



November 6, 2023
Regular Meeting
7:30 PM

Cleveland Heights City Hall
Council Chambers
40 Severance Cir
Cleveland Heights, Ohio

AGENDA - CLEVELAND HEIGHTS CITY COUNCIL MEETING

- 1) **Meeting called to order by Council President**
- 2) **Roll Call of Council Members**
- 3) **Excuse absent members**
- 4) **Amendments to the Agenda (if necessary)**
- 5) **Approval of minutes from previous meeting(s)**
 - a. October 2, 2023
 - b. October 16, 2023
- 6) **Communications from the Mayor**
- 7) **City Administrator's Report**
- 8) **City Departmental Report(s)**
- 9) **Report of the Clerk of Council**
- 10) **Public Comment - Legislative Agenda Items only**

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda. Comments unrelated to the agenda may be made after Committee Reports)
- 11) **LEGISLATION**

Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public

Safety and Health. See Resolution 97-2022 for a list of Council Committee subject matter areas.

a. First Readings – Consideration of Adoption Requested

RESOLUTION NO. 173-2023(F): First Reading. A Resolution authorizing an agreement with ADP, Inc. for payroll processing services for the City's Finance Department; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Move for Adoption

ORDINANCE NO. 174-2023(F): First Reading. An Ordinance authorizing the sale of K-9 Officer Otto to his handler for the sum of One Dollar (\$1.00); and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Move for Adoption

RESOLUTION NO. 180-2023(CRR): First Reading. A Resolution authorizing an agreement with Otis Elevator Company for repairs to the elevator in the Cedar Lee Parking Garage; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Move for Adoption

b. First Readings Only

RESOLUTION NO. 175-2023(MSES): First Reading. A Resolution authorizing the Mayor to enter into an agreement with the County of Cuyahoga to perform certain services to help maintain the City's sanitary and storm sewers.

Introduced by Mayor Seren

RESOLUTION NO. 176-2023(MSES): First Reading. A Resolution authorizing the Mayor to enter into an agreement with Glaus, Pyle, Schomer, Burns and DeHaven, Inc., ("GPD Group") for utility engineering services associated with the replacement of water mains on Edgerly and Clarendon Roads; providing compensation therefor.

Introduced by Mayor Seren

RESOLUTION NO. 177-2023(MSES): First Reading. A Resolution authorizing an agreement with Pfund Superior Sales Co., Inc. of Lower Burrell, PA for the purchase of a 2025 Freightliner Crew Cab Ambulance and Chassis for the Cleveland Heights Fire Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

ORDINANCE NO. 178-2023(PD): First Reading. An Ordinance authorizing the Mayor to execute an agreement for the sale of certain real property located at 1900-1910 South Taylor Road, 1912-1926 South Taylor Road, and 1932-1946 South Taylor Road, Permanent Parcels No. 684-27-001, 684-26-011, and 684-26-012; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

ORDINANCE NO. 179-2023(COTW): First Reading. An Ordinance authorizing the allocation, appropriation and expenditure of ARPA funds.

Introduced by All Council Members

c. **Second Readings**

ORDINANCE NO. 127-2023(PD): Second Reading. An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to create and make permanent the City of Cleveland Heights Shared Spaces Program; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Move for Adoption

ORDINANCE NO 150-2023(PD): Second Reading. An Ordinance amending various sections of Chapters 110, 311, 351, 371, 521 and 1321 of the Codified Ordinances to facilitate a permanent Shared Spaces Program within the City; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Move for Adoption

12) Committee Reports

13) Public Comment - General

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda.)

14) Old Business

15) New Business

16) Adjournment

NEXT MEETING OF COUNCIL: NOVEMBER 20, 2023



October 2, 2023
Regular Meeting
7:30 PM

Cleveland Heights City Hall
Council Chambers
40 Severance Cir
Cleveland Heights, Ohio

MEETING MINUTES

1) Meeting called to order by Council President

Start: 7:30pm

2) Roll Call of Council Members

Present: Anthony Mattox Jr., Janine Boyd, Davida Russell, Melody Joy Hart, Craig Cobb, Tony Cuda, Gail Larson

3) Excuse absent members

4) Amendments to the Agenda (if necessary)

Motion to move Ord. 157-2023 to First Readings-Consideration of Adoption

Requested: Craig Cobb

Seconded: Janine Boyd

Yes: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart, Tony Cuda

No: None

Abstain: None

5) Approval of minutes from previous meeting(s)

a. September 5, 2023

APPROVED

6) Communications from the Mayor

It is announced that Shred Day is October 14, 2023 from 8am-12pm in the rear of city hall. There is a 10 box limit. Enter from Mayfield to enter the queue.

October is Breast Cancer Awareness Month and encourages everybody who might be at risk to get checked.

Cleveland Heights was awarded \$300,000 from the Department of Justice for embarking on a new relationship with Cleveland Peacemakers Alliance which should reduce the amount of city expenses or ARPA funds needed to support these potential violence intervention programs. Other partners in this endeavor are CHUH School District and the Heights Library system. Thanked his staff, Senator Sherrod Brown, and Health Commissioner Dr. Harris for their assistance.

7) Report of the Clerk of Council

Nothing to report

8) Public Comment - Legislative Agenda Items only

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda. Comments unrelated to the agenda may be made after Committee Reports)

Speakers

Peter Zicari	Citizen	Res. 157-2023; comment on plans for Horseshoe Lake
Korbi Roberts	Citizen	Res. 157-2023; comment on plans for Horseshoe Lake
Drew Herzig	Citizen	Res 156-2023; thanked Council for recognizing the importance of LGBTQ+ History Month
Penny Allen	Citizen	Res. 157-2023; comment on plans for Horseshoe Lake
Christine Heggie	Citizen	Res. 157-2023; comment on plans for Horseshoe Lake

9) LEGISLATION

Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public

1 Safety and Health. See Resolution 97-2022 for a list of Council Committee
2 subject matter areas.
3

4 **a. First Readings – Consideration of Adoption Requested**
5

6 **RESOLUTION NO. 155-2023(PD): First Reading.** A Resolution authorizing
7 the Mayor to submit a joint application with the Cities of University Heights
8 and East Cleveland to the Northeast Ohio Area Wide Coordinating Agency
9 (“NOACA”) for a grant under the Transportation for Livable Communities
10 Initiative (“TLCI”) Implementation Grant Program to fund the Taylor Road
11 Corridor Road Reconfiguration; and declaring the necessity that this
12 legislation become immediately effective as an emergency measure.
13 Introduced by Mayor Seren

14 **Motion to adopt:** Anthony Mattox Jr.

15 **Seconded:** Gail Larson
16

17 **Yes:** Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida
18 Russell, Melody Joy Hart, Tony Cuda

19 **No:** None
20

LEGISLATION PASSED

21 **RESOLUTION NO. 156-2023(CRR): First Reading.** A Resolution
22 recognizing October, 2023 as *LGBTQ+ History Month*; and declaring the
23 necessity that this legislation become immediately effective as an emergency
24 measure.

25 Introduced by Councilmember Russell

26 **Motion to adopt:** Anthony Mattox Jr.

27 **Seconded:** Davida Russell
28

29 **Discussion**
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31 **Mayor Seren:** A big part of the struggle for equality is the struggle to be seen,
32 and to be welcomed as you are, and not to be force to pretend to be something
33 else to fit archaic ideas about gender roles and who you can love. Thanked
34 Councilmember Russell for bringing this piece of legislation for consideration.
35

36 **Councilmember Russell:** She introduced this piece of legislation because
37 she believes we need to know the history, and she knows it is an uphill battle in
38 particularly in the African American community, as many in that community are
39 not very open and understanding of the LGBTQ+ struggles. Furthermore, all
40 minority populations are under attack, so we must represent everybody in our
41 community.
42

43 **Yes:** Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Davida
44 Russell, Melody Joy Hart, Tony Cuda

No: None

LEGISLATION PASSED

RESOLUTION NO. 157-2023(PD): First Reading. A Resolution authorizing the execution of agreements between the City of Cleveland Heights, the Northeast Ohio Regional Sewer District (the "District") and the City of Shaker Heights to authorize the District to proceed with the design of the Doan Brook Restoration Near Horseshoe Lake Park Project, and the design of certain amenities funded by the two Cities, at an approximate design cost to Cleveland Heights of One Hundred Sixty-eight Thousand Three Hundred Twenty-seven Dollars (\$168,327.00); and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Craig Cobb

Discussion

President Hart: She originally was one of the people who wanted to keep Horseshoe Lake and she hoped the Sewer District and the City could come to an amendable agreement for everybody. However, she intends to vote yes because she has realized where we are in the process, and if the lake isn't going to be there, she would like amenities to be available to residents.

Councilmember Boyd: She has the privilege of serving on the Doan Brook Watershed Board, and there are many people who are dedicated to protecting the species of plants and life that exist there, and to ensuring the integrity of the project.

Yes: Anthony Mattox Jr., Gail Larson, Janine Boyd, Craig Cobb, Melody Joy Hart, Tony Cuda, Davida Russell (no provision for Abstaining)

No: None

LEGISLATION PASSED

b. First Readings Only

ORDINANCE 158-2023(PSH): First Reading. An Ordinance authorizing the renewal of an agreement with the Cuyahoga County General Health District for the provision of public health services to the City and its residents; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

10) Committee Reports

MSES: Next meeting will be October 16th at 10am

HB: Update from the Committee meeting earlier in the evening. The next HB Committee meeting will be rescheduled and a new date will be announced soon. Councilmember Cuda would like to know what the city's process/policy of engaging the public for development projects, like Noble Station, is? He is looking forward to a discussion with his colleagues on this topic so that the next time we are confronted with a decision (like Noble Station) we are prepared.

AS: Will hold a hearing on October 4th at 4:30pm to discuss the Mayor's legislation I of establishing an Arts Commission for the City of Cleveland Heights.

CRR: Next Tenant-Landlord Workshop will be October 14th at 10:30am; free CPR classes will start soon, more details to come; November 11 will be the second Pathway to Home-ownership Series.

PD: The committee's next meeting will be October 9th at 5:30pm

11) Public Comment - General

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda.)

Speakers

Cameron Cornelison	Citizen	Vacancies on Coventry; ARPA funds request for Coventry Village
Lee Williams	Citizen	Complaint about construction/rehab materials on tree lawn for over a month (3755 Berkeley Rd.)
Joshua Tang	Citizen	Complaint about the responsiveness (or lack of response) of city services; also, would like to see co-working spaces (Coventry)
Michael Bending	Citizen	Complaint about the lack of communication between administration/staff and residents; has had issues contacting the housing/building department on several occasions across different methods of communication

1 **12) Old Business**

2 **13) New Business**

3 **Cuda:** Clarified a statement of his regarding the ABR/Planning Commission on
4 their work regarding the Noble Station Development.

5 **14) Adjournment**

6 End: 8:29pm

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9 **NEXT MEETING OF COUNCIL: OCTOBER 16, 2023**

DRAFT



October 16, 2023
Regular Meeting
7:30 PM

Cleveland Heights City Hall
Council Chambers
40 Severance Cir
Cleveland Heights, Ohio

MEETING MINUTES

1) Meeting called to order by Council President

7:40pm

2) Roll Call of Council Members

Present: Anthony Mattox Jr., Janine Boyd, Davida Russell, Melody Joy Hart, Craig Cobb, Tony Cuda, Gail Larson

3) Excuse absent members

4) Amendments to the Agenda (if necessary)

5) Approval of minutes from previous meeting(s)

6) Report from Racial Justice Task Force

Rhonda Davis-Lovejoy

Report given with the findings and recommendations of the Racial Justice Task Force, by Chairwoman Rhonda Davis Lovejoy.

7) Communications from the Mayor

Made a statement about the murder of a 6-year-old American boy of Palestinian descent in the wake of the Hamas attacks on Israel. Affirmed and added to his statement from last week regarding the assault on Israel by Hamas terrorists. There is no excuse for the assault and murder of children. It is incumbent on us as neighbors to look out for one another. We look out for everybody in Cleveland Heights, including our Jewish neighbors and friends, our Muslim neighbors and friends, and everybody else; there is no caveat. Any ethnic hate has no home here.

8) City Administrators Report

Nothing to report, but Administrator Williams thanked President Hart for including this section in the agenda in order to provide a space for him to update the Council.

9) City Departmental Report(s)

No reports

10) Report of the Clerk of Council

Nothing to report

11) Public Comment - CHUH Students

Speakers

Kieran Baldwin	Student/Citizen	Cumberland Pool
Genevieve Baldwin	Student/Citizen	Cumberland Pool
Zoe Baldwin	Student/Citizen	Cumberland Pool
Charlotte Sluzewski	Student/Citizen	Cumberland Pool
Greyson James Sluzewski	Student/Citizen	Cumberland Pool

12) Public Comment - Legislative Agenda Items only

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda. Comments unrelated to the agenda may be made after Committee Reports)

Speakers

Jessica Cohen	Citizen	RES 167-2023; in support of this Resolution
Drew Herzig	Citizen	RES 165-2023, RES 166-2023, RES 169-2023; in support of the LGBTQIA+ community
Melissa Wood	Citizen	RES 167-2023; against this Resolution
Christopher Wood	Citizen	RES 167-2023; against this Resolution
Susan Efroymsen	Citizen	RES 167-2023; in support of this Resolution

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2 **13) LEGISLATION**

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4 *the Council Committee within which the subject matter of the legislation falls.*
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6 *(COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation;*
7 *(F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and*
8 *Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public*
9 *Safety and Health. See Resolution 97-2022 for a list of Council Committee*
10 *subject matter areas.*

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13 **a. First Readings – Consideration of Adoption Requested**
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16 **ORDINANCE NO. 159-2023(F): First Reading.** An Ordinance to amend
17 certain subparagraphs of Ordinance No. 168-2022, relating to appropriations
18 and other expenditures of the City of Cleveland Heights, Ohio for the fiscal
19 year ending December 31, 2023, and declaring the necessity that this
20 legislation become immediately effective as an emergency measure.

21 Introduced by Mayor Seren

22 **Motion to amend by substitution:** Craig Cobb

23 **Seconded:** Gail Larson

24
25 **Yes:** Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson,
26 Anthony Mattox Jr., Davida Russell

27 **No:** None

28 **MOTION PASSED**

29 **Motion to adopt:** Davida Russell

30 **Seconded:** Janine Boyd

31
32 **Yes:** Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson,
33 Anthony Mattox Jr., Davida Russell

34 **No:** None

35 **LEGISLATION PASSED**

36 **ORDINANCE NO. 160-2023(PD): First Reading.** An Ordinance authorizing
37 the Mayor to execute three easements to the Cleveland Electric Illuminating
38 Company for the relocation of power lines as part of the Cedar Lee
39 Meadowbrook Development; and declaring the necessity that this legislation
40 become immediately effective as an emergency measure.

41 Introduced by Mayor Seren

42 **Motion to adopt:** Gail Larson

43 **Seconded:** Anthony Mattox Jr.

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson,
Anthony Mattox Jr., Davida Russell
No: None

LEGISLATION PASSED

RESOLUTION NO. 161-2023(PSH): First Reading. A Resolution authorizing the Mayor to accept a grant from the Ohio Department of Public Safety's ("ODPS"), Ohio Traffic Safety Office ("OTSO"), *High Visibility Enforcement Grant Program (HVE)*, *Impaired Driving Enforcement Program (IDEP)*, *Selective Traffic Enforcement Program (STEP)* to support traffic enforcement efforts; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.
Seconded: Craig Cobb

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson,
Anthony Mattox Jr., Davida Russell
No: None

LEGISLATION PASSED

RESOLUTION NO. 162-2023(AS): First Reading. A Resolution increasing the compensation of the Clerk of Council; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by President Hart

Motion to adopt: Davida Russell
Seconded: Janine Boyd

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson,
Anthony Mattox Jr., Davida Russell
No: None

LEGISLATION PASSED

RESOLUTION NO. 163-2023(AS): First Reading. A Resolution appointing John Barber, as a member of the Transportation and Environmental Sustainability Committee of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

Motion to adopt: Gail Larson
Seconded: Davida Russell

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson,

Anthony Mattox Jr., Davida Russell
No: None

LEGISLATION PASSED

RESOLUTION NO. 164-2023(COTW): First Reading. A Resolution in support of House Bill 420; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by President Hart

Motion to adopt: Gail Larson
Seconded: Davida Russell

Discussion

Larson: Hopes that the State legislators can come together to ban conversion therapy throughout the State of Ohio.

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr., Davida Russell
No: None

LEGISLATION PASSED

RESOLUTION NO. 165-2023(COTW): First Reading. A Resolution expressing the city's strong support of Senate Bill 132, which is known as the Ohio Fairness Act, which will provide the same protections under Ohio's antidiscrimination laws to members of the LGBTQIA+ community as are provided to all Ohio residents; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by President Hart

Motion to adopt: Janine Boyd
Seconded: Davida Russell

Discussion

Larson: This Resolution confirms that all are welcome here in Cleveland Heights; if SB 132 passes, it will provide the protection that our LGBTQIA+ community deserves.

Hart: The legislation calls for residents of Cleveland Heights to contact the Senate of Ohio's Oversight committee and encourages them to vote yes for their legislation.

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr., Davida Russell
No: None

LEGISLATION PASSED

RESOLUTION NO. 166-2023(COTW): First Reading. A Resolution expressing the City's opposition to House Bill 245, which intentionally seeks to suppress freedom of expression among the LGBTQIA+ community and performance artists; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by President Hart

Motion to adopt: Davida Russell

Seconded: Gail Larson

Discussion

Larson: HB 245 should not pass, and she encourages everybody to contact your legislators to encourage them to vote no.

Hart: This bill is misleading and violates first amendment rights.

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr., Davida Russell

No: None

LEGISLATION PASSED

RESOLUTION NO. 167-2023(COTW): First Reading. A Resolution in support of Israel as it defends itself in the war launched by terrorists; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by All City Council Members and Mayor Seren

Motion to adopt: Craig Cobb

Seconded: Gail Larson

Discussion

Mattox: Quoted MLK Jr. and spoke about the pain this travesty has caused; putting yourself in others shoes is important in situations like this. There are a lot of lost innocent lives on both sides of this war. We need to remind ourselves that we are all human and all deserve freedom and justice. He is praying for this community. He is grieving for every victim, but is demanding justice for all people. He is asking for our leaders to have a conversation that should have been had long ago.

Larson: She has listened to all of the words spoken tonight and she feels the humanity in this room. We are all welcome here, and the diversity in the room tonight is evidence of that. She whole heartedly supports this legislation.

Russell: Terrorism is the enemy of democracy. Her prayers go out to everybody who has been affected by this tragedy. We can protect the people in our community, and we can love each other here. If anybody ever needs somebody to talk to, please call her.

Boyd: Spoke about her time visiting Israel and what she witnessed was a lot of collaboration between Israelis and Palestinians on many different levels. We must continue to separate what is the terrorist organization that is Hamas

and the people of Palestine. We must give each other space to grieve and be kind to one another.

Cuda: Supports this legislation and read a statement regarding the recent attacks. This time has been traumatic for all of us, but especially for our Jewish and Israeli neighbors. He grew up in a neighborhood with many Jewish people, and many had numbers on their arms. Although not Jewish himself, he was enriched by his Jewish neighbors and Jewish culture. For him, it is not enough to say how sorry he is, he wants the community to know why he is sorry and what the community means to him.

Cobb: He recently rewatched Schindler's List and he doesn't know how anybody can watch that movie and then question Israel's right to defend themselves. He does not find anything controversial in this legislation that he believes all of Council will support.

Hart: Council brought this legislation forward because they wanted to support our Jewish residents and neighbors who have been so affected by the attacks by Hamas. Hamas is also hurting innocent Palestinians. We are one community that supports you, and are here for you. We condemn the attacks and defend the right of Israel to defend themselves. She will be voting yes for this.

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr., Davida Russell

No: None

LEGISLATION PASSED

b. First Readings Only

RESOLUTION NO. 168-2023(PSH): First Reading. A Resolution authorizing an agreement with the Journey Center for Healing and Safety for a Victim Advocate in the Cleveland Heights Municipal Court; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Boyd

READ INTO THE RECORD
REFERRED TO COMMITTEE

RESOLUTION NO. 169-2023(PSH): First Reading. A Resolution authorizing an agreement with Bellefaire JCB for law enforcement training and an update of the Cleveland Heights Youth Diversion and Mentoring Program to better serve transgender and other LGBTQIA+ youth; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Councilmember Boyd

READ INTO THE RECORD
REFERRED TO COMMITTEE

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Introduced by Mayor Seren

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr., Davida Russell
No: None

LEGISLATION PASSED

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. Action upon the Consent Agenda will require two motions: the first to suspend the rules under Chapter 11 of the Codified Ordinance of the City of Cleveland Heights, and a second for approval or adoption of the items within the Consent Agenda. A vote upon adoption of the Consent Agenda operates as to all items on the Consent Agenda at the time the motion to approve or adopt is made.

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr., Davida Russell
No: None

MOTION PASSED

Yes: Janine Boyd, Craig Cobb, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr., Davida Russell
No: None

LEGISLATION PASSED

8

that this legislation become immediately effective as an emergency measure.

Introduced by All City Council Members and Mayor Seren

Legislation passed on consent agenda

RESOLUTION NO. 171-2023(PD): First Reading. A Resolution declaring October 2023 *National Community Planning Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by All City Council Members and Mayor Seren

Legislation passed on consent agenda

RESOLUTION NO. 172-2023(PSH): First Reading. A Resolution recognizing October 24, 2023 as *Climate Action Day* in Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by All City Council Members and Mayor Seren

Legislation passed on consent agenda

14) Committee Reports

PSH: There will be a Public Safety and Health Public Hearing on Thursday, October 19th at 3:30pm with regard to both pieces of legislation read on first reading tonight.

PD: Update from the Planning and Development Committee tonight; 128-2023, 129-2023, and 150-2023 will all be discussed in another meeting coming up in the next couple of weeks. ETC.....

AS: On October 4, 2023 Admin Services had a public hearing on the Arts Commission legislation and hopes to finish that discussion at another Admin Services meeting or COTW meeting soon.

CRR: Next meeting is Monday, November 6 at 10:30am. Upcoming mixer for the senior LGBTQIA+ community. etc.

MSES: Update from meeting this morning where they discussed draft legislation for creating two separate committees (out of TESC).

HB: Update from meeting a couple weeks ago regarding potential Short Term Rental legislation.

15) Public Comment - General

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda.)

Speakers

Margaret Hall	Citizen	Cumberland Pool
Claire Robinson May	Citizen	Cumberland Pool

Susan Ford	Citizen	Cumberland Pool
Cary Seidman	Citizen	Cumberland Pool
Nancy Ballou	Citizen	Heights High Pool Access
Melissa Wood	Citizen	Cumberland Pool
Cheryl Kuenzel	Citizen	Cumberland Pool
Christopher Wood	Citizen	Cumberland Pool
Robin Koslen	Citizen	Cumberland Pool
Kimberly Ulatowski	Citizen	Cumberland Pool
Nicholas Bislich	Citizen	Cumberland Pool
James Williams	Citizen	Cleveland Heights as a sanctuary city; sponsors for people seeking asylum
Joanne Siegel	Citizen	Cumberland Pool
Cynthia Penter/Gordon Van Metre (read by Clerk)	Citizen	Cumberland Pool

16) Old Business

17) New Business

18) Adjournment

9:57pm

NEXT MEETING OF COUNCIL: NOVEMBER 6, 2023

Memo

To: Mayor Kahlil Seren
From: Andy Unetic, Finance Director
Date: November 1, 2023
Re: ADP Contract Legislation

With all of the reporting and requirements of payroll, processing the City's payroll has become increasingly involved and burdensome. The Financial Analyst and myself have had to spend a lot of time on payroll reconciling and reporting duties, which takes us away from our normal daily duties, slowing down the Finance Department operations. The payroll administrator is doing two jobs at once (payroll administrator and treasury), which is making payroll very arduous. The payroll administrator also has been working numerous hours of overtime to get all of the duties of both positions done on time. The City's payroll process is antiquated and not as efficient as it can be.

As a way to move the City's payroll process forward and make it more efficient, I am proposing the City enter into a two-year contract with ADP to assist with the City's payroll processing. The City will still handle the upfront payroll processing, such as: verifying the time sheets are accurate; maintain the pay schedules; handling payroll adjustments; reviewing the payroll for accuracy; and initiate funding to pay the employees. ADP will handle: provide reporting to reconcile payroll; do the reconciling for federal, state and local, taxes and get them paid; filing quarterly and annual federal, state, local taxes; coordinate quarterly and year-end tax-related activities; respond to employee and manager inquiries; do W2's; and several other duties. Entering into a contract with ADP will free up at least 110 hours of month of payroll processing freeing up the Finance Director, Financial Analyst, and payroll administrator to perform other duties and make the Finance Department operate more efficiently. Currently there is a vacant Treasury position in the Finance Department that is being handled by payroll administrator. By signing the contract with ADP, I am proposing combining the Treasury position with the payroll administrator position in the Finance Department. The combined position would handle payroll processing on payroll weeks and treasury on non-payroll weeks. The would eliminate overtime and a position.

ADP is an extremely reputable company with over 70 years of service. ADP is very familiar with handling payroll for government entities and handles numerous surrounding communities' payroll. The contract price for year 1 is \$106,043, however if you factor in the elimination of the treasury position, the net cost would be \$33,766. The contract price for year 2 is \$139,325, however if you factor in the elimination of the treasury position, the net cost would be \$63,434. I think this price is very reasonable when you consider all of the efficiencies that will be gained by the City on top of this. ADP is giving the City numerous discounts on this pricing, which is only good if the contract is approved by November 22, 2023. It is my recommendation that the City enter into this contract with ADP.

Proposed: 11/06/2023

RESOLUTION NO. 173-2023(F), *First Reading*

Introduced by Mayor Seren

A Resolution authorizing an agreement with ADP, Inc. for payroll processing services for the City's Finance Department; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, it would more economical and in the best interests of the City and its residents to enter into an agreement with a contractor for payroll processing services; and

WHEREAS, ADP, Inc. ("ADP") has submitted a proposal to provide such services, the terms of which are reasonable and competitive; and

WHEREAS, it would be in the best interest of the City and its residents to accept said proposal for services.

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

SECTION 1. This Council hereby authorizes an agreement with ADP, Inc. ("ADP") to provide payroll processing services as per its proposal attached hereto as Exhibit "A" and incorporated herein by reference. The agreement shall be for a period of two years, shall provide for total compensation in a sum not to exceed the sum of Two Hundred Forty-five Thousand Three Hundred Sixty-seven and 84/100 Dollars (\$245,367.84), and shall contain such other terms as recommended by the Mayor and Director of Law, and 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 4. It is necessary that this Resolution become immediately effective as an emergency measure 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 continue to provide payroll services without interruption. 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. 173-2023(F)

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 11/6/2023

ORDINANCE NO. 174-2023(F), *First Reading*

By Mayor Seren

An Ordinance authorizing the sale of K-9 Officer Otto to his handler for the sum of One Dollar (\$1.00); and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, Otto is a K-9 officer serving the Cleveland Heights Police Department since early 2019; and

WHEREAS, Otto was trained by and has remained with his handler Officer Joshua Payne since joining the Police Department; and

WHEREAS, due to unforeseen circumstances, Officer Payne can no longer meet minimal handler requirements; 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, Otto is no longer needed for municipal purposes; and

WHEREAS, in Ohio and throughout the country, it is the general policy and practice that a K-9 officer who can no longer work as a K-9 officer be sold to his or her handler for One Dollar (\$1.00), and such a sale would be in the best interests of Otto, Officer Payne and the residents of Cleveland Heights.

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 Otto to his handler Officer Joshua Payne 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.

SECTION 3. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of the public peace, health and

ORDINANCE NO. 174-2023(F)

safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for Otto 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.

MELODY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor

Proposed: 11/06/2023

RESOLUTION NO. 180-2023(CRR),
First Reading

Introduced by Mayor Seren

A Resolution authorizing an agreement with Otis Elevator Company for repairs to the elevator in the Cedar Lee Parking Garage; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, it is necessary that repairs be made to the elevator in the Cedar Lee Parking Garage by Otis Elevator Company, a sole source provider; and

WHEREAS, Otis Elevator Company has submitted a proposal to perform the required repairs as is shown on Exhibit "A", the terms of which are reasonable and competitive; and

WHEREAS, it would be in the best interest of the City and its residents to accept said proposal for services.

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

SECTION 1. This Council hereby authorizes an agreement with Otis Elevator to provide repairs to the Cedar Lee Parking Garage Elevator. The work to be performed shall be as set forth on Exhibit "A" attached hereto and incorporated herein by reference. Total compensation for parts and labor shall not exceed the sum of Fifty-two Thousand, Four Hundred Dollars (\$52,000.00). The repair agreement shall contain such other terms as recommended by the Mayor and Director of Law, and 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 4. It is necessary that this Resolution become immediately effective as an emergency measure 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 protect the safety and security of patrons utilizing the Cedar Lee Parking Garage. 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. 180-2023(CRR)

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Otis Service and Repair Order

8/1/2023

CUSTOMER NAME

CEDAR LEE PARKING
2215 LEE ROAD
CLEVELAND HEIGHTS, OH 44118

OTIS ELEVATOR COMPANY

9800 ROCKSIDE RD-STE 1200
CLEVELAND, OH 44125

OTIS CONTACT

Lisa Bacchas
Phone: +1 (224) 229-8311
Email: Lisa.Bacchas@otis.com

PROJECT LOCATION

CEDAR LEE PARKING
2215 LEE RD
CLEVELAND, OH 44118-2901

PROPOSAL NUMBER

QTE-001707823

We propose to furnish the necessary material and labor on the following units:

Unit	Customer Designation
F12361	CEDAR LEE PRKG

SCOPE OF WORK- ELEVATOR PARKING REPAIRS:

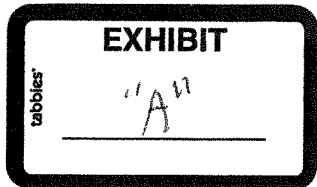
- New doors on landing 3 & 4
- New door rollers on all floors including car door
- New Spirator at each floor x 4
- New door operator GAL
- New door gibs at all floors
- Clean and adjust all doors and associated parts

Material provided shall be installed in accordance with the ASME A17.1 Safety Code for Elevators and Escalators.

The customer will be responsible for paying local inspection fees if applicable.

A representative will contact you to schedule the work. All work will be performed during regular working days and hours of the Elevator Trade unless otherwise specified above.

OTIS SERVICE AND REPAIR ORDER





Date: November 2, 2023

To: Kahlil Seren, Mayor

From: Collette Clinkscale, Public Works Director

Subject: *Legislation Request Cuyahoga County – Professional Services related to the City's Sanitary and Storm Sewers.*

This agreement is related to sanitary and storm sewer services that may be needed from time to time from the Cuyahoga County Department of Public Works. The services include but are not limited to, maintenance, engineering and emergency services. This annual agreement has been utilized over the past several years and helps the City meet requirements of the Consent Decree.

This 2024 agreement is not to exceed \$600,000 for the year.

Cc: Danny Williams, City Administrator
William Hanna, Law Director
Laure Wagner, Assistant Law Director
Addie Balester, Clerk of Council

Proposed: 11/06/2023

RESOLUTION NO. 175-2023(MSES), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with the County of Cuyahoga to perform certain services to help maintain the City's sanitary and storm sewers; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City owns and operates sanitary and storm sewers and catch basins, which require regular maintenance; and

WHEREAS, Section 171.02(b) of the Cleveland Heights Codified Ordinances authorizes the purchase of services without obtaining competitive bids where the price for services offered by a political subdivision is less than the price that would be obtained by taking bids from private persons; and

WHEREAS, the Mayor has determined that Cuyahoga County offers certain maintenance services for sanitary and storm sewers and catch basins at a price less than would be obtained by taking bids from private persons and that it would be in the City's best interests to retain the County for such services.

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

SECTION 1. The Mayor be, and he is hereby, authorized to execute an agreement with the County of Cuyahoga to provide certain services to maintain the City's sanitary and storm sewers and catch basins, in accordance with the requirements set forth in Section 171.02(b) of the Cleveland Heights Codified Ordinances. The agreement shall be similar to the one on file with the Clerk of Council. The term of the agreement shall expire on December 31, 2024, and the total amount to be paid by the City shall not exceed the sum of Six Hundred Thousand Dollars (\$600,000). The agreement and any related documents shall be approved as to form and subject to the final approval of the Director of Law.

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

RESOLUTION NO. 175-2023(MSES)

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure 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 proceed with the maintenance of the City's sewer and storm systems 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.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor



Date: October 27, 2023

To: Kahlil Seren, Mayor

From: Collette Clinkscale, Public Works Director

Subject: *Legislation Request for GPD Group – Engineering Design for Waterline Replacement and Street Rehabilitation of Edgerly and Clarendon*

This agreement is for the engineering design to replace 900 feet of waterline on Edgerly Road from Fenley Road to Runnymede Blvd and to replace 2,500 feet of waterline on Clarendon Road from South Taylor to Lee Road and to rehabilitate both roads as part of the design work.

This agreement is not to exceed \$91,500. The City received two grants from the Cleveland Water Department's Suburban Watermain Replacement (SWMR) program to replace the waterlines. The road repair portions of the projects will be funded under the 2024 road program.

Cc: Danny Williams, City Administrator
William Hanna, Law Director
Laure Wagner, Assistant Law Director
Addie Balester, Clerk of Council

Proposed: 11/06/2023

RESOLUTION NO. 176-2023(MSES),
First Reading

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with Glaus, Pyle, Schomer, Burns and DeHaven, Inc., ("GPD Group") for utility engineering services associated with the replacement of water mains on Edgerly and Clarendon Roads; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights, Ohio, has determined the need for the replacement of water mains on Edgerly Road and Clarendon Road;

WHEREAS, the City requires professional utility engineering services for this project; and

WHEREAS, the Mayor has recommended that the services offered by GPD Group best meet the City's needs; and

WHEREAS, such engineering services are professional services for which no bidding is necessary.

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

SECTION 1. The Mayor be, and he is hereby, authorized to enter into an agreement with GPD Group for engineering services for the replacement of water mains on Edgerly Road and Clarendon Road. The agreement shall be substantially in accordance with the terms and conditions set forth in the proposed agreement for professional services submitted by GPD Group, a copy of which is on file with the Clerk of Council. Compensation for the services detailed therein shall not exceed the sum of Ninety-one thousand Five Hundred Dollars (\$91,500.00). All agreements hereunder shall be approved as to form and subject to the final approval of the Director of Law.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure 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 commence the above-described improvements at the earliest possible time to protect the safety and welfare of the residents of the City. Provided it receives the

RESOLUTION NO. 176-2023(MSES)

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

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Second Ambulance Purchase

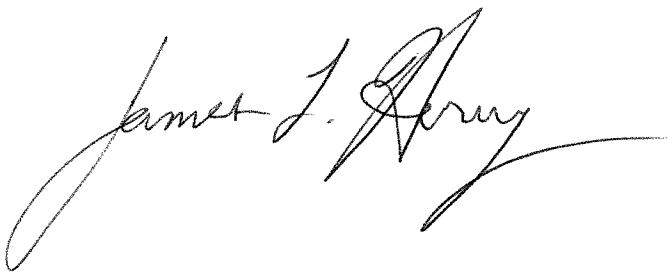
Memo to the City Council:

All,

The Fire/EMS Department has been approved to replace a second aging ambulance, and these funds have been decided to come from ARPA funding. We have stayed to the exact specifications of the prior ambulance build. Finance Director Unetic will be presenting this quote to the Council.

The Fire/EMS Department thanks you for your continued support in our mission.

Sincerely,

A handwritten signature in black ink, reading "James L. Perry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Proposed:11/06/2023

RESOLUTION NO. 177-2023(MSES), *First Reading*

By Mayor Seren

A Resolution authorizing an agreement with Pfund Superior Sales Co., Inc. of Lower Burrell, PA for the purchase of a 2025 Freightliner Crew Cab Ambulance and Chassis for the Cleveland Heights Fire Department through the Ohio Department of Administrative Services Cooperative Purchasing Program; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, in order to continue to provide optimum emergency services, it is necessary to purchase a new ambulance and chassis; for the use of the Cleveland Heights Fire Department ("CHFD"); and

WHEREAS, Section 171.11 of the Cleveland Heights Codified Ordinances authorizes the purchase of machinery, materials, supplies, and other articles through the Ohio Department of Administrative Services Cooperative Purchasing Program without obtaining competitive bids; and

WHEREAS, the Mayor has determined that the necessary vehicle may be purchased through this State Cooperative Purchasing Program at a lower price than could be obtained through bidding and that it would be in the City's best interests to purchase said vehicle by this means.

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

SECTION 1. The Mayor be, and he is hereby, authorized to enter into an agreement with Pfund Superior Sales, Co. Inc. of Lower Burrell, PA for the purchase of a new ambulance and chassis for CHFD through the State of Ohio Department of Administrative Services Cooperative Purchasing Program, in accordance with the requirements of Section 171.11 of the Cleveland Heights Codified Ordinances. The agreement shall provide for a sales price of Three Hundred Seventy-nine Thousand Seven Hundred Thirteen Dollars (\$379,713.00). 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. It is necessary that this Resolution become immediately effective as

RESOLUTION NO. 177-2023(MSES)

an emergency measure 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 ODAS and vendor deadlines. 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.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

MEMORANDUM

To: Kahlil Seren, Mayor
From: Brian Anderson, Assistant Director of Economic Development
Date: November 3, 2023
Subject: Ordinance No. 178-2023 - Legislation to authorize executing an agreement for the sale of the Taylor Tudor parcels

Overview:

In order for the Taylor Tudor restoration (and the larger Cain Park Village revitalization) to move forward, City Council will need to pass several pieces of legislation over the coming weeks/months to allow the City to enter into agreements with WXZ, the developer selected by the City in conjunction with an RFP issued in 2021, and allow construction activities to commence in early 2024 on the Taylor Tudor buildings. The legislation will include authorizations/approvals of a Purchase and Sale Agreement (PSA), Development Agreement, and TIF Ordinance.

Purpose of Ordinance No. 178-2023

This specific legislation authorizes the City to enter into a PSA with WXZ for the three parcels that comprise the Taylor Tudor buildings. As in other projects, one of the conditions to closing under the PSA will be the execution of a Development Agreement.

Proposed: 11/06/2023

ORDINANCE NO. 178-2023(PD), *First Reading*

By Mayor Seren

An Ordinance authorizing the Mayor to execute an agreement for the sale of certain real property located at 1900-1910 South Taylor Road, 1912-1926 South Taylor Road, and 1932-1946 South Taylor Road, Permanent Parcels No. 684-27-001, 684-26-011, and 684-26-012; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, certain real property identified as Permanent Parcels No. 684-27-001, 684-26-011 and 684-26-012, and more commonly known as 1900-1910, 1912-1926, and 1932-1946 South Taylor Road, Cleveland Heights, Ohio, (the "Property") is currently owned by the Cleveland Heights Land Reutilization Corporation and Cleveland Heights Land Reutilization Program; and

WHEREAS, the City desires to obtain title ownership of the Property and subsequently sell the Property to WXZ CPV LLC, an Ohio limited liability company, ("Purchaser") for redevelopment; and

WHEREAS, the City intends to sell the Property for a purchase price of One Dollar (\$1.00) in anticipation of the City receiving a mutually-agreed upon portion of tax increment financing services payments generated through the proposed Development in addition to other economic and non-economic benefits; and

WHEREAS, the sale of the Property is contingent upon negotiation and execution of a Development Agreement acceptable to both parties; and

WHEREAS, this Council has determined that it is in the best interest of the City and its residents to proceed with negotiation of a Development Agreement and the sale of the Property.

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

SECTION 1. The Mayor is hereby authorized to execute any and all documents and take any actions necessary to obtain from the Cleveland Heights Land Reutilization Corporation and Cleveland Heights Land Reutilization Program the property identified as Permanent Parcels No. 684-27-001, 684-26-011, and 684-26-012, also identified as 1900-1910, 1912-1926, and 1932-1946 South Taylor Road, Cleveland Heights, Cuyahoga County, Ohio (the "Property") and to subsequently execute a purchase agreement and any related documents with WXZ CPV LLC for the sale of the Property. The Purchase Agreement shall be substantially in accordance with the terms of the draft

ORDINANCE NO. 178-2023(PD)

agreement on file with the Clerk of Council, and the sale shall be contingent upon the successful negotiation and execution of a Development Agreement for the Taylor-Tudor Redevelopment Project. The purchase price for the property shall be the sum of One Dollar (\$1.00) plus reasonable and customary closing costs. The agreement shall contain such further terms as recommended by the Mayor and Director of Law and shall be approved as to form by the Director of Law.

SECTION 2. This Council finds the aforementioned Property to be sold is not needed for municipal purposes.

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for the City to meet construction deadlines. 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 immediate effect and be force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

REAL ESTATE PURCHASE AGREEMENT

(1900-1910, 1912-1926, and 1932-1946 South Taylor Road, Cleveland Heights, Ohio 44118)

This Real Estate Purchase Agreement (“**Agreement**”) is entered on _____, 2023 (“**Effective Date**”) between THE CITY OF CLEVELAND HEIGHTS, OHIO (“**Seller**”), a municipal corporation and political subdivision organized under the laws of the State of Ohio and its Charter, whose address is 40 Severance Circle, Cleveland Heights, Ohio 44118 and WXZ CPV LLC (“**Buyer**”), an Ohio limited liability company, whose address is 22720 Fairview Center Drive, Suite 150, Fairview Park, Ohio 44126.

ARTICLE 1. SALE OF THE PROPERTY; PURCHASE PRICE; CLOSING DATE

1.01 Sale of the Property. Seller agrees to sell to Buyer and Buyer agrees to purchase from Seller, certain real property identified in the Cuyahoga County Records as Permanent Parcel Numbers 684-27-001, 684-26-011, and 684-26-012, and more commonly known as 1900-1910, 1912-1926, and 1932-1946 South Taylor Road, Cleveland Heights, Ohio 44118, as further described in **Exhibit “A”** attached hereto and incorporated herein by reference, together with all easements, privileges and rights appurtenant thereto (the “**Property**”).

1.02 Purchase Price. The purchase price for the Property shall be the sum of **ONE AND NO/100 DOLLAR (\$1.00)** (the “**Purchase Price**”), payable by Buyer to Seller on the Closing Date. The parties have agreed upon the purchase price of \$1.00 because they anticipate that the City will receive a mutually agreed-upon portion of tax increment financing service payments generated from the Property pursuant to a Development Agreement between the parties, as the same is defined in Section 2.02(D), below.

1.03 Closing Date. Closing shall occur within fifteen (15) days of the satisfaction of the certain Conditions of Escrow set forth in Sections 2.02(A), (C) and (D), below (the “**Closing Date**”).

ARTICLE 2. ESCROW

2.01 Opening of Escrow. An escrow account shall be opened, pursuant to this Agreement at Chicago Title Insurance Company, Attention: Dave Mader located at 1111 Superior Avenue, Suite 600, Cleveland, Ohio 44114 and phone number at 216-598-5924, and e-mail at: dave.mader@ctt.com (the “**Title Company**” or “**Escrow Agent**”), prior to the Closing Date.

2.02 Conditions of Escrow. The close of such escrow, the Seller’s obligation to sell the Property, and the Buyer’s obligation to purchase the Property pursuant to this Agreement are conditioned on:

A. Marketable Title. The conveyance to Buyer of good and marketable title to the Property, as evidenced by title insurance issued by the Title Company, subject only to restrictions, easements or conditions as may be approved in writing by Buyer. Immediately following execution of this Agreement, Buyer shall order a commitment for title insurance from the Title Company. Within fourteen (14) days of receipt of the commitment for title insurance, Buyer shall notify Seller in writing of any restrictions, easements or conditions shown therein, if any, which are objectionable to Buyer. If so notified, the items that are objectionable to Buyer shall be considered “**title defects**” and shall be removed by Seller on or before the expiration of the Inspection Period, as defined below. If the title defects cannot be removed by Seller or Seller elects not to cure the title defects on or before the expiration of the Inspection Period, or any extensions of the Inspection Period as may be agreed to by the Buyer for the correction of these title

defects and Buyer elects not to waive the title defects, this Agreement shall be null and void and all funds and documents previously delivered to the parties or deposited into escrow shall be returned to the respective parties who delivered or deposited such funds or documents, and there shall be no further liability between the parties. If Buyer does not notify Seller of any title defects within said fourteen (14) day period set forth above, then such lack of notice shall be construed as Seller having no objections to any title defects and the conditions of this subsection 2.02(A) shall be deemed satisfied.

B. Delivery of Possession of Property. Delivery of exclusive possession of the Property on the Closing Date.

C. Site Inspection Prior to Closing. Buyer's obligation to purchase the Property is contingent upon inspection of the Property, including, but not limited to, a Phase II Environmental Site Assessment, by a qualified professional(s) of Buyer's choice. If Buyer is not satisfied with such inspection(s) then Buyer will notify Seller within sixty (60) days of the Effective Date of this Agreement that Buyer is voiding this Agreement (the "Inspection Period"). If Buyer does not void this Agreement within such sixty (60) days from the Effective Date, then this condition shall be deemed satisfied.

REGARDLESS OF WHETHER BUYER CONDUCTS ANY SUCH INSPECTIONS, BUYER ACKNOWLEDGES AND AGREES THAT THE SALE OF THE PROPERTY PURSUANT TO THIS AGREEMENT IS AND WILL BE MADE ON AN "AS IS, WHERE IS" AND "WITH ALL FAULTS" BASIS, WITHOUT REPRESENTATIONS OR WARRANTIES OF ANY KIND OR NATURE BY SELLER, INCLUDING WITHOUT LIMITATION THE CONDITION OR VALUE OF THE PROPERTY OR THE SUITABILITY OF THE PROPERTY FOR BUYER'S INTENDED USE. BY EXECUTING THIS AGREEMENT, BUYER EXPRESSLY ACKNOWLEDGES AND AGREES TO THE FOREGOING PROVISIONS OF THIS PARAGRAPH, WHICH ARE MATERIAL, NEGOTIATED TERMS OF THIS AGREEMENT WITHOUT WHICH SELLER WOULD NOT ENTER INTO THIS AGREEMENT WITH BUYER.

Notwithstanding the foregoing or anything to the contrary contained herein, in the event Buyer's site inspections, including Buyer's Phase II Environmental Site Assessment, reveals any recognized environmental conditions or other hazardous conditions which require remediation at the Property, Seller shall assist Buyer in such remediation efforts by facilitating and supporting Buyer's efforts to seek and obtain remediation grants (e.g., the Ohio Brownfield Remediation Program) and/or any other sources of funding to be used for remediation of such conditions.

D. Development Agreement The parties shall negotiate and execute, on or before the Closing Date, a development agreement ("**Development Agreement**") providing for the terms and conditions of the redevelopment of the Property by the Buyer; the terms and conditions of assistance and/or incentives provided by the Seller to induce the Buyer's redevelopment of the Property; and a description of future phases of redevelopment of the real property adjacent to, across the street from, or nearby the Property. Such Development Agreement shall be approved by Seller's Council prior to execution of the same.

E. Quit Claim Deed. Seller shall convey title to Buyer by a statutory form quit claim deed delivered to the Escrow Agent prior to closing. A copy of the deed is attached hereto as **Exhibit "B"**.

2.03 Failure of Conditions. Should any of the conditions specified in Section 2.02 (A) through (D) of this Agreement fail to occur at or before the Closing Date, Buyer shall have the power, exercisable by the giving of written notice to the Escrow Agent and to the Seller, to cancel such escrow, terminate this Agreement, and recover any amounts paid by it to Seller or to the Escrow Agent on account of the purchase price of the Property. The exercise of such power by Buyer shall not, however, constitute a waiver by it of

any other rights it may have against Seller for breach of this Agreement. The Escrow Agent shall be, and is hereby, irrevocably instructed by Seller on such failure of conditions and receipt of such notice from Buyer to refund immediately to Buyer all moneys and instruments deposited by it in escrow pursuant to this Agreement.

2.04 Prorations. There shall be no proration between Seller and Buyer of the real property taxes and assessments levied or assessed against the Property as shown on the latest available tax bills, and Seller shall assume all taxes and assessments. Utilities shall not be prorated between Seller and Buyer, and Seller shall assume all utility costs and charges.

2.05 Brokers' Commissions. Both parties represent that neither have used the services of a broker or real estate agent and therefore no commission or fee is due to any such person. If either party used the services of a broker or real estate agent, that party shall be solely responsible for such costs.

2.06 Closing Expenses. The expenses of closing described in this Article shall be paid in the following manner:

- A. The full cost of securing the title insurance shall be paid by Buyer.
- B. Any costs of transfer and recording of title shall be paid by Buyer.
- C. Seller shall pay for recording any mortgage releases.
- D. Buyer shall pay for the cost of a preliminary title report and the title commitment for title insurance.
- E. Buyer shall pay the Escrow Agent's fee.
- F. Buyer shall pay the cost to prepare and file the deed.
- G. Buyer shall pay the cost of any conveyance fees or transfer taxes, if any.
- H. Each party shall bear any attorney's fees, appraisal fees or other expenses that each party has incurred which are not otherwise addressed herein.

ARTICLE 3. REPRESENTATIONS AND WARRANTIES OF SELLER

3.01 Warranties of Seller. Seller hereby represents and warrants to Buyer as follows:

- A. At closing, the Property is vacant.
- B. At closing, there is no pending or threatened condemnation or similar proceeding or assessment affecting the Property, or any part thereof, by federal or state governmental authorities nor to the best knowledge and belief of Seller is any such proceeding or assessment contemplated by any federal or state governmental authority.
- C. As of the Closing Date, Seller has complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions relating to the Property, or any part thereof.
- D. At closing, there shall be no mechanics' liens or other liens on the Property.

ARTICLE 4. BREACH

4.01 Breach by Seller. Should Seller default on the full and timely performance of any

obligations under the terms of this Agreement for any reason other than Buyer's default, Buyer may:

- A. Enforce specific performance of this Agreement;
- B. Request that any money paid to Seller shall be forthwith returned to Buyer; or
- C. Bring suit for damages against Seller.

4.02 Breach by Buyer. Should Buyer fail to consummate the purchase of the Property, the conditions to Buyer's obligations set forth in Paragraph 2.02 of this Agreement having been satisfied and Buyer being in default, and Seller not being in default hereunder, Seller may retain possession of the Property. The Seller may also terminate any Development Agreement governing the subject Property between Seller and Buyer. The Seller hereby waives any other legal right or remedy.

ARTICLE 5. MISCELLANEOUS

5.01 Binding Agreement. This Agreement shall be binding on the successors and the assigns of the parties.

5.02 Survival of Covenants. Any of the representations, warranties, covenants and agreements of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the closing of the transaction contemplated hereby shall survive the closing and shall not be merged therein.

5.03 Notice. Any notice required or permitted to be delivered hereunder shall be deemed received when sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to Seller or Buyer, as the case may be, at the following addresses.

If to the Seller:	City of Cleveland Heights 40 Severance Circle Cleveland Heights, Ohio 44118 Attn: Mayor
with a copy to:	Roetzel & Andress 1375 East 9 th Street, 10th Floor Cleveland, Ohio 44114 Attn: William R. Hanna, Esq.
If to Buyer:	WXZ CPV LLC c/o WXZ Development LLC 22720 Fairview Center Drive, Suite 150 Fairview Park, Ohio 44126 Attn: Matthew Wymer Email: mwymmer@wxzinc.com
With a copy to:	Kohrman Jackson & Krantz LLP 1375 East 9th Street, 29th Floor Cleveland, OH 44114 Attn: Rich A. Morehouse, Esq.

5.04 Governing Law. This Agreement shall be construed under and in accordance with the laws of the State of Ohio.

5.05 Legal Construction. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality

or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.06 Prior Agreements. This Agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter.

5.07 Time. Time is of the essence in this Agreement.

5.08 Insurance. Seller shall maintain property damage and liability insurance on the Property until the Closing Date.

5.09 Counterparts. This Agreement shall be executed in one or more counterparts, including copies, PDF or other electronic means, all of which, when assembled, shall constitute an complete original agreement.

[Signature Page Follows.]

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunder set their hands this ____ day of _____, 2023.

BUYER:
WXZ CPV LLC

By:

Title:

SELLER:
CITY OF CLEVELAND HEIGHTS

By:

Title: _____

Approved as to legal form.

William R. Hanna, Law Director

Dated: _____

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Address: 1908, 1912-1926, and 1932-1946 South Taylor Road, Cleveland Heights, Ohio

Situated in the City of Cleveland Heights, County of Cuyahoga and State of Ohio:

And known as being part of Sublot Nos. 4; 5 and 6 in The Monroe Allotment Company's Monroe Subdivision of part of Original Euclid Township Lot No. 16, as shown by the recorded plat in Volume 95 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows: Beginning on the Westerly line of Taylor Road at the Southeasterly corner of said Sublot No. 6; Thence Northerly along said Westerly line of Taylor Road, 134.15 feet to the Southerly end of a turnout between said Westerly line of land and the Southerly line of Superior Park Drive; Thence Northwesterly along said turnout 32.71 feet to the Westerly end thereof; Thence Westerly along said Southerly line of Superior Park Drive, 84.25 feet; Thence Southerly on a line parallel to said Westerly line of Taylor Road, 154.90 feet to the Southerly line of said Sublot No. 6; Thence Easterly along said Southerly line of Sublot No. 6, 105 feet to the place of beginning, be the same more or less, but subject to all legal highways.

EXCEPTING THEREFROM the above parcel that part as shown by Dedication Plat, recorded in Volume 126 of Maps, Page 19 of Cuyahoga County Records, for Taylor Road widening being part of Euclid Township Lot Nos. 16 and 57, Tract 1.

Parcel Number: 684-27-001

Situated in the City of Cleveland Heights, County of Cuyahoga and State of Ohio:

And known as being part of Sublot Nos. 1, 2 and 3 in the Monroe Allotment Co.'s Monroe Subdivision of part of Original Euclid Township Lot No. 16, as shown by the recorded plat in Volume 95 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of Taylor Road, at the Northeasterly corner of said Sublot No. 1; thence Southerly along the Westerly line of Taylor Road, 124.79 feet to the Northerly end of a turnout between the Westerly line of Taylor Road, and the Northerly line of Superior Park Drive; thence Southwesterly along said turnout 31.63 feet to the Northerly line of Superior Park Drive; Thence Westerly along the Northerly line of Superior Park Drive, 85.57 feet to the Southeasterly corner of land conveyed to The Mera Realty Company by deed dated January 11, 1930 and recorded in Volume 3988, Page 79 of Cuyahoga County Records; Thence Northerly along the Westerly line of land so conveyed 145 feet to the Northerly line of said Sublot No. 1; thence Easterly along the Northerly line of Sublot No. 1, about 27.22 feet to the Northwesterly corner of land

described in the Deed from The Cleveland Trust Company to The Orange Realty Company, dated February 19, 1930 and recorded in Volume 4016, Page 129 of Cuyahoga County Records; thence Southerly along the Westerly line of land so described in deed to The Orange Realty Company, about 0.45 feet to the Southwesterly corner thereof; Thence Easterly along the Southerly line of land so described in the Deed from The Orange Realty Company about 58 feet to the Northerly line of said Sublot No. 1; thence Easterly along the Northerly line of Sublot No. 1, about 19 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Parcel Number: 684-26-011

Situated in the City of Cleveland Heights, County of Cuyahoga and State of Ohio:

And known as being part of Sublot Nos. 36 and 37 in Seth Minor Subdivision of part of Original Euclid Township Lot Nos. 15 and 16, Tract No. 1, as shown by the recorded plat in Volume 85 of Maps, Page 23 of Cuyahoga County Records, and also a part of Sublot No. 1 in The Monroe Company's Monroe Subdivision of part of Original Euclid Township Lot No. 16, Tract No. 1, as shown by the recorded plat in Volume 95 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of South Taylor Road, (formerly Taylor Road, 100 feet wide), as shown by the Dedication Plat of South Taylor Road Widening, recorded in Volume 126 of Maps, Page 19 of Cuyahoga County Records, at a point which is distant 100 feet Northerly, measured along the Westerly line of South Taylor Road, from its intersection with the Southerly line of said Sublot No. 37; thence Westerly parallel to the Southerly line of Sublot No. 37, 80 feet; thence Southerly and parallel to the Westerly line of South Taylor Road, 100 feet to the Southerly line of said Sublot No. 37; Thence Easterly along the Southerly line of said Sublot No. 37, about 23 feet to the Northwesterly corner of the land conveyed to The Orange Realty Company by deed dated February 19, 1930 and recorded in Volume 4016, Page 129 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to The Orange Realty Company, 0.45 feet to the Southwesterly corner, thereof; thence Easterly along the Southerly line of land so conveyed to The Orange Realty Company about 57 feet to the Westerly line of South Taylor Road; thence Northerly along the Westerly line of South Taylor Road, about 100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Parcel Number: 684-26-012

EXHIBIT B

QUIT-CLAIM DEED

(Pursuant to Ohio Revised Code Section 5302.11)

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF CLEVELAND HEIGHTS, an Ohio municipal corporation and political subdivision organized under the laws of the State of Ohio and its Charter, whose tax mailing address is 40 Severance Circle, Cleveland Heights, Ohio 44118, as Grantor, for valuable consideration paid, the receipt and sufficiency of which is hereby acknowledged, does hereby transfer, convey, grant and quitclaim unto WXZ CPV LLC, an Ohio limited liability company, the Grantee, whose tax mailing address is c/o WXZ Development LLC, 22720 Fairview Center Drive, Suite 150, Fairview Park, Ohio 44126, Grantors entire interest in the following described real property (the "**Property**"):

Legal Description Attached hereto as **Exhibit A**

Property Address: 1900-1910, 1912-1926, and 1932-1946 South Taylor Road, Cleveland Heights, Ohio 44118

Permanent Parcel Nos.: 684-27-001
 684-26-011
 684-26-012

Prior Deed References: Instrument No. 201801220500 (as to PPN 684-27-001)
 Instrument No. 202111120067 (as to PPN 684-26-011 and 684-26-012)

Except a) any mortgage assumed by Grantee, b) such restrictions, conditions, easements (however created) and encroachments as do not materially adversely affect the use or value of the real property transferred herein, c) zoning ordinances, if any, and d) taxes and assessments, both general and special, not yet due and payable.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on _____, 2023.

City of Cleveland Heights

Khalil Seren, Mayor

ACKNOWLEDGMENT

STATE OF OHIO)
)
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Khalil Seren, the Mayor of the City of Cleveland Heights, a municipal corporation, on behalf of the City.

NOTARY PUBLIC

My Commission Expires:

This Instrument Prepared By:
Kohrman Jackson & Krantz LLP
1375 East 9th Street, 29th Floor
Cleveland, Ohio 44114
Attn: James J. Scherer
Email: jjj@kjk.com

Exhibit A
to Quitclaim Deed

Address: 1908, 1912-1926, and 1932-1946 South Taylor Road, Cleveland Heights, Ohio

Situated in the City of Cleveland Heights, County of Cuyahoga and State of Ohio:

And known as being part of Sublot Nos. 4; 5 and 6 in The Monroe Allotment Company's Monroe Subdivision of part of Original Euclid Township Lot No. 16, as shown by the recorded plat in Volume 95 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows: Beginning on the Westerly line of Taylor Road at the Southeasterly corner of said Sublot No. 6; Thence Northerly along said Westerly line of Taylor Road, 134.15 feet to the Southerly end of a turnout between said Westerly line of land and the Southerly line of Superior Park Drive; Thence Northwesterly along said turnout 32.71 feet to the Westerly end thereof; Thence Westerly along said Southerly line of Superior Park Drive, 84.25 feet; Thence Southerly on a line parallel to said Westerly line of Taylor Road, 154.90 feet to the Southerly line of said Sublot No. 6; Thence Easterly along said Southerly line of Sublot No. 6, 105 feet to the place of beginning, be the same more or less, but subject to all legal highways.

EXCEPTING THEREFROM the above parcel that part as shown by Dedication Plat, recorded in Volume 126 of Maps, Page 19 of Cuyahoga County Records, for Taylor Road widening being part of Euclid Township Lot Nos. 16 and 57, Tract 1.

Parcel Number: 684-27-001

Situated in the City of Cleveland Heights, County of Cuyahoga and State of Ohio:

And known as being part of Sublot Nos. 1, 2 and 3 in the Monroe Allotment Co.'s Monroe Subdivision of part of Original Euclid Township Lot No. 16, as shown by the recorded plat in Volume 95 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of Taylor Road, at the Northeasterly corner of said Sublot No. 1; thence Southerly along the Westerly line of Taylor Road, 124.79 feet to the Northerly end of a turnout between the Westerly line of Taylor Road, and the Northerly line of Superior Park Drive; thence Southwesterly along said turnout 31.63 feet to the Northerly line of Superior Park Drive; Thence Westerly along the Northerly line of Superior Park Drive, 85.57 feet to the Southeasterly corner of land conveyed to The Mera Realty Company by deed dated January 11, 1930 and recorded in Volume 3988, Page 79 of Cuyahoga County Records; Thence Northerly along the Westerly line of land so conveyed 145 feet to the Northerly line of said Sublot No. 1; thence Easterly along the Northerly line of Sublot No. 1, about 27.22 feet to the Northwesterly corner of land

described in the Deed from The Cleveland Trust Company to The Orange Realty Company, dated February 19, 1930 and recorded in Volume 4016, Page 129 of Cuyahoga County Records; thence Southerly along the Westerly line of land so described in deed to The Orange Realty Company, about 0.45 feet to the Southwesterly corner thereof; Thence Easterly along the Southerly line of land so described in the Deed from The Orange Realty Company about 58 feet to the Northerly line of said Sublot No. 1; thence Easterly along the Northerly line of Sublot No. 1, about 19 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Parcel Number: 684-26-011

Situated in the City of Cleveland Heights, County of Cuyahoga and State of Ohio:

And known as being part of Sublot Nos. 36 and 37 in Seth Minor Subdivision of part of Original Euclid Township Lot Nos. 15 and 16, Tract No. 1, as shown by the recorded plat in Volume 85 of Maps, Page 23 of Cuyahoga County Records, and also a part of Sublot No. 1 in The Monroe Company's Monroe Subdivision of part of Original Euclid Township Lot No. 16, Tract No. 1, as shown by the recorded plat in Volume 95 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of South Taylor Road, (formerly Taylor Road, 100 feet wide), as shown by the Dedication Plat of South Taylor Road Widening, recorded in Volume 126 of Maps, Page 19 of Cuyahoga County Records, at a point which is distant 100 feet Northerly, measured along the Westerly line of South Taylor Road, from its intersection with the Southerly line of said Sublot No. 37; thence Westerly parallel to the Southerly line of Sublot No. 37, 80 feet; thence Southerly and parallel to the Westerly line of South Taylor Road, 100 feet to the Southerly line of said Sublot No. 37; Thence Easterly along the Southerly line of said Sublot No. 37, about 23 feet to the Northwesterly corner of the land conveyed to The Orange Realty Company by deed dated February 19, 1930 and recorded in Volume 4016, Page 129 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to The Orange Realty Company, 0.45 feet to the Southwesterly corner, thereof; thence Easterly along the Southerly line of land so conveyed to The Orange Realty Company about 57 feet to the Westerly line of South Taylor Road; thence Northerly along the Westerly line of South Taylor Road, about 100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Parcel Number: 684-26-012

Proposed: 11/06/2023

ORDINANCE NO. 179-2023(COTW), *First Reading*

By All City Council Members

An Ordinance authorizing the allocation, appropriation and expenditure of ARPA funds.

WHEREAS, on the 11th Day of March 2021, the President of the United States, Joseph R. Biden, signed into law the American Rescue Plan Act of 2021 (hereafter “ARPA”), Public Law 117-2, authorizing, among other things, payment of direct subsidies to the general revenue funds of cities, counties, school districts, and other governmental entities; and

WHEREAS, the intended purpose of the direct subsidy payments to state and local governmental entities under the ARPA is to alleviate the effect of funding shortfalls; invest in state and local economic development; make necessary investments in water, sewer, and other infrastructure; and provide relief from the economic and societal hardships sustained during the onset of the Coronavirus Pandemic and COVID-19 illness, including assistance to households, small businesses and nonprofits, or to impacted industries such as tourism, travel and hospitality; and

WHEREAS, the City of Cleveland Heights has received Thirty Eight Million Eight hundred Seventeen Thousand And Sixty Two Dollars (\$38,817,062.00) in direct payments from the enactment of the ARPA; and

WHEREAS, Council has previously passed Ord. No. 140-2021, directing the use of Eighteen Million Dollars (\$18,000,000.00) in ARPA funding for the performance of sewer infrastructure improvement projects described and allocating those funds for that purpose, to be drawn upon for design contracts, local match grant programs, and construction contracts, to the maximum possible extent, within the timing requirements of the ARPA; and,

WHEREAS, Council has previously passed Ord. No. 92-2021, allocating not less than FIVE MILLION DOLLARS (\$5,000,000) of ARPA funding for the business neighborhoods in the City Of Cleveland Heights as follows:

1) Two Million Dollars (\$2,000,000.00) for the South Taylor District from Cedar Road to Euclid Heights Boulevard; and

2) Two Million Dollars (\$2,000,000.00) for the Noble Road Corridor north of Mayfield Road to the City of East Cleveland; and

3) One Million Dollars (\$1,000,000.00) to be spent in the other business districts in the City as the needs exist; and

ORDINANCE NO. 179-2023(COTW)

WHEREAS, subsequent to the passage of these Ordinances, community engagement on the allocation and spending of ARPA funds has been conducted at various locations throughout the City and over thirteen hundred (1,300) survey responses have been received from residents, businesses, community organizations and non-profits expressing respondents' preferences for the expenditure of ARPA funds; and

WHEREAS, Cleveland Heights residents and businesses continue to experience physical and mental health stress and economic stress due to the pandemic and its effects; and

WHEREAS, Council wishes to provide for and authorize uses of ARPA funds, to address pandemic related stresses and effects, which have been determined through and pursuant to the community engagement activities described above which uses are identified in Exhibit B, attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

SECTION 1. The expenditures of ARPA funds and/or allocations as described in Exhibit A to this Ordinance which have been previously approved by vote of Council.

SECTION 2. The new expenditures and/or allocations as described in Exhibit B are approved. All third-party recipients or their agents must comply with U.S. Dept. of Treasury Rules for the use or expenditure of ARPA funds.

SECTION 3. All awards to any third-party recipients are conditioned upon (A) the approval of the specific use by Guidehouse Inc.; and (B) execution of a written agreement with the City which among other things, may set forth terms, conditions and limitations accompanying any award or disbursement of ARPA funds to the recipient.

SECTION 4. The Mayor or his designee is hereby authorized to encumber and expend all funds as allocated in Exhibits A and B.

SECTION 5. The Mayor, Director of Law and Director of Finance or their designees, be and are hereby authorized to execute, certify and/or furnish other such documents and take all other actions, including entering into separate agreements as are necessary or incidental to further acceptance, appropriation and expenditure of ARPA funds and/or which are incidental to carrying out the purposes of this Ordinance.

SECTION 6. The Director of Finance or his designee is hereby authorized to establish any additional funds or accounts, as may be necessary or incidental to the appropriation, encumbrance and/or expenditure of ARPA funds as allocated in Exhibit A.

ORDINANCE NO. 179-2023(COTW)

SECTION 7. The Director of Finance or his designee is hereby authorized to transfer all ARPA funds between and among any funds, sub-funds and accounts, as necessary to allow for the posting of prior and future expenses, not to exceed the total ARPA funds awarded to the City.

SECTION 8. 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.

MELODY HART
President of the Council

ADDIE BASESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

KAHIL SEREN
Mayor

EXHIBIT A to ORDINANCE NO. 179 - 2023
PRIOR ALLOCATED OR APPROVED USE OF ARPA FUNDS

TOTAL 2021 & 2022 ARPA FUNDS RECEIVED \$38,817,062.00

Prior Ordinances Allocating or Authorizing Expenditures of ARPA funds

Ordinance No. 92-2021 (Passed 8/31/2021)
Allocating \$5,000,000 geographically to be spent in certain neighborhoods and business districts.

Ordinance No. 140-2021 (Passed 11/15/2021)
Authorizing the allocation, appropriation and expenditure of \$18,000,000 in ARPA funds for sewer infrastructure projects.

2021 ARPA FUNDS RECEIVED

\$19,408,531.00

2021 ARPA Expenditures

Salaries [Fire \$2,500 Bonus] (\$177,537.50)

December 31, 2021 Fund Balance (Carried forward)

\$19,230,993.50

2022 ARPA FUNDS RECEIVED

\$19,408,531.00

2022 ARPA Expenditures

Salaries [Fire \$2,500 Bonus] (\$238,294.51)

Management Consultant Contract [Guidewire] (\$141,618.56)

Capital Improvements [] (\$360,266.60)

Total 2022 ARPA Expenditures (\$740,179.67)

December 31, 2022 Unencumbered ARPA Fund Balance \$18,907,639.98

(Includes \$18,000,000 encumbered for sewers)

ORDINANCE NO. 179-2023(COTW)

CATEGORY/PROJECT	DESCRIPTION	AMOUNT
Water, Sewer, Infrastructure		
	Sewer: Per Ordinance No. 140-2021 (11/15/2021) authorizing the allocation, appropriation and expenditure of \$18,000,000 in ARPA funds for sewer infrastructure projects.	\$18,000,000.00
Public Health & Safety		
	Police Cars: Per Resolution No. 22-2023 authorizing an agreement with John Megel Ford for the purchase of four 2022 used hybrid police utility vehicles.	\$200,000.00
	New Ambulance: Per Resolution No. 100-2023(MSES): authorizing an agreement with Pfund Superior Sales Co., Inc. of Lower Burrell, PA for the purchase of a 2024 Freightliner Crew Cab Ambulance and Chassis for the Cleveland Heights Fire Department through the Ohio Department of Administrative Services Cooperative Purchasing Program.	\$362,505.00
	Cain Park Village Stramp: Per Resolution 111-2023 (PD) authorizing the Mayor to commit \$1,500,000.00 of the City's ARPA funds for the Cain Park Village Stramp Project	\$1,500,000.00
Recreation		
	Community Center/ Ice Rink Repairs Per: Ordinance 74-2023 authorizing the Mayor to enter into an agreement with Tempest Inc. for the Recreation Center – North Ice Rink Reconstruction Project.	\$1,800,000

**EXHIBIT B to ORDINANCE NO. 179 - 2023
NEW ALLOCATED USE OF ARPA FUNDS**

CATEGORY	PROJECT / DESCRIPTION	AMOUNT
Housing		
	Cleveland Heights Improvement Corporation: Start-up and Operating Funds.	\$300,000
	Lead Safe Programing (Allocation Only)	\$1,000,000.
	Down Payment Assistance (Allocation Only)	\$750,000
	Exterior Repair for Residential Properties (Allocation Only)	\$2,500,000
Non- Profit Housing Programs		
	Future Heights FutureHomes & Revitalization Program: Home Rehabilitation	\$510,000.00 (Award up to this amount with terms to be determined)
	StartRight Good Neighbor Project: Home Rehabilitation	\$200,000.00 (Award up to this amount with terms to be determined)
	StartRight Caledonia Homes Infill Housing Project: Infill Housing	\$300,000.00 (Award up to this amount with terms to be determined)
	Benjamin Rose Institute: Margaret Wagner Senior Apartments	\$200,000
City Garages		
	Coventry Lennox	\$500,000.00 \$500,000.00
CATEGORY	PROJECT / DESCRIPTION	AMOUNT
Parks and Recreation		
	Shipping Container: Pilot Program	\$500,000.00
	Park Improvements: Cain Park, Dennison Park, Forest Hills,	\$3,540,000.00

ORDINANCE NO. 179-2023(COTW)

	Park Vehicle Fleet Enhancements	\$100,000.00
Non-Profit Park		
	Heights Libraries Coventry Peace Park: Park Improvements	\$300,000.00
Business Assistance		
	Community Investment Fund	\$1,400,000
	(Allocated with programs to be determined) Comprehensive Development Plan: Noble \$100,000.00 Comprehensive Development Plan: Taylor \$100,000.00 Commercial Grant Program: Noble \$500,000.00 Commercial Grant Program: Taylor \$500,000.00 Commercial Grant Program: Other Districts \$200,000.00	
Non-Profit Business Assistance		
	Coventry Village SID: Misc. projects and business development	\$313,560.00 (Award up to this amount with to terms to be determined)
CATEGORY	PROJECT/DESCRIPTION	AMOUNT
Safety and Health		
	Second Ambulance	\$379,713.00
	Safety lighting/police blue light boxes/ safety app (Allocation Only)	\$750,000.00
Non-profit Safety and Health		

ORDINANCE NO. 179-2023(COTW)

	Pride Among Daughters and Sisters; (Feminine Products and Education)	\$11,400 (Award up to this amount with terms to be determined.)
	Start Right: Hunger Center	\$60,000 (Award up to this amount with terms to be determined.)
	Cleveland Chesed Center: Operating Funds	\$50,000
Youth Programming		
	Lake Eire Ink: Youth Programming	\$104,900 (Award up to this amount with terms to be determined.)
	Kulture Kids: Youth Programming	\$15,000
	Building Heights: Youth Programming	\$244,259 (Award up to this amount with terms to be determined.)
CATEGORY	PROJECT/DESCRIPTION	AMOUNT
Youth Programming continued	Reaching Heights: Youth Programming	\$75,000 (Award up to this amount with terms to be determined.)

ORDINANCE NO. 179-2023(COTW)

	Family Connections: Social Emotional Project	\$77,000 (Award up to this amount with terms to be determined.)
Arts Programming		
	Artful: Art Programming and Support	\$71,000 (Award up to this amount with terms to be determined.)
	Heights Arts: Art Programming and Support	\$250,000 (Award up to this amount with terms to be determined.)
Total Allocations		\$15,001,832

Proposed: 8/21/2023

ORDINANCE NO. 127-2023(PD), *Second Reading*

By Mayor Seren

An Ordinance introducing amendments to various Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to create and make permanent the City of Cleveland Heights Shared Spaces Program; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, pursuant to Section 1119.01 of the Codified Ordinances of the City of Cleveland Heights, this Council may by Ordinance and upon its own initiative, introduce amendments to the Zoning Code of the Codified Ordinances of the City of Cleveland Heights; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights, after the introduction of such amending Ordinance by Council, such amending Ordinance shall be transmitted to the Planning Commission for its consideration and recommendation; and

WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances of the City of Cleveland Heights the Planning Commission shall be allowed a reasonable time, not less than thirty (30) days and nor more than sixty (60) days, for its consideration and recommendations; and

WHEREAS, the City of Cleveland Heights prides itself on its many business districts and has for many years permitted outdoor dining—both on private property and within the public right-of-way/on public property—as a way to support the business community and enliven spaces for residents and visitors; and

WHEREAS, beginning in March 2020, the COVID-19 pandemic forced all of us to re-examine places and spaces—how we interact with our neighbors and friends and how we work, live, and play; and

WHEREAS, on July 6, 2020, in response to the COVID-19 pandemic, Council, by way of Resolution No. 83-2020, authorized a Temporary Expansion Area (“TEA”) Program for the creation or expansion of outdoor dining, entertainment and retail areas; and

WHEREAS, in light of the COVID-19 guidelines and mandates imposed upon affected businesses through Orders issued by the Governor and Director of the Ohio Department of Health, the TEA Program authorized business to use private property such as private parking lots, as well as City-owned property, streets and other public rights-of-way, including on-street parking areas, sidewalks, and parklets to expand their facilities as a means to combat the financial loss to businesses whose operations were affected

ORDINANCE NO. 127-2023(PD)

by said Orders; and

WHEREAS, the TEA Program was very well-received was therefore extended on several occasions in relation to the pandemic; and

WHEREAS, at the Mayor's request, the City Administration developed a Shared Spaces Program and Manual in 2022-23 to guide the permitting and regulation of such facilities and spaces; and

WHEREAS, in 2023, Council adopted Resolution 103-2023 to authorize a Shared Spaces Program for the 2023 outdoor dining season through November 1, 2023, in accordance with the Shared Spaces Program and Manual, and now wishes to establish a permanent program (the "Shared Spaces Program"), necessitating amendments to the Zoning Code.

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

SECTION 1. Pursuant to Section 1119.01 of the Codified Ordinances, this Council hereby introduces amendments to Sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights, as set forth in **Exhibit A** attached hereto.

SECTION 2. Pursuant to Section 1119.03 of the Codified Ordinances, this proposed amending Ordinance shall be transmitted to the Planning Commission.

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

SECTION 4. This Ordinance 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 the introduction of the proposed zoning amendments to be effective at the earliest time possible so that said amendments can be timely considered and acted upon by the Planning Commission for the benefit of the City and its residents. 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.

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor

Exhibit A to Ordinance XX-2023
PROPOSED ZONING TEXT AMENDMENTS:
SHARED SPACES

May 22, 2023

CHAPTER 1103

Definitions

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1103.03 DEFINITIONS OF GENERAL TERMS.

(b) Certain general terms are hereby defined as follows:

...

(85.5) “Parklet” means seating platforms that convert curbside parking spaces (or public right-of-way) into gathering or dining spaces.

(85.7) “Pedlet” means public platforms that convert curbside parking spaces into safe, pedestrian walkways. These installations provide access around expanded or new outdoor dining facilities installed on the sidewalk.

...

(104.2) “Shared Space” means temporary outdoor dining facilities, parklets, and pedlets within private property, such as private parking lots, as well as City-owned property, streets and other public rights-of-way, including on-street parking areas, sidewalks.

(104.5) “Shared Spaces Manual” includes the process, rules, and regulations related to the Shared Spaces Program, including eligible applicants, site selection, public health and safety, liquor permits, design permits, the application, the review and approval process, the installation and inspection process, rules regarding operation and maintenance, and rules regarding removal/renewal and evaluation.

(104.7) “Shared Spaces Program” means the City of Cleveland Heights’ permanent program to permit a Shared Space.

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CHAPTER 1107

Zoning Administrator

...

1107.02 POWERS AND DUTIES.

For the purpose of this Zoning Code, the Zoning Administrator shall have the following duties:

(a) Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions.

(b) Issue zoning approval as provided by this Zoning Code and keep a record of same with a notation of any special conditions involved.

(c) Accept and review for completeness all applications upon which the Zoning Administrator is authorized to review by the provisions of this Code. The Zoning Administrator shall promptly review each application submitted to determine compliance with applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Administrator shall promptly notify the applicant of necessary changes. If the application is deemed sufficient and the application fee has been paid, the Zoning Administrator shall officially accept the application on that date from consideration of the action(s) requested.

(d) Respond to questions concerning applications for amendments to the Zoning Code text and the official Zoning Map.

(e) Maintain in current status the official Zoning Map.

(f) Maintain permanent and current records required by this Code, including but not limited to zoning approval, inspection documents, and records of all variances, amendments, conditional uses, and similar use determinations.

(g) Make such records available for the use of Council, the Planning Commission, the Board of Zoning Appeals, and the public.

(h) Conduct inspections of buildings and uses of land to determine compliance with this Zoning Code and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.

(i) Determine the existence of any violations of this Zoning Code and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.

(j) Administer the Shared Spaces Program with relation to a Shared Space on private property.

CHAPTER 1115 Procedures

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1115.02 BUILDING PERMIT REQUIRED.

No building or other structure shall be erected, constructed, reconstructed, enlarged, moved or structurally altered nor shall any excavation or site improvements be commenced, until a building permit has been applied for and received by the owner of the property involved or a person having an interest in such property and acting under written authority of the owner, and issued by the Building Commissioner. If applicable, no building permit shall be issued until the Zoning Administrator or designated agent has approved the application for the permit for Zoning Code compliance.

(a) Such approval shall be granted only when:

(1) The Zoning Administrator or designated agent finds that all applicable requirements and standards of this Zoning Code have been complied with;

(2) A request for a variance has been approved by the Board of Zoning Appeals in accordance with the limitations, procedures and requirements of this Chapter and has been approved by Council, as applicable;

(3) The Planning Commission or Zoning Administrator has issued a conditional use permit for the conditional use in accordance with the procedures described in this Chapter;

(4) The Planning Commission has made a determination in accordance with the procedures described in this Chapter that a proposed use is substantially similar to a principal or conditionally permitted use in the zoning district in which such use is located;

(5) The Board of Control has approved a detailed development plan for a proposal in the S-1 District, according to the procedures established in Section 1143.10; and/or

(6) The Architectural Board of Review has approved the application for the proposed use, building or structure as required by the 'Codified Ordinances, including this Zoning Code.

(b) In the event that an application for a building permit requires approval by more than one (1) board or commission, the following order of review should generally be observed:

(1) Review by the Board of Zoning Appeals, as applicable;

(2) Review by the Architectural Board of Review, as applicable;

(3) Review by the Landmarks Commission, as applicable;

(4) Review by the Planning Commission or Board of Control, as applicable;

(5) Review by Council, as applicable.

(c) In the event that an application for a fence permit requires approval by more than one (1) board or commission, the following order of review should generally be observed:

(1) Review by the Architectural Board of Review, as applicable;

(2) Review by the Board of Zoning Appeals, as applicable;

(3) Review by the Planning Commission or Board of Control, as applicable;

(4) Review by Council, as applicable.

(d) It is the objective of this Zoning Code to process applications as expeditiously as possible. Therefore, recognizing the interrelationships of the various review components, the Zoning Administrator, prior to Council consideration and with the consent of the applicant, may alter the above order to accomplish the review in an order deemed more timely.

(e) For the Shared Spaces Program, the above shall be superseded by the processes contained in the Shared Spaces Manual, as may be updated from time-to-time.

...

1115.08 CONDITIONAL USES; SUBMISSION REQUIREMENTS AND PROCEDURES.

When a proposed use is permitted in a zoning district as a conditional use as set forth in the district regulations, a conditional use permit is required prior to the issuance of a building permit. The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Administrator an application for a conditional use permit upon forms provided by the Zoning Administrator. Conditional use applications requiring approval by the Planning Commission shall be reviewed in accordance with the following procedures:

(a) Submission Requirements. An application for a conditional use permit shall be accompanied by plans, elevations, drawings, and other documentation as set forth in Section 1115.09, and the payment of the application fee as established by Council.

(b) Review for Completeness by the Zoning Administrator. Upon receipt of an application, the Zoning Administrator shall, within ten (10) working days, make a preliminary review of the application to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Administrator shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

(c) Public Hearing by the Planning Commission. The Planning Commission shall hold a public hearing within seventy-five (75) days from the date the application is accepted as complete by the Zoning Administrator.

(d) Notice of Public Hearing. Before conducting the public hearing required in subsection (c) hereof, notice of such hearing shall be posted on the City's website at least ten (10) days before the date of such hearing. In addition, a written notice of the hearing shall be mailed by the Zoning Administrator or designated agent at least ten (10) days before the day of the public hearing to the applicant, the owner of the property if he or she is not the applicant, and to adjacent properties to the attention of the owners of such properties as follows:

(1) Properties on the same side of the street which abut the site on which the building or use is sought to be located;

(2) Properties on the same side of the street next contiguous to the premises so abutting;

(3) Properties across the street immediately opposite the site; and the premises opposite the abutting and contiguous premises referred to in subsections (1) and (2) hereof; and

(4) All other premises abutting the site.

The notice shall set forth the time and place of the public hearing and the nature of the proposed conditional use. The failure of any person to receive such notice shall not affect the right and power of the Commission to hear such application or to take action in accordance with such public notice.

(e) Review by the Commission. The Planning Commission shall review each application for a conditional use permit to determine if such request complies with the purpose and intent of the conditional use regulations as set forth in Title Seven of this Zoning Code.

(f) Action by the Planning Commission. After the public hearing required in subsection (c) hereof, the Commission shall either approve, approve with supplementary conditions as specified in subsection (g) hereof, or disapprove the request for conditional use permit.

(g) Additional Conditions. The Planning Commission may impose such additional conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Zoning Code will be observed. Any conditional use permit when so issued by the Zoning Administrator upon order of the Commission shall set forth such conditions, stipulations, safeguards and duration limit. The Commission may not extend the scope or extend the duration of a conditional use permit previously issued upon its order. Any additional action so desired may be effected only upon application to the Zoning Administrator for issue of a new conditional use permit in accordance with the provisions of this Zoning Code.

(h) Time Frame for Commission Action. An applicant may request that an application for a conditional use permit be acted upon by the Commission within ninety (90) days of the start of the public hearing. An applicant may by subsequent written communication or oral representation under oath agree to an extension of such prescribed time for Commission action. Failure of the Commission to act within the ninety (90) days or extended time period as so agreed upon, shall, at the election of the applicant, be deemed a denial of the conditional use permit. A Commission action becomes and is in full force and effect at the time of said Commission action pursuant to Section 1111.05.

(i) Terms of Conditional Use Permit. Each conditional use permit granted by the Planning Commission shall state upon its face the time limit within which the applicant shall complete the installation of the use, or the construction or alteration of the structure which is the subject of the application. Failure on the part of the applicant to complete the installation, alteration or construction within the allotted time shall terminate all rights under such conditional use permit. However, the Commission may, for good cause shown, extend from time to time the time limit but in no case more than a date eighteen (18) months from and after the date of the original time limit within which the applicant was required to complete the installation of the use, unless construction is actively underway. If any action is taken that is contrary to the terms of the conditional use permit or contrary to conditions accompanying the conditional use permit, the Commission may revoke such conditional use permit. A conditional use permit issued pursuant to this Chapter shall be valid only to the person to whom issued, unless a transfer of such permit has been approved by the Commission.

(j) Exception for Shared Spaces Program. For the Shared Spaces Program, the above shall be superseded by the processes contained in the Shared Spaces Manual, as may be updated from time-to-time.

...

1115.12 SCHEDULE OF FEES.

Council shall by ordinance establish a schedule of fees for building permits, amendments, appeals, variances, conditional use permits, and other procedures and services pertaining to the administration and enforcement of this Zoning Code after considering the recommendations of the Zoning Administrator with respect to actual administrative costs, both direct and indirect. The fees

for the Shared Spaces Program shall be listed within the Shared Spaces Manual, as may be updated from time-to-time. All other fees shall be waived for the Shared Spaces Program. The schedule of fees shall be available on the City's website, and may be altered or amended only by Council, with the exception of the fees associated with the Shared Spaces Program, which may be altered or amended administratively. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

...

CHAPTER 1131 Commercial Districts

...

1131.02 PRINCIPAL AND CONDITIONALLY PERMITTED USES.

(a) Unless otherwise provided by law, the Shared Spaces Manual, or in this Code, buildings, structures or land shall only be used or occupied following the adoption of this Zoning Code for the uses permitted herein. Schedule 1131.02 enumerates those uses that may locate in a C-1 Office, C-2 Local Retail, C-2X Multiple Use and C-3 General Commercial District as a matter of right as a principal use, and those uses which may locate in a given district only upon obtaining a conditional use permit.

(1) A use listed in Schedule 1131.02 shall be permitted by right in a district when denoted by the letter P provided that all requirements of the Codified Ordinances and this Zoning Code have been met.

(2) A use listed in Schedule 1131.02 may be permitted as a conditional use in a district when denoted by the letter C, provided that the requirements of Title Seven have been met.

(b) Although a use may be indicated as permitted or conditionally permitted in a particular commercial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and parcel in question.

Schedule 1131.02

PERMITTED AND CONDITIONALLY PERMITTED USES IN COMMERCIAL DISTRICTS

<i>Land Use Category</i>		<i>C-1 Office District</i>	<i>C-2 Local Retail District</i>	<i>C-2X Multiple Use District</i>	<i>C-3 General Commercial District</i>
(a)	<u>Residential Uses:</u>				
	(1) Multi-family dwelling as a free-standing building	P			
	(2) Multi-family dwelling units above the first floor in association with permitted commercial use	P	P	P	P
	(3) Lodging house and boarding house including convent, home for the aged, residential care facility, and other congregate living facility	C	C	C	C
	(4) Nursing home including intermediate and long-term care facility	C	C	C	C
	(5) Dormitories, fraternities, sororities	C	C	C	C
	(6) Live/Work Dwelling subject to the regulations of Section 1131.13	C	C	C	C
(b)	<u>Office/Professional/Medical Uses:</u>				
	(1) Offices provided that only samples of merchandise are displayed or stored in the premises	P	P	P	P
	(2) Financial establishment without drive-through facility	P	P	P	P
	(3) Financial establishment with drive-through facility	C	C	C	C
	(4) Financial establishment with Automatic Teller Machine (ATM)	C	C	C	C

	(5)	Animal clinics, veterinary offices, animal training, animal grooming facilities, animal day-care facilities, overnight boarding of animals in conjunction with animal clinics, veterinary offices, animal grooming facilities and animal day-care facilities	C	C	C	C
	(6)	Funeral homes and mortuaries				C
	(7)	Hospitals	C			C
	(8)	Urgent care clinics	C	C	C	P
(c) <u>Retail/Service Uses:</u>						
	(1)	Retail establishments in wholly enclosed buildings		P	P	P
	(2)	Convenience retail and service establishments in an office building provided such business occupies no more than an area equal to one-hundred percent (100%) of first floor area	P	P	P	P
	(3)	Personal services including dry cleaning, laundry, beauty salon, tattoo parlor, body piercing		P	P	P
	(4)	Restaurants bar, tavern, nightclub		P	P	P
	(5)	Catering		C	C	P
	(6)	Outdoor dining facility, except a Shared Space		C	C	C
	(7)	Drive-through facility in association with a permitted restaurant, retail or service use		C	C	C
	(8)	Hotels	C	C	C	C
	(9)	Shared Space	P(a)	P(a)	P(a)	P(a)
(d) <u>Automotive Uses:</u>						
	(1)	Automobile sales, new or new and used				C
	(2)	Automobile rental				C
	(3)	Truck, boat sales/rental				C
	(4)	Gasoline station				C
	(5)	Car wash establishment				C
	(6)	Automobile service station - major and minor repair				C
	(7)	Parking lot as a principal use		C	C	P
	(8)	Parking deck or private parking garage as a principal use	C	C	C	C
(e) <u>Commercial Entertainment/Recreation Uses:</u>						
	(1)	Indoor commercial entertainment facility including game room, bowling alley, skating rink, and movie theater		C	C	C
	(2)	Private indoor and/or outdoor recreation including a health, tennis and racquet club		C	C	C
	(3)	Dance studio, exercise class		C	C	P
	(4)	Meeting room	C	C	C	C
	(5)	Banquet hall, party center		C	C	C
	(6)	Mural	P	P	P	P
	(7)	Satellite dish receiving antenna	C	C	C	C
(f) <u>General Commercial/Light Industrial Uses:</u>						
	(1)	Shops and studios for custom work of making articles to be sold at retail on the premises		P	P	P
	(2)	Printing and publishing		P	P	P
	(3)	Storage and warehousing of goods, self- storage				C
	(4)	Research & Development, Limited	P	P	P	P
	(5)	Industrial Design	P	P	P	P
	(6)	Nursery and garden supply with accessory outdoor storage		C	C	C
	(7)	Greenhouse	C	C	C	C
(g) <u>Educational Facilities:</u>						

	(1)	Elementary, junior and senior high school	C	C	C	C
	(2)	College, university, trade and training schools, adult education facilities	C	C	C	C
	(3)	Day care center, preschool, tutoring center	C	C	C	C
(h)	Community Facilities:					
	(1)	Public library, museum	C	C	C	C
	(2)	Public safety facilities	C	C	C	C
	(3)	Public service and maintenance facilities	C	C	C	C
	(4)	Public parks and playgrounds	C	C	C	C
	(5)	Outdoor community festival longer than 3 days	C	C	C	C

Note to Schedule 1131.02:

(a) Shared Spaces must follow the regulations put forth in the Shared Spaces Manual, as may be updated from time-to-time.

...

1131.04 LOT AREA AND WIDTH REGULATIONS.

Principal buildings and uses permitted in the C-1 Office, C-2 Local Retail, and C-3 General Commercial Districts shall be located only on a lot that complies with the lot area and lot width regulations set forth in Schedule 1131.04, unless otherwise specifically provided for elsewhere in this Zoning Code. Shared Spaces shall follow the regulations set forth in the Shared Spaces Manual, as may updated from time-to-time.

...

1131.06 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES.

In C-1 Office, C-2 Local Retail, and C-3 General Commercial Districts, each zoning lot shall maintain the minimum front, side and rear yards specified in Schedule 1131.06, except as otherwise provided for in this Chapter. Each yard shall be unobstructed by a principal use, including outdoor storage of goods, supplies and equipment as permitted in this Chapter, or a principal building, except as otherwise provided in this Zoning Code. Such areas, together with all other portions of the zoning lot not covered by permitted structures, shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition so as to assure adequate screening of parking and loading areas, as well as absorption of rainfall. Shared Spaces shall follow the regulations set forth in the Shared Spaces Manual, as may updated from time-to-time.

...

1131.08 ACCESSORY USE REGULATIONS.

Accessory uses, buildings and structures permitted in a C Commercial District shall conform to the regulations of this section, and shall be landscaped and screened from view in accordance with Chapter 1166, as applicable.

...

(c) Fences. Fences may be erected in any commercial district provided they comply with the following regulations:

(1) A fence located in a front yard shall have a maximum height of four (4) feet above ground level.

(2) In a rear or interior side yard, a fence shall have a maximum height of seven (7) feet above ground level.

(3) In a corner side yard, a fence shall have a maximum height of six (6) feet above ground, except as required by Section 1166.07 for lots adjacent to a residential district, or unless set back 15 or more feet from the public right of way, in which case a fence shall have a maximum height of seven (7) feet above ground level.

(4) Any fence within 25 feet of a public right of way and parallel or approximately parallel to such street shall be approved by the Architectural Board of Review. No chain-link fencing shall be permitted in front or corner side yard.

(5) No barbed wire fence shall be constructed or erected on any lot. Any nonconforming barbed wire fence shall be removed following five years from the adoption of the amendment to this Zoning Code which made such fence nonconforming.

(6) A fence which has the sole purpose of enclosing a seasonal outdoor activity shall be removed during the times of the year when the seasonal activity is not in operation if it causes a nuisance or limits safe travel along public sidewalks.

(7) A pergola or other freestanding structure may be permitted in front of a building, but not within the required front yard, subject to Architectural Board of Review approval.

(8) Any fence as part of a Shared Space shall follow the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

...

1131.11 SUPPLEMENTAL REGULATIONS FOR OUTDOOR DISPLAY, SALES OF GOODS.

The sale or service of food outside of a building; or the display or sale outside of a building of house furnishings, merchandise or vehicles, shall only be permitted as specified below:

(a) The display of oil at a gasoline station or automobile service station;

(b) The display of automobiles and other rental vehicles as permitted in the C-3 District or for which a conditional use permit has been obtained pursuant to Chapter 1153.

(c) The sale or display of flowers, plants, shrubs and trees in the open in connection with a nursery flower mart, landscape business for which a conditional use permit has been obtained pursuant to Chapter 1153.

(d) An outdoor dining facility for which a conditional use permit has been obtained pursuant to Chapter 1153, except for a Shared Space, which shall follow the regulations permitted in the Shared Spaces Manual, as may be updated from time-to-time.

(e) An outdoor dining facility or outdoor sales of goods in conjunction with a duly authorized festival, except for a Shared Space, which shall follow the regulations permitted in the Shared Spaces Manual, as may be updated from time-to-time.

(f) The display of liquid fuel, such as propane, in conjunction with a principally or conditionally-permitted use.

...

1131.14 C-2X MULTIPLE USE DISTRICT.

The C-2X Multiple Use District shall be governed by the following regulations:

...

(f) Yard Requirements: Yard requirement shall be as set forth in the following table:

<i>Yard (illustrations 1-4)</i>	<i>C-2X District Minimum(c)</i>	<i>C-2X District Maximum(c)</i>
Front*	0	10(b)
Yards abutting a C or S District		
Interior Side	0	No max. depth
Rear	5	No max. depth
Corner Side*	0	15(b)
Yards abutting an MF District		
Interior side and rear	15	No max. depth
Corner side*	5	15(b)
Yards abutting an AA, A or B District		
Interior side and rear	20	No max. depth
Corner side(a)	10	No max. depth

Notes:

(a) For the purposes of measuring front and corner-side yards in C-2X Districts, the yard shall be measured from the “built-to” line, which shall be a line running along the inner edge of the existing public sidewalk.

(b) The Planning Commission may conditionally approve a front or corner side yard use, other than parking, that would result in a building being set back more than the maximum distance permitted from the “built-to” line.

(c) Shared Spaces within the C2-X District shall follow the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

...

CHAPTER 1133

Park District

...

1133.02 PERMITTED USES.

In the Park District, land and structures shall be used or occupied, or structures shall be erected, constructed, enlarged, moved, or structurally altered only for a principal use, a conditional use in accordance with Title Seven, or an accessory use to a permitted principal or conditional use specified below and regulated herein.

(a) Principal Uses. The following uses are principal uses permitted by right in a Park District provided that all requirements of the Codified Ordinances and this Zoning Code have been met:

- (1) Public parks and playgrounds;
- (2) Public outdoor recreation facilities;
- (3) Shared spaces.

...

1133.04 MINIMUM YARD REQUIREMENTS.

For each permitted use located in a Park District, front, side and rear yards shall be provided in accordance with the following:

(a) Principal and accessory buildings and active recreational areas shall be located no less than fifty (50) feet from a front, side and rear lot line.

(b) Any playground structure or picnic shelter shall be located no closer to a front, side or rear lot line than a distance equal to its height.

(c) Off-street parking areas shall comply with Chapter 1161 and landscaped in accordance with Sections 1166.06 and 1166.07.

(d) Shared Spaces shall follow the regulations set forth in the Shared Spaces Manual, as may updated from time-to-time.

...

CHAPTER 1153

Supplemental Standards for Conditional Uses

...

1153.03 SPECIFIC AREA, WIDTH AND YARD REGULATIONS.

(a) Schedule 1153.03 sets forth regulations governing lot area, lot width and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses that require area, width and yard regulations different from the district regulations. Additional standards and requirements pertaining to such uses are set forth in Section 1153.05.

(b) In addition, all parking areas adjacent to a single-family or two-family dwelling shall be landscaped in accordance with Section 1165.05.

Schedule 1153.03

AREA, WIDTH AND YARD REGULATIONS FOR CERTAIN CONDITIONAL USES

				<i>Min. Yard Dimensions (in feet)</i>				
<i>Conditional Use</i>				<i>Buildings (d) Parking</i>				
		<i>Min. Lot Area</i>	<i>Min. Lot Width (Feet)</i>	<i>Front</i>	<i>Side/Rear</i>	<i>Side/Front</i>	<i>Rear</i>	<i>See Also Section</i>
(1)	PRD	---	--	--	--	--	--	1155.01 - 1155.08
(1a)	PDO Development District	2 acres						1147.01 - 1147.09
(2)	Place of worship	1 acre	150	50	50	50	10	1153.05 (a)
(3)	School facilities	1 acre	150	50	50	50	10	1153.05 (b)
(4)	Public libraries	1 acre	150	50	50	50	10	---
(5)	Public safety facilities	1 acre	150	50	50	50	10	---
(6)	Public and private parks and playgrounds, and public recreation facilities	None	None	50(a)	50(a)	(b)	(c)	1153.05 (b)
(7)	Golf courses	None	None	50	50	50	50	---
(8)	Cemetery	---	--	--	--	--	--	1153.05 (c)
(9)	Parking lot for a permitted use not on the same zoning lot	None	None	N/A	N/A	(b)	(c)	---
(10)	Accessory parking for a commercial use	---	--	--	--	--	--	1153.05 (f)
(11)	Parking deck or private parking garage as a principal use	20,000 sq. ft.	100	30	15	N/A	N/A	---
(12)	Day care home	---	--	--	--	--	--	1153.05 (d)
(13)	Day care center, preschool	---	--	--	--	--	--	1153.05 (e)
(14)	(Intentionally omitted)	---	--	--	--	--	--	
(15)	Home occupation in an accessory building	---	--	--	--	--	--	1153.05 (h)
(16)	Outdoor community festivals	---	--	--	--	--	--	1153.05 (i)
(17)	Dormitories, fraternities, sororities	20,000 sq. ft.	100	30	15	30	15	1153.05 (j)

(18)	Lodging houses, boarding houses, convents, home for the aged, other congregate living and residential care facilities	20,000 sq. ft.	100	30	15	30	15	1153.05 (k)
(19)	Nursing home, intermediate and long-term care facility	1 acre	150	50	50	30	15	---
(20)	Special training schools and adult education facilities	---	---	---	--	--	--	---
(21)	Hospitals	2 acres	200	50	50	30	15	---
(22)	Colleges and universities	2 acres	200	50	50	30	15	---
(23)	Drive-thru facilities	---	--	--	--	--	--	1153.05 (l)
(24)	Automatic Teller Machine	---	--	--	--	--	--	1153.05 (m)
(25)	Funeral homes and mortuaries in a C-2 or C-3 District	20,000 sq. ft.	100	50	50	15	(b)	---
(26)	Animal clinics, veterinary offices, or animal grooming facilities	---	--	--	--	--	--	1153.05 (n)
(26A)	Animal day-care facilities and overnight boarding of animals	---	--	--	--	--	--	1153.05 (bb)
(27)	Convenience retail in an office building	---	--	--	--	--	--	1153.05 (o)
(28)	Catering	---	--	--	--	--	--	---
(29)	Outdoor dining, except for Shared Space	---	--	--	--	--	--	1153.05 (p)
(29A)	Shared Space	---	--	--	--	--	--	See Shared Spaces Manual
(30)	Dance studios, exercise classes and similar uses	---	--	--	--	--	--	1153.05 (q)
(31)	Auto sales, new, (new and used) and auto rental	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (r)
(32)	Auto sales, used	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (s)
(33)	Truck, boat, sales/rental	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (s)
(34)	Gasoline stations	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (t)
(35)	Car wash establishment	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (u)
(36)	Auto service-major and minor repair	20,000 sq. ft.	100	(b)	(b)	15	(b)	1153.05 (u)
(37)	(Intentionally omitted)							
(38)	Game rooms	---	--	--	--	--	--	1153.05 (v)
(39)	Indoor commercial entertainment	---	--	--	--	--	--	---
(40)	Private indoor/outdoor recreation	---	--	--	--	--	--	---
(41)	Banquet hall, party center	---	--	--	--	--	--	---
(42)	Satellite dish receiving antenna	---	--	--	--	--	--	1153.05 (w)
(43)	Meeting room	---	--	--	--	--	--	1153.05 (x)
(44)	Storage and warehousing of goods	---	--	--	--	--	--	---
(45)	Research and testing laboratories	---	--	--	--	--	--	---

(46)	Nursery and garden supply with accessory outdoor storage	---	--	--	--	--	--	1153.05 (z)
(47)	Public indoor/outdoor entertainment, public indoor recreation	---	--	50(a)	50(a)	(b)	(b)	---
(48)	Reduction in parking requirements	---	--	--	--	--	--	1161.05
(49)	Architecturally significant nonconforming signs	---	--	--	--	--	--	1163.11
(50)	Attached single-family dwelling unit (e)	---	--	--	--	--	--	1153.05 (aa)
(51)	Chicken coop and run	---	--	--	10	--	10	1153.05 (gg)
(52)	Commercial Renewable Energy Systems ("Solar Farms")	2 acres	--	25	25	--	--	1153.05 (ff)

Notes to Schedule 1153.03:

- (a) Playground structures and picnic shelters shall be located no closer to a front, side or rear lot line than a distance equal to its height.
- (b) Shall comply with the district regulations.
- (c) Shall comply with the parking regulations for multiple-family uses set forth in Section 1123.12(a).
- (d) Shall include principal and accessory buildings unless specified otherwise in this Zoning Code.
- (e) For the purpose of determining applicable lot area, width, and yard regulations, adjoining parcels containing attached single-family dwelling units and common areas shall be considered a single zoning lot. Any parcel on which an attached single-family dwelling unit is located shall have frontage on a public street.

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1153.05 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

The following conditional use regulations are specific requirements pertaining to the location and maintenance of certain conditional uses and are in addition to the general criteria set forth in Chapter 1151 and the lot area, width and yard regulations set forth in Section 1153.03.

...

(p) Outdoor Dining. In C-1, C-2, C-2X and C-3 Districts, an outdoor dining facility may be conditionally permitted. An outdoor dining facility located on private property and having 25 or fewer seats may be approved by the Zoning Administrator; a facility with more than 25 seats shall require Planning Commission approval. Shared Spaces shall not be subject to these regulations, but, rather, shall follow the Shared Spaces Manual, as may be updated from time-to-time. In granting approval for an outdoor dining facility, except for a Shared Space, the following standards shall apply:

(1) The facility shall only be used in conjunction with, and under the same management and exclusive control of, a restaurant located on the same or contiguous property.

(2) The use shall not interfere with the flow of pedestrian traffic. The approving authority shall determine to what extent, if any, such use may encroach upon the public right-of-way, provided that an unobstructed walkway of a width specified in the conditional use approval is reserved for public passage. In no case shall the unobstructed walkway be less than six feet in width.

(3) Before a conditional use permit is granted for the use, it shall be determined that the facility will not create an undue parking shortage within the district.

(4) Temporary stanchions with chains or ropes may be approved for the outdoor dining facility, the extent and nature of which shall be set out in the conditional use permit. Fencing shall be subject to regulations in Section 1131.08(c).

...

CHAPTER 1161

Off-Street Parking and Loading Regulations

...

1161.03 NUMBER OF PARKING SPACES REQUIRED.

The required number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 1161.03. For a use not specified in Schedule 1161.03, the Planning Commission shall apply the standard for a specified use which the Commission determines to be most similar to the proposed use.

Schedule 1161.03

REQUIRED OFF-STREET PARKING SPACES (a)

	<i>Principal Building or Use</i>	<i>Minimum Spaces Required</i>
(a)	<u>Residential Uses:</u>	
	(1a) Single-family dwellings with 2 or fewer bedrooms	1 space for each dwelling unit (b)
	(1b) Single-family dwellings with greater than 2 bedrooms	2 spaces for each dwelling unit (b)
	(2) Two-family dwellings	2 spaces for each dwelling unit, of which not less than 0.5 spaces per dwelling unit shall be enclosed (c)
	(3) Townhouses	2 spaces for each dwelling unit, of which both spaces per dwelling unit shall be enclosed (b)
	(4) Multiple-family dwelling	1 space for each dwelling unit
	(5) Senior citizen apartments	1 space for each dwelling unit
	(6) Lodging house, boarding houses	1 space for each bed
	(7) Dormitories, sororities and fraternities	1 space for each 3 persons based on the maximum capacity as established in the Housing Code
	(8) Nursing homes	1 space per 3 beds
(b)	<u>Office, Professional Service Uses:</u>	
	(1) Office, medical office, animal clinic and financial establishments	1 space for each 300 sq. ft. of floor area.
	(2) Funeral homes, mortuaries	1 space for each 50 sq. ft. of floor area in parlors or service rooms.
	(3) Hospitals	2 spaces per room
(c)	<u>Retail/Service Uses:</u>	
	(1) Retail or business uses permitted in any C District, unless specific standards given below	1 space for each 300 sq. ft. of floor area
	(2) Furniture and appliance; retail nursery garden supply, establishments	1 space for each 500 sq. ft. of floor area
	(3) Restaurants; bars; taverns; night clubs	1 space for each 300 sq. ft. floor area (outdoor dining area excluded)
	(4) Hotels and motels	5 spaces plus 1 space for each sleeping room or suite
	(5) Shared Space	No minimum parking requirement
(d)	<u>Automotive Uses:</u>	
	(1) Auto sales; new and used, auto, truck, boat sales, rental facilities	1 space for each 500 sq. ft. of floor area (indoor area only)
	(2) Gasoline stations	.5 spaces per pump +1 per 500 sq. ft. of accessory retail area
	(3) Car wash facilities	1 space per bay plus sufficient area for stacking spaces
	(4) Automobile service stations - major and minor repair	4 spaces per bay
(e)	<u>Commercial Entertainment/Recreation Uses:</u>	

	(1)	Bowling alleys	2 spaces per each lane.
	(2)	Game rooms	1 space for each billiard table or amusement device
	(3)	Skating rinks	1 space per 200 sq. ft. of floor area
	(4)	Indoor movie theaters, auditorium and other public assembly places	1 space for every 4 seats for first 400 seats then 1 space per 10 seats
	(5)	Golf course	4 spaces per hole
	(6)	Tennis or racquet ball court	2 spaces per court
	(7)	Indoor or outdoor swimming pools, public or private	1 space per 200 sq. ft. of water area.
	(8)	Health, fitness, recreation club	1 space for every 200 sq. ft. of exercise area, including locker room, and equipment room.
(f)	<u>General Commercial Uses:</u>		
	(1)	Printing, publishing, storage and warehousing of goods	1 space for each 800 sq. ft. of floor area.
	(2)	Research and testing laboratories	1 space for each 400 sq. ft. of floor area.
(g)	<u>Educational Facilities:</u>		
	(1)	junior high schools, elementary schools and kindergartens	2 spaces per classroom +1 space per 15 seats in largest assembly hall
	(2)	Neighborhood high schools	2 spaces per classroom
	(3)	Regional high schools	5 spaces per classroom.
	(4)	Colleges, universities	10 spaces for every classroom
	(5)	Day Care Centers, preschools and similar uses	1 space for each staff person or employee plus a minimum of 2 pick-up/drop-off spaces
(h)	<u>Community Facilities:</u>		
	(1)	Places of worship	1 space for every 4 seats
	(2)	Community center, library, museum or similar public or private semi- public building	1 space for every 4 seats or for each 300 sq. ft. of floor area, whichever is greater.

Notes to Schedule 1161.03:

- (a) Unless modified by the Planning Commission, per Section 1161.05.
- (b) Parking spaces shall be enclosed, except as otherwise provided in Section 1161.051.
- (c) At least 0.5 parking spaces shall be enclosed, except as otherwise provided in Section 1161.051.

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1161.13 EXCEPTIONS TO OFF-STREET PARKING REQUIREMENTS IN COMMERCIAL DISTRICTS.

(a) In the City's commercial districts, parking needs are predominantly met by the existence of significant amounts of on- and off-street public parking and, in some areas, large private parking areas serving multiple uses. This reduces the need for individual uses to provide their own dedicated off-street parking, as does the fact that many patrons of uses in these commercial districts arrive on foot or by public transportation. Further, a large number of small parking lots would be disruptive in these areas, in which safe and pleasant conditions for pedestrians are important assets. On the commercial-district parcels described in subsection (b) below, the following exceptions to the off-street parking requirements set out in Chapter 1161 shall apply:

- (1) New uses in existing buildings that would not result in a significant change of intensity relating to traffic and parking shall not be required to provide off-street parking.
- (2) New uses in existing buildings proposed to expand the gross floor area by twenty-five percent (25%) or less that would not result in a significant change of intensity relating to traffic and parking shall not be required to provide off-street parking.
- (3) The use of off-street parking for a Shared Space.

(b) The exceptions to the off-street parking requirements, as described in subsection (a) above, shall apply only to commercially zoned parcels.

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CHAPTER 1165
Additional Regulations Governing Uses

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(d) Additional Requirements for Yards. The following requirements for yards must be observed in all zoning districts:

(1) On lots fronting on two (2) nonintersecting streets, a front yard must be provided on both streets;

(2) Where a lot is occupied for a permitted use without any building or structure thereon, the front, side and rear yards required by this Zoning Code shall be provided and maintained between such use and the respective lot lines, except lots used for Shared Spaces, noncommercial gardens, or public playgrounds.

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1165.07 EXTERIOR LIGHTING REQUIREMENTS.

...

(b) Unshielded Lighting. The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, are prohibited, except on a temporary basis in areas where approved carnivals, fairs, approved outdoor dining or similar activities are held and only when such activities are taking place, or on a temporary basis for approved Shared Spaces.

CHAPTER 1166
Landscape Requirements

...

1166.015 SHARED SPACES.

Shared Spaces shall be exempt from the requirements of this Chapter, but shall follow the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

...

Proposed: 09/18/2023

ORDINANCE NO. 150-2023(PD), *Second Reading*

By Mayor Seren

An Ordinance amending various sections of Chapters 110, 311, 351, 371, 521 and 1321 of the Codified Ordinances to facilitate a permanent Shared Spaces Program within the City; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights prides itself on its many business districts and has for many years permitted outdoor dining—both on private property and within the public right-of-way/on public property—as a way to support the business community and enliven spaces for residents and visitors; and

WHEREAS, beginning in March 2020, the COVID-19 pandemic forced all of us to re-examine places and spaces—how we interact with our neighbors and friends and how we work, live, and play; and

WHEREAS, on July 6, 2020, in response to the COVID-19 pandemic, Council, by way of Resolution No. 83-2020, authorized a Temporary Expansion Area (“TEA”) Program for the creation or expansion of outdoor dining, entertainment and retail areas; and

WHEREAS, in light of the COVID-19 guidelines and mandates imposed upon affected businesses through Orders issued by the Governor and Director of the Ohio Department of Health, the TEA Program authorized business to use private property such as private parking lots, as well as City-owned property, streets and other public rights-of-way, including on-street parking areas, sidewalks, and parklets to expand their facilities as a means to combat the financial loss to businesses whose operations were affected by said Orders; and

WHEREAS, the TEA Program was very well-received was therefore extended on several occasions in relation to the pandemic; and

WHEREAS, at the Mayor’s request, the City Administration developed a Shared Spaces Program and Manual in 2022-23 to guide the permitting and regulation of such facilities and spaces; and

WHEREAS, in 2023, Council adopted Resolution 103-2023 to authorize a Shared Spaces Program for the 2023 outdoor dining season through November 1, 2023, in accordance with the Shared Spaces Program and Manual, and now wishes to establish a permanent program (the “Shared Spaces Program”), necessitating amendments to the Codified Ordinances of the City of Cleveland Heights need to be amended; and

ORDINANCE NO. 150-2023(PD)

WHEREAS, those portions of the Zoning Code that are necessary to be amended are contained in Ordinance No. 127-2023 and are being reviewed per Chapter 1119 of the Zoning Code; and

WHEREAS, the portions of the Codified Ordinances that are not within the Zoning Code need to be amended as a separate legislation.

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

SECTION 1. This Council hereby introduces amendments to Chapters 110, 311, 351, 371, 521 and 1321 of the Codified Ordinances of the City of Cleveland Heights, as set forth in **Exhibit A** attached hereto.

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

SECTION 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 the introduction of the proposed zoning amendments to be effective at the earliest time possible so that said amendments can be timely considered and acted upon by the Planning Commission for the benefit of the City and its residents. 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.

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:
Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor

Exhibit A to Ordinance XX-2023
PROPOSED CODE AMENDMENTS:
SHARED SPACES

September 18, 2023

**PART ONE – ADMINISTRATIVE CODE
TITLE ONE – GENERAL PROVISIONS**

**CHAPTER 110
City Property Disposition**

...

110.05 OUTDOOR DINING ON PUBLIC PROPERTY.

The Mayor is hereby authorized to administratively approve requests for outdoor dining on sidewalks or other public right of way provided the following conditions are met:

(a) Such outdoor dining may only be conducted in conjunction with, and under the same management and exclusive control of, a restaurant located in a building contiguous to the public right of way upon which outdoor dining is proposed to be conducted.

(b) The outdoor dining shall not interfere with the flow of pedestrian traffic. At least five (5) feet of unobstructed sidewalk must be maintained, although more may be required in areas of high use.

(c) Outdoor dining shall be limited to no more than six tables and twenty-four chairs.

(d) No alcohol may be sold or consumed on the outdoor dining premises without the specific legislative authorization of this Council and the approval of the Ohio Department of Liquor Control.

(e) All agreements for outdoor dining shall be approved in writing by the Mayor, Director of Law, and Director of Planning and Development, and shall contain the following terms as well as others deemed necessary by the Mayor and Director of Law:

(1) The agreement shall set forth the hours of operation and the term of the agreement, which may be automatically renewable each season unless terminated by either party. A detailed description of the location of furniture and other improvements/objects shall be included.

(2) The agreement shall require the restaurant owner or other responsible party to keep the outdoor dining area clean and sanitary and to remove all tables and chairs each evening for storage.

(3) The agreement shall require the responsible party to indemnify and hold the City harmless from any liability or damages caused by the outdoor dining and to provide an insurance policy in an amount approved by the Director of Law with the City being named as an additional insured.

(4) The agreement shall provide that it may be terminated by the Mayor at any time without notice if he deems that the use is creating a nuisance or interfering with the use of the public right of way, or that the property is needed for municipal purposes.

(f) This section applies only to outdoor dining on public property, with outdoor dining on private property being governed by the provisions of the Zoning Code. Shared Spaces, whether on public or private property, shall be governed by the provisions set forth in the Shared Spaces Manual, as may be updated from time-to-time.

...

PART THREE – TRAFFIC CODE

TITLE THREE – STREETS AND TRAFFIC CONTROL DEVICES

CHAPTER 311

Street Obstructions and Special Uses

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311.02 PARADES AND ASSEMBLAGES.

No person, group of persons or organization shall conduct or participate in any parade, procession or assemblage upon any street or highway, or block off any street or highway, park or any other public area, without first obtaining a permit from the Director of Public Safety, with the exception of Shared Spaces, which shall be governed by the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.

The permit may be refused or cancelled if the resultant conditions would unreasonably hinder the movement of traffic or would require the diversion of sufficient police officers or firemen so as to deprive the Municipality of normal police and fire protection, or would be reasonably likely to provoke disorderly conduct, create a disturbance or threaten the safety of residents, by reason of the number of persons to participate in such parade, the nature or subject matter of the parade, the area in which the parade will proceed or be located, and all other relevant factors.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the places of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

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PART THREE – TRAFFIC CODE

TITLE SEVEN – PARKING

CHAPTER 351 Parking Generally

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351.04 MANNER OF PARALLEL PARKING.

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(b) (1) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a state route unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(2) A. No angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space. The temporary elimination of an angled parking space that is located on a state route necessary to create a Shared Space shall be permitted as part of the Shared Spaces Program.

B. Replacement, repainting or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

...

351.11 OBSTRUCTING LANE ACCESS TO PUBLIC BUILDINGS.

No person shall park or stand any vehicle or place any other obstacle in any lane, alley, privately owned public parking lot, driveway or service area, in such a manner as to obstruct the free passage of public safety vehicles or any other vehicle passing through or over such area, except for Shared Spaces, which shall follow the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

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PART THREE – TRAFFIC CODE

TITLE NINE – PEDESTRIANS, BICYCLES AND MOTORCYCLES

CHAPTER 371

Pedestrians

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371.05 WALKING AND JOGGING ON ROADWAYS.

(a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in Sections 313.03 and 371.01, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.
(ORC 4511.50)

(e) When a sidewalk is available for the purpose of walking, but is not adequate for the purposes of jogging, running or other similar pedestrian activities, a person may jog, run or perform a similar pedestrian activity upon the travelled portion of a roadway, in accordance with the provisions of this section.

(f) A person using a roadway for the purpose of jogging, running or the performing of a similar pedestrian activity shall perform such activity as close as practicable under existing road conditions to the outside curb or the curblane of the roadway. Such person shall perform the activity only on the left side of the roadway.

(g) A person using a roadway for the purpose of jogging, running or other similar pedestrian activity, shall yield the right of way to vehicles lawfully operating thereon, and to vehicles and pedestrians having the right of way at street intersections.

(h) No person shall jog, run or perform similar pedestrian activities upon a street or highway during the period commencing one-half hour after sunset and concluding one-half hour before sunrise, unless such person shall wear reflective clothing and/or a reflective device sufficient to allow such person to be discernible at a distance of at least 500 feet to such person's front and rear.

(i) For the Shared Spaces Program, the above shall be superseded by the regulations contained in the Shared Spaces Manual, as may be updated from time-to-time.

PART FIVE – GENERAL OFFENSES CODE

CHAPTER 521

Health, Safety and Sanitation

...

521.05 PLAYING GAMES IN STREETS.

(a) No person shall fly a kite or play any game on any street, lane or alley, except as part of a Shared Space. However, nothing in this section shall prohibit the Safety Director from designating certain streets or sections thereof for limited periods of time for playground purposes under proper supervision.

(b) Whoever violates this section is guilty of a minor misdemeanor.

...

521.07 UNLAWFULLY USING OR OBSTRUCTING FIRE HYDRANTS.

(a) No person, unless authorized by the City, or except in case of fire, shall tamper with, turn on, or use water from any fire hydrant, valve box, stop cock, pipe, apparatus or other fixture for supplying water, or in any way to use water therefrom for private use.

(b) No person shall in any manner obstruct any fire hydrant by placing or permitting to exist any material, article or equipment in front thereof, from the curb line to the center of the street, or to within five feet from either side thereof. Shared Spaces shall follow the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

PART THIRTEEN – BUILDING CODE

TITLE THREE – LOCAL PROVISIONS

CHAPTER 1321

Fences

1321.01 PERMIT REQUIRED; FEE.

(a) No person shall construct any fence on a residential property without first obtaining a permit therefor from the Zoning Administrator and paying a fee of fifty dollars (\$50.00). No person shall construct any fence on a commercial property without first obtaining a permit therefor from the Zoning Administrator and paying a fee of eighty dollars (\$80.00).

(b) The permit fee shall be doubled in those cases where a person constructs or starts to construct a fence without first obtaining a permit.

(c) There shall be no fee for a fence in conjunction with a Shared Space.

1321.02 PLACEMENT; BARBED WIRE FENCES.

(a) Fences shall be constructed or erected in compliance with the provisions of the Zoning Code. For any fence as part of a Shared Space, the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time, shall apply.

(b) No person shall construct or erect any barbed wire fence except an industrial type whereby not more than three (3) strands of barbed wire may be placed on the top of a fence other than a barbed wire fence provided the strands are not less than seventy-two (72) inches above the ground and are canted or angled toward the property the fence surrounds.