed One Hundred Eighty-Five Thousand Three Hundred Ten Dollars (\$185,310.00). All agreements hereunder shall be approved as to form by 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 public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet vendor deadlines and to equip the Police Department as soon as possible. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 92-2020 (PSH)

JASON S. STEIN, Mayor
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 09/08/2020

RESOLUTION NO. 93-2020 (F)

By Council Member Hart

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; and declaring an emergency.

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the fiscal year commencing January 1, 2021; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio has certified its action thereon to this Council, together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without and what part within the ten mill tax limitation.

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

SECTION 1. The amounts and rates, as determined by the Budget Commission on its certification, be, and the same are hereby accepted.

SECTION 2. There is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

	Estimate of amount to be derived from levies		County Fiscal Officer's estimate rate of tax to be levied	
	Inside	Outside	Inside	Outside
	10 mill limitation		10 mill limitation	
General Fund	\$1,802,308	\$6,007,692	2.22	7.40
Bond Retirement	\$1,250,000	0	1.50	0
Recreational Improvement Fund		\$575,000		.70
Police Pension Fund		\$245,000		.30
Fire Pension Fund		\$245,000		.30
	\$3,052,308	\$7,072,692	3.72	8.70

RESOLUTION NO. 93-2020 (F)

SECTION 3. It is hereby resolved that the Clerk of Council be, and he is hereby, directed to certify a copy of this Resolution to the Fiscal Officer of Cuyahoga County.

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

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

JASON S. STEIN, Mayor
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 09/08/2020

RESOLUTION NO. 94-2020 (F)

By Council Member Hart

A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2020 tax year collection pursuant to Section 321.34 of the Ohio Revised Code; and declaring an emergency.

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

SECTION 1. The County Fiscal Officer be, and is hereby, authorized and directed to pay to the Director of Finance of the City of Cleveland Heights, Ohio, all monies now in the hands, and that may hereafter come into the hands, of the County Fiscal Officer which are payable to the City of Cleveland Heights from the proceeds of the 2020 tax year collection including, without limitation, revenues from personal property taxes, real property taxes, and special assessments.

SECTION 2. The Director of Finance is hereby authorized and directed to furnish a copy of this Resolution to the County Fiscal Officer.

SECTION 3. 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 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being to enable the City to meet its fiscal obligations and to preserve the credit of the City. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN, Mayor
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 09/08/2020

RESOLUTION NO. 95-2020 (CRR)

By Council Member

A Resolution proclaiming September 11 – 18, 2020, as *Welcoming Week*; and declaring an emergency.

WHEREAS, the week of September 11 – 18, 2020 will be a special week with a series of events hosted by Global Cleveland that will bring communities together to celebrate their unity and strong connection with each other, and applaud the benefits of welcoming newcomers to our community; and

WHEREAS, Global Cleveland will begin the week with their “Welcoming the World” campaign, an exciting and fun way to showcase Cleveland and the surrounding area as a Global Friendly community; and

WHEREAS, the “Welcoming the World” campaign will debut September 11 and last for one month; and

WHEREAS, through Welcoming the World, Global Friendly corporations and organizations share their global story through decals on their windows, floors, elevators, etc., showcasing the company or organization to the world as a diverse, inclusive, and global friendly employer; and

WHEREAS, Ohio has thrived because of international newcomers, and the population decline of Northeast Ohio from 1970-2013 has been mitigated by the continuous influx of foreign-born persons who have helped Ohio to grow and develop; and

WHEREAS, most international newcomers are well-educated, with a bachelor’s degree or higher; and

WHEREAS, according to the New American Economy, immigrant households in the Cleveland area have \$3.1 billion in spending power and refugee households have \$819 million in spending power, which contribute to our federal, state, and local tax bases each year; and

WHEREAS, the economic benefit of international students is very clear: in 2018 international students contributed over \$1.1 billion to Ohio’s economy, making Ohio the 8th most benefited

RESOLUTION NO. 95-2020 (CRR)

state by foreign students; and helped support over 14,000 Ohio jobs, and the state was able to retain about one-third of international students after graduation; and

WHEREAS, the greater Cleveland area has a plethora of institutions, organizations, and companies that work together to integrate newcomers; and

WHEREAS, with ample support from the City of Cleveland and other institutions, Cleveland now has more than 31 cultural gardens – designed and cultivated by distinct cultural or nationality groups; and

WHEREAS, Cleveland Cultural Gardens represent the diversity and multiculturalism of Cleveland and the greater Cleveland area and holds mission of “peace through mutual understanding,” which has helped people living in Cleveland and the greater Cleveland area become interculturally competent, unprejudiced and more welcoming towards international newcomers and in turn benefits the city and the state through the impact these newcomers have socially, economically and culturally; and

WHEREAS, as we continue with these efforts, we can continue to transform the greater Cleveland area into an international hub of innovation, we can embrace and cultivate a culture of social inclusion and shared prosperity, and we can create a platform for internationalization and economic growth; and

WHEREAS, Global Cleveland’s “Welcoming the World” Campaign plays a huge part in continuing the momentum built around shared prosperity in our society, community, city and state; and

WHEREAS, Global Cleveland is ‘Strengthening Our Communities – By Welcoming Our World.’

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

SECTION 1. This Council hereby proclaims September 11, 2020 through September 18, 2020 as *Welcoming Week* in the City of Cleveland Heights and encourages all residents to attend *Welcoming Week* programs and events.

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

RESOLUTION NO. 95-2020 (CRR)

inhabitants of the City of Cleveland Heights, such emergency being the need to recognize *Welcoming Week* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more 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.

JASON S. STEIN, Mayor
President of the Council

AMY HIMMELEIN
Acting Clerk of Council

PASSED:

Proposed: 09/08/2020

ORDINANCE NO. 96-2020 (PSH)

By Council Member

An Ordinance authorizing the sale of K-9 Officer Jax to his handler for the sum of One Dollar (\$1.00); and declaring an emergency.

WHEREAS, Jax is a K-9 officer serving the Cleveland Heights Police Department since early 2014; and

WHEREAS, Jax was trained by and has remained with his handler since joining the Police Department; and

WHEREAS, Jax has a host of medical issues and significant expenses; and

WHEREAS, Jax has not worked in months and his return is uncertain; and

WHEREAS, it is in the best interest of the City to retire Jax; and

WHEREAS, the working life of a K-9 officer generally ranges from five to seven years; and

WHEREAS, a K-9 officer older than three years typically cannot be re-trained or otherwise bond with a new handler; and

WHEREAS, in light of the above facts, Jax is no longer needed for municipal purposes and thus may be sold as “personal property” of the City pursuant to Chapter 110; and

WHEREAS, in Ohio and throughout the country, it is the general policy and practice that a K-9 officer who has worked for over five years be sold to his or her handler for One Dollar (\$1.00); and

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

SECTION 1. The City Manager is hereby authorized, pursuant to Section 110.04 of the Codified Ordinances of the City of Cleveland Heights, to execute an agreement to sell K-9 Officer Jax to his handler Officer Tom Harris for the sum of One Dollar (\$1.00). Said agreement shall include a waiver and release and shall be approved as to form by the Director of Law.

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

ORDINANCE NO. 96-2020 (PSH)

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for Jax to continue to have a home with his handler without interruption. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN, Mayor
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 09/08/2020

RESOLUTION NO. 97-2020 (F)

By Council Member

A Resolution updating the signatories designated for the account with Nirvana Public Funding, LLC; and declaring an emergency.

WHEREAS, Nirvana Public Funding has requested that the City, by resolution, update and maintain a list of approved signatories to the below described account.

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

SECTION 1. The signatories designated for the investment account with Nirvana Public Funding LLC, for the investment of municipal funds through STAR Ohio, established pursuant to Resolution No. 25-2016, is hereby updated to authorize only the following employees as signatories for the specified account:

Susanna Niermann O'Neil, Acting City Manager
Amy Himmelein, Finance Director

SECTION 2. All remaining provisions of Resolution No. 25-2016 not inconsistent herewith shall remain in full force and effect.

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

SECTION 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for City financial business to continue uninterrupted and without delay. Wherefore, provided it received 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.

RESOLUTION NO. 97-2020 (F)

JASON S. STEIN, Mayor
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 09/08/2020

RESOLUTION NO. 98-2020 (F)

By Council Member

A Resolution updating the list of City employees authorized to be signatories on certain City accounts; and declaring an emergency.

WHEREAS, the banks listed below have requested that the City, by resolution, update its approved signatories to the described accounts.

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

SECTION 1. The following described accounts in the noted banks shall have only the following named City employees as signatories for the specified accounts:

- (1) US Bank:
 - General Operating Account (Corporate Account)
 - Controlled Disbursement for Vendors and Payroll
 - Health Care Provider Disbursement
 - Parking Ticket Lock Box
 - Police Department AccountSusanna Niermann O'Neil, Acting City Manager
Amy Himmelein, Finance Director

- (2) Fifth Third Bank:
 - Water Lock Box Account
 - Sewer Lock Box AccountSusanna Niermann O'Neil, Acting City Manager
Amy Himmelein, Finance Director

- (3) STAR Ohio:
 - Investment AccountSusanna Niermann O'Neil, Acting City Manager
Amy Himmelein, Finance Director

- (4) STAR Plus Ohio:
 - Investment AccountSusanna Niermann O'Neil, Acting City Manager
Amy Himmelein, Finance Director

RESOLUTION NO. 98-2020 (F)

SECTION 2. All General Corporate Account Checks, excluding payroll and health benefit checks, shall require the signature of two City employees as follows: 1) The signature of the City Manager or Vice City Manager; and 2) the signature of the Finance Director.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for City financial business to continue uninterrupted and without delay. Wherefore, provided it received 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.

JASON S. STEIN, Mayor
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 09/08/2020

RESOLUTION NO. 99-2020 (CRR)

By Council Member

A Resolution joining communities throughout the nation in proclaiming September 2020 as *Prostate Cancer Awareness Month*; and declaring an emergency.

WHEREAS, prostate cancer is the most commonly diagnosed form of cancer and the second leading cause of cancer-related deaths among men; and

WHEREAS, in 2020, approximately 191,930 men will be diagnosed with prostate cancer in the United States and roughly 33,330 men will die from the disease, one man every 17 minutes; and

WHEREAS, 1 in 9 men are diagnosed with prostate cancer; and

WHEREAS, African American men are at the highest risk for the disease with a rate of 1 in 6 men eventually diagnosed with prostate cancer, and are 2.3 times more likely to die from prostate cancer; and

WHEREAS, although prostate cancer is a serious disease, most men diagnosed with prostate cancer do not die from it; and

WHEREAS, more than 3.1 million men in the United States who have been diagnosed with prostate cancer at some point are still alive today; and

WHEREAS, early detection offers the best hope for living cancer free for a long time; if caught early, prostate cancer has a five-year survival rate of nearly 100%; and

WHEREAS, all men are at risk for prostate cancer; and

WHEREAS, this Council encourages all the residents of Cleveland Heights to help increase awareness of the importance of prostate screenings.

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

SECTION 1. This Council hereby proclaims September 2020 to be *Prostate Cancer Awareness Month* and urges the community to join in activities to increase awareness of the importance of prevention/detection of prostate cancer.

RESOLUTION NO. 99-2020 (CRR)

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to pass this Resolution on a timely basis in order to increase publicity around *Prostate Cancer Awareness Month*. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN, Mayor
President of the Council

AMY HIMMELEIN
Acting Clerk of Council

PASSED:

Proposed: 09/08/2020

RESOLUTION NO. 100-2020 (MS)

By Council Member

A Resolution proclaiming September 2020 to be *National Preparedness Month* and declaring an emergency.

WHEREAS, the Department of Homeland Security established the month of September as *National Preparedness Month* to remind us that we all must prepare ourselves and our families for emergencies and disasters, now and throughout the year; and

WHEREAS, in February 2003, the Department of Homeland Security launched “Ready,” a national public service campaign, to educate and empower the American people to prepare for, respond to and mitigate emergencies, including man-made and natural disasters; and

WHEREAS, in light of the devastating hurricanes and wildfires of late, “Ready” encourages Americans to prepare for disasters and consider the associated costs; and

WHEREAS, the City of Cleveland Heights is honored to take part in the annual observance of *National Preparedness Month* in the hopes that it will lead to a better understanding of the importance of preparedness for disasters.

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

SECTION 1. This Council hereby proclaims the month of September 2020 *National Preparedness Awareness Month*, in the City of Cleveland Heights, to encourage public involvement in being prepared and educated about disasters and the aftermath of such events.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to recognize *National Preparedness Month* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more 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.

RESOLUTION NO. 100-2020 (MS)

JASON S. STEIN, Mayor
President of the Council

AMY HIMMELEIN
Acting Clerk of Council

PASSED:



CLEVELAND HEIGHTS

Monday, July 20, 2020 Minutes

COMMITTEE OF THE WHOLE

6:09 – 7:28 p.m.

Mayor Stein presiding

Roll Call: Present: Dunbar, Hart, Seren, Stein, Ungar
Excused: Russell

Staff present: Briley, Hanna, Himmelein

Topics discussed: Legislation and August Recess

Executive Session

6:46 – 7:27 p.m.

Council Member Dunbar made a motion to begin Executive Session, which was seconded by Council Member Ungar to consider the appointment of a public official and to consider the terms of a lease of City-owned real property.

Roll Call: Ayes: Dunbar, Hart, Seren, Stein, Ungar
Nays: None

Council Member Dunbar made a motion to end Executive Session which was seconded by Council Member Ungar.

Roll Call: Ayes: Dunbar, Hart, Seren, Stein, Ungar
Nays: None

CITY COUNCIL

7:53 – 9:03 p.m.

Mayor Stein presiding

Roll Call: Present: Dunbar, Hart, Seren, Stein, Ungar
Excused: Russell

Staff present: Briley, Hanna, Himmelein

Minutes from the City Council meeting held Monday, July 6, 2020, were approved with submitted edits.

Personal communications received from citizens (via electronic mail)

Since our last City Council meeting on July 6, 2020 we have received messages from the following individuals: Bridget Gudhe (3 emails), Craig Hoffman, Rosa Kovacevich, James O'Hare, Ralph Solonitz, and Paul Volpe

Ms. Gudhe provided a video she purchased from an educational series called the 5G Summit. This video is a discussion between Andrew Campinelli, that she has previously referred to Council, and Josh Del Sol the producer. In the video Mr. Campinelli and Mr. Del Sol discuss the powers that local governments have, but which must be codified in order to utilize legally. She does not believe these powers have been implemented in the Small Cell Ordinance that was just passed. Additionally, she doesn't believe the current Ordinance addresses the wireless installations of DAS installation or Macro (Large towers). These should also be constrained by the Ordinance as they are being placed in many locations which may not be necessary. She asks Council to watch the discussion and to work with Mr. Campinelli for the protection of Cleveland Heights' citizens.

Ms. Gudhe also commented on the mask wearing legislation. She indicated that the vast majority of people in public spaces have conformed to wearing masks and maintaining the 6 feet of social distance. She indicated that wearing masks or distancing have not proven to be of any benefit. She provided links to many studies and articles that point to their ineffectiveness and possible harm.

Mr. Hoffman would like to encourage the Council and City Manager to place a higher priority on getting bulk trash pickup re-instated as quickly as possible. He indicated that mattresses, furniture, carpeting and other bulk items are an eyesore and reflect poorly on the City. He wishes to keep our streets and neighborhoods looking clean and attractive.

Ms. Kovacevich urges the City to forgo the August recess this year. She referenced the massive cuts that need to be made to the 2020 budget, the COVID-19 pandemic, the vacant Council seat, and calls from citizens to defund the police. Council is the only elected representation that residents in the City have until 2022 and to allow an entire month without regular meetings in the midst of these conditions would leave us without a voice in how our City is being run at a crucial time.

Mr. O'Hare commented on the proposed charter amendment ballot language. He understands that protocols and tradition dictate the language. However, he ran the proposed language through a readability score evaluation to determine how 80 percent of voters will understand the proposed language. The score returned an "E" which is the lowest score. Using the Flesch scale of 0 to 100 with a 60 being the target the language rated a minus -24. He didn't know it was possible to receive a negative score. He said if the City is serious about engaging the population in local government, this type of language can't be productive.

Mr. Solonitz would like to know when he can expect rules and democratic processes to begin regarding the vacant Council seat.

Mr. Volpe indicated that it is his understanding from the April 13 meeting the developer was granted a 3-month extension to July 20 on the proposed development at Cedar Lee. There were several items the developer should provide which were supported by Council. He wanted to know if there will be a presentation of the information of the proposed project that both Council and the public will review and consider prior to passage of the Memorandum of Understanding. He commented that after two years of waiting for a full proposal on this project if the MOU doesn't contain the required information is it not more than another extension and delay in the development of our public property?

Report of the City Manager

Tanisha Briley gave an overview of her report to Council which may be read in full at https://www.clevelandheights.com/DocumentCenter/View/7090/cc_packet_07012020?bidId=.

Request permission to issue a Request for Proposals for a financial consult to conduct an affordability analysis for the Integrated Overflow Control Master Plan (IOCMP)

Matter of Record

Refer to: Municipal Services Committee

Motion by Council Member Dunbar, Seconded by Council Member Ungar

Roll Call: Ayes: Hart, Seren, Stein, Ungar, Dunbar
Nays: None

Motion Passed

Request permission to enter into a letter of intent with the Cleveland Heights-University Heights School District regarding the Milliken school property

Matter of Record

Refer to: Planning and Development Committee

Motion by Council Member Dunbar, Seconded by Council Member Ungar

Roll Call: Ayes: Seren, Stein, Ungar, Dunbar, Hart
Nays: None

Motion Passed

Tanisha Briley provided an overview of her memo to Council in the Council packet which may be viewed in full at

https://www.clevelandheights.com/DocumentCenter/View/7117/cc_packet_07152020?bidId=.

Tanisha Briley stated that the City of Gaithersburg, Maryland officially appointed her as their next City Manager and her last day with the City of Cleveland Heights will be September 1. She stated it has been a gift to be able to work in her home where she was born and raised. She said it was an honor and a privilege to work with this gifted team of directors in this amazing city.

Mayor's Report

Council Member Dunbar stated that Tanisha came to us with a lot of experience in finance and budgeting which served us well. She commented on her early recognized potential, Master's Degree, involvement in professional organizations, and the growth she had working for this city.

Council Member Ungar stated it was a pleasure to work with Tanisha and looked forward to hearing a lot of success stories coming out of Gaithersburg. He thanked her for her service to Cleveland Heights.

Council Member Hart congratulated Tanisha and wished her the best in her new endeavors.

Vice Mayor Seren stated that when he watched the Gaithersburg interviews, he had a feeling this was coming and wished her good luck.

Mayor Stein thanked Tanisha for her exceptional leadership over the last 7 years which brought a lot of change. He stated Cleveland Heights is better now than when she began as City Manager and recognized her hard work. He wished her continued success.

Mayor Stein stated the Acting City Manager for the remainder of 2020 and 2021 will be Susanna Niermann O'Neil. He stated there is no one better qualified and with more experience and knowledge of Cleveland Heights than Susanna.

Council Member Seren moved to appoint Susanna Niermann O'Neil as Acting City Manager for the City of Cleveland Heights effective September 2, 2020. Council Member Hart seconded the motion. Tanisha Briley stated that Susanna has given so much of herself to this community and the city would be in excellent hands with her. She has served the city for more than 40 years and we're fortunate for her unmatched spirit, commitment and grit.

Roll Call: Ayes: Stein, Ungar, Dunbar, Hart, Seren
 Nays: None

Motion Passed

Mayor Stein asked for a motion to suspend Council's August meetings. There will still be a Committee of the Whole meeting in August to discuss the Council vacancy.

Council Member Dunbar moved to suspend the August meetings. Council Member Ungar seconded the motion. Vice Mayor Seren clarified that the meetings being suspended were the full formal Council meetings during which they vote on items and it does not necessarily mean that Council will be suspending committee meetings potentially. He stated he would like to have at least one Administrative Services meeting in August. Council Member Hart stated there will be a Finance Committee meeting to discuss budget during August. Mayor Stein stated that if there is a piece of legislation that becomes high priority that is time sensitive, he will call for a special meeting in August.

Roll Call: Ayes: Ungar, Dunbar, Hart, Seren, Stein
Nays: None

Motion Passed

Report of the Chief of Police

Chief Mecklenburg stated the work the department is doing is updated on the Police Department's website under the News. As the department continues its commitment to transparency, three additional policies have been added to the Police pages: progressive discipline policy, sexual assault policy, and our domestic violence policy. These are posted online for the public to view.

There is a Meet Your Police meeting on August 6, 6:00 – 8:00 p.m. People are welcome to attend and make comments and ask questions. A section has been added online for complaints and compliments. It was a practice to have someone come to the station to file a complaint and make a formal written complain, however, we are now providing these forms on the City's website which can be downloaded and Emailed directly to the Chief.

All officers are completing training from the Ohio Attorney General's Office regarding de-escalation techniques and interacting with the mentally ill. Training should be complete by August 1. Other available training options are being considered. Collaboration with other agencies is being considered including Downtown Cleveland Alliance and Frontline, both who have services that may assist how calls are handled.

Chief Mecklenburg is in the process of finalizing the Townhall Meet Your Police questions. It will be reviewed and posted online.

Crime statistics for the first 6 months of 2020 are available on the city's website. There is a decline in crime. Violent crime is down 21% and property crime is down 22%.

Vice Mayor Seren thanked Tanisha Briley for sending the Lexipol agreement. He requested Council have access to Lexipol materials if possible. Vice Mayor Seren and Tanisha Briley discussed the materials used to craft police policy and whether or not it is appropriate for Council to have administrative access to the data. Mayor Stein stated Council should move past this conversation for the purpose of this meeting.

Report of the Clerk of Council

No report

PUBLIC SAFETY AND HEALTH COMMITTEE

RESOLUTION 82-2020 (PSH), Second Reading. A Resolution objecting to the renewal of all current liquor permits issued by the Ohio Department of Commerce, Division of Liquor Control to Zooz Limited dba City & East Hookah Bar, 2781 Euclid Heights Blvd., Cleveland Heights, Ohio 44106 and requesting that a hearing on the issue of renewal be held in Cuyahoga County, Ohio

Introduced by Council Member Ungar, Seconded by Council Member Hart

Roll Call: Ayes: Dunbar, Hart, Seren, Stein, Ungar
Nays: None

Legislation Passed

Council Member Ungar asked for the Law Department’s continued work on the transition to an elected Mayor to be timely and effective. Council Member Hart asked that it be updated as an agenda item to keep residents informed.

ADMINISTRATIVE SERVICES COMMITTEE

ORDINANCE NO. 86-2020 (AS). An Ordinance approving amendments to the Charter of the City of Cleveland Heights; providing for the submission to the electors of the City of Cleveland Heights proposed amendments to the Charter of the City of Cleveland Heights for placement on the November ballot

Legislation introduced by Vice Mayor Seren, Seconded by Council Member Ungar

Vice Mayor Seren moved to amend the legislation by substituting the phrase, “a Mayoral election,” with the phrase, “the Mayoral election,” where it appears in Exhibit A.

Amendment introduced by Vice Mayor Seren, Seconded by Council Member Ungar

Council Member Hart asked the Law Director to give an overview. Bill Hanna stated this word revision was in reference to the possibility of having two candidates for the office of Mayor and that primary would be held on the second Tuesday in September following the first Monday in September. This amendment clarifies which election is being referenced.

Roll Call for amendment: Ayes: Hart, Seren, Stein, Ungar, Dunbar
Nays: None

Motion Passed

Roll Call: Ayes: Seren, Stein, Ungar, Dunbar, Hart
Nays: None

Legislation Passed

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Vice Mayor Seren stated that FutureHeights is holding a Zoom forum this Thursday at 7:00 p.m. to discuss policing, police violence, police accountability, and reform. More information is available on their website.

FINANCE COMMITTEE

Council Member Hart stated there will be a Finance Committee meeting in August with a date to be determined to discuss the budget. She stated she is working with FutureHeights to plan some community forums on the transition to an elected Mayor.

MUNICIPAL SERVICES COMMITTEE

Council Member Dunbar stated the Municipal Service Committee met last Monday which was largely devoted to presentations by staff and consultants on some financial issues including sewers and garbage. The video is available on the city website. She made a comment about the maintenance of this city and stated resurfacing has begun including the ADA curb replacement program. The surface treatment program will soon be starting. The striping program is ongoing. Some Safe Routes to School work will be done on curb ramps and pavement markings. The Selwyn Road Waterline project continues this summer. There was some damage done to Glenwood by a sinkhole and that is being repaired.

PLANNING AND DEVELOPMENT COMMITTEE

No report

Consent Agenda

RESOLUTION 84-2020 (F), Second Reading. A Resolution approving the adoption of the 2021 Tax Budget

RESOLUTION 87-2020 (PSH). A Resolution authorizing the City Manager to enter into an agreement with Motorola Solutions, Inc. for the purchase of upgraded police-worn body cameras and associated software for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program

RESOLUTION 88-2020 (F). A Resolution appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon within the City of Cleveland Heights

RESOLUTION 89-2020 (F). A Resolution appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of street lighting within the City of Cleveland Heights

RESOLUTION 90-2020 (PSH). A Resolution authorizing the City Manager to enter into an agreement with All City Management Services, Inc. for crossing guard services; providing compensation therefor

Motion to suspend rules by Council Member Dunbar, Seconded by Council Member Hart

Roll Call: Ayes: Stein, Ungar, Dunbar, Hart, Seren
Nays: None

Motion Passed

Motion to adopt by Council Member Dunbar, Seconded by Council Member Hart

Roll Call: Ayes: Ungar, Dunbar, Hart, Seren, Stein
Nays: None

Legislation Passed

NEXT MEETING OF COUNCIL: TUESDAY, SEPTEMBER 8, 2020

Respectfully submitted,

Jason S. Stein, Mayor

Amy Himmelein, Clerk of Council
/jkc