



June 20, 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. May 1, 2023
- 6) Communications from the Mayor
- 7) Report of the Clerk of Council
- 8) **Public Comment – Legislative Agenda Items only**  
(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. Comments unrelated to the agenda may be made after Committee Reports)
- 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 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. 109-2023(PD): First Reading.** A Resolution approving a petition for the adoption of a public services and improvements plan for the Coventry Village Special Improvement District.

Introduced by Mayor Seren

Move for Adoption

**RESOLUTION NO. 110-2023(MSES): First Reading.** A Resolution authorizing the Mayor to execute an amendment to the 2018 Stormwater Project Agreement with the City of Shaker Heights and the Northeast Ohio Regional Sewer District for the Shaker Lakes Dams Rehabilitation Project 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. 111-2023(PD): First Reading.** A Resolution authorizing the Mayor to commit \$1,500,000.00 of the City's ARPA funds for the Cain Park Village Stramp Project, and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

**ORDINANCE NO. 104-2023(HB), First Reading.** An Ordinance amending Section 1351.34 "Registration of Dwelling Structure By Out-of-County Owners" of Chapter 1351 "Basic Standards for Residential Occupancy" and Section 1369.16 "Registration of Business Structures by Out-of-County Owners" of Chapter 1369 "Basic Standards for Business Occupancy" of the Codified Ordinances of the City of Cleveland Heights.

Introduced by Mayor Seren

**c. Second Readings**

**RESOLUTION NO. 102-2023(CRR): Second Reading.** A Resolution authorizing the Mayor to enter into an agreement with GameTime through the Omnia cooperative purchasing program for the purchase and installation of a potable splash pad for Denison Park; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Move for Adoption

**ORDINANCE NO. 105-2023(F): Second Reading.** A Resolution approving the adoption of the 2024 Tax Budget; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Move for Adoption

**RESOLUTION NO. 106-2023(MSES): Second Reading.** A Resolution authorizing an agreement with Cintas Corporation for the purchase of paper products, mats, and cleaning and other supplies for the City 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.

Move for Adoption

**RESOLUTION NO. 108-2023(PD): Second Reading.** A Resolution authorizing the Mayor to execute an agreement with Gridics LLC for the establishment and maintenance of a zoning parcel record data set for the Department of Planning and Development; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Move for Adoption

**ORDINANCE NO. 098-2023(PSH): Second Reading as Amended.** An Ordinance amending Chapter 522, "Lead Hazards," of Part Five, General Offenses Code; Chapter 1347, "Certificate of Occupancy," of Part Thirteen, Building Code; and Section 1345.99, "Penalty," of Chapter 1345, "Enforcement and Penalty," of Part Thirteen, Building Code; of the Codified Ordinances of the City of Cleveland Heights.

Move for Adoption

**d. Consent Agenda**

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

**RES 112-2023(CRR): First Reading.** A Resolution proclaiming July 2023 to be National Parks and Recreation Month in the City of Cleveland Heights; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

**RESOLUTION NO. 113-2023(COTW): First Reading.** A Resolution proclaiming July, 2023 to be a month of recess for City Council and cancelling the July 3, 2023 and July 17, 2023 regular council meetings of the City Council of the City of Cleveland Heights, Ohio; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by President Hart

Move to suspend rules

Move for adoption

**10) Committee Reports**

**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.)

**12) Old Business**

**13) New Business**

**14) Council Member Comments**

(**Note:** Council comments should directly relate to the business of the City of Cleveland Heights, rather than personal reflection or commentary. A maximum 3-minute time limit applies, but the Council President may reduce time limit based on the volume of business on the agenda, the time of evening, or other similar factors.)

**15) Council President's Report**

**16) Adjournment**

**NEXT MEETING OF COUNCIL: August 7, 2023**



May 1, 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**

2) **Roll Call of Council Members**

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

**Excused:** None

**Absent:** None

3) **Excuse absent members**

None

4) **Amendments to the Agenda (if necessary)**

None

5) **Approval of minutes from previous meeting(s)**

a. March 6

**APPROVED**

b. April 3

**APPROVED**

6) **Communications from the Mayor**

Request permission to bid project #23-97—SSO Control of CH-2, CH-33, CH-39 and Antisdale Sewer Replacement

**Motion to approve:** Gail Larson

**Seconded:** Janine Boyd

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

**No:** None

**Abstain:** None

**7) Northeast Ohio Regional Sewer District**  
Horseshoe Lake Update

**Speakers**

Matt Scharver (NEORS D)	Other	Doan Brook Reconstruction/Horseshoe Lake Update
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**8) Report of the Clerk of Council**

None

**9) Public Comment - Agenda Items only**

(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. Comments unrelated to the agenda may be made after Committee Reports)

**Speakers**

Korbi Roberts	Citizen	Horseshoe Lake
Penny Allen	Citizen	NEORS D Presentation
Cindy L. Evans	Citizen	Appointments

**10) 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. 065-2023(AS): First Reading.** A Resolution appointing Graig Kluge as a member of the 2023 Charter Review Commission of the City of Cleveland Heights; and declaring the necessity

that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

**Motion to adopt:** Craig Cobb

**Seconded:** Anthony Mattox Jr.

**Yes:** Janine Boyd, Craig Cobb, Melody Joy Hart, Anthony Mattox Jr.

**No:** Tony Cuda, Gail Larson, Davida Russell

**Abstain:** None

### **Discussion:**

**Russell** first congratulated all who applied. Their willingness to give up some of their personal time to volunteer for a position to help our city's government is commendable and shouldn't be taken lightly. Her position tonight is in no way reflective of the applicants who applied or the applicants who are listed on the legislation for approval tonight. In her opinion, with the abandonment of section B of the ordinance establishing the charter review commission, which reads "(B) experience, diversity, equity, and inclusion, Council shall seek to appoint to the Charter Review Commission members whose education, training, work of profession, or other volunteer or life experiences will enable them to make meaningful contributions to the work of the Commission, Further, in making appointments to the Commission, Council shall make a good faith effort to ensure that the Commission is broadly reflective of the diversity of the City, taking into account important considerations including but not limited to geographic diversity and diversity of race, ethnicity, age, gender, sexual identity and orientation." Further stated that in her opinion council needs to reconvene the executive session to complete the work we started. For these reasons she is voting no on all applicants slated for approval tonight.

**Larson** agreed that further discussion is needed, and will also vote NO on all CRC appointments/nominations tonight.

**Cuda** expressed that the Charter desperately needs to be addressed/revised, but also agreed with his colleagues Russell and Larson, that he will be voting NO on all CRC appointments/nominations tonight. Cuda voted no because he said the process agreed to on Feb 27<sup>th</sup> was not followed in executive session and because of that, council was unable to follow clause B of the CRC legislation calling for diversity on the CRC.

**Mattox** disagrees with his colleagues, he doesn't believe they want cooperation, they want compliance. Just because the Council does not always agree on everything, doesn't mean the process was not followed. No conspiracy exists here, and he wants the public to investigate the truth of his colleagues' statements.

## **LEGISLATION FAILED**

**Motion to table RES 066-2023 through RES 073-2023:** Craig Cobb

**Seconded:** Tony Cuda

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

**No:** None

**Abstain:** None

**Motion to schedule an executive session to discuss the CRC\*\***

**applicants:** Tony Cuda

**Seconded:** Gail Larson

**Discussion:**

**Mattox:** Doesn't feel there is a need to go back into executive session, as the process was followed in his opinion.

**Cobb:** If there is going to be an executive session, it should be scheduled within a council meeting where process will also be discussed as that needs to happen during an open meeting.

**Mattox:** Asks for clarification, as going into an executive session to discuss process is not allowed.

**Boyd:** Submits for consideration that there were less than 4 or 5 applicants that meet the "diverse" criteria her colleagues are asking for; we would need to broaden the applications. If we go back and review the current applications, there are very few people in the pool that reflect the diversity being asked for. Inclusion of diversity is not something that just our council struggles with, it is a challenge for everybody to move outside of the more traditional people who apply for these types of governmental committees/boards etc.

**Russell:** Thanked council person Boyd for her comments but explained that was not what she was speaking about. Stated if we looked at what is written in the charter under section B there are applicants that will fit that profile that applied. This is not about recruiting more applicants, it's about the applicants that applied that fit the criteria in section B of the ordinance.

**Director Hanna:** Points out that under council rules, the president of council, or any two members of council can call a special meeting at any time; a motion is not necessary...they could just schedule a meeting whenever.

**Russell:** Asks the law director for clarification on two questions, that council

according to the legislation creating the commission, is supposed to take into account diversity (geographical, race, ethnicity, age, gender, sexual identity or orientation).

**Director Hanna:** Replied to both of Russell's questions.

**Russell:** Thanked Director Hanna and replied that is all she wanted to know.

**Mattox:** Asked when Council didn't do that?

**Hart:** Asks for order.

**Cuda:** Amends his motion that we need to schedule a special meeting proceeding the executive session so we don't discuss any

**Director Hanna:** Are you withdrawing your prior motion and making a new one?

**Cuda:** Yes

**\*\*Cuda amends his motion at the request of Cobb to include a special meeting.**

**Seconded:** Cobb

Roll Call

Yes: Russell, Cobb, Cuda, Larson

No: Mattox, Boyd, Hart

**MOTION PASSED**

**RESOLUTION NO. 066-2023(AS): First Reading.** A Resolution appointing Harriet Applegate as a member of the 2023 Charter Review Commission of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

**TABLED**

**RESOLUTION NO. 067-2023(AS): First Reading.** A Resolution appointing Linda Striefsky as a member of the 2023 Charter Review Commission of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

**TABLED**

**RESOLUTION NO. 068-2023(AS): First Reading.** A Resolution

appointing Marty Gelfand as a member of the 2023 Charter Review Commission of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

**TABLED**

**RESOLUTION NO. 069-2023(AS): First Reading.** Resolution appointing Guy Thellian as a member of the 2023 Charter Review Commission of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

**TABLED**

**RESOLUTION NO. 070-2023(AS): First Reading.** A Resolution appointing Roland Anglin as a member of the 2023 Charter Review Commission of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

**TABLED**

**RESOLUTION NO. 071-2023(AS): First Reading.** A Resolution confirming the Mayor's nomination and appointing Jon Benedict as a member of the 2023 Charter Review Commission of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

**TABLED**

**RESOLUTION NO. 072-2023(AS): First Reading.** A Resolution confirming the Mayor's nomination and appointing Stephanie Morris as a member of the 2023 Charter Review Commission of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

**TABLED**

**RESOLUTION NO. 073-2023(AS): First Reading.** A Resolution confirming the Mayor's nomination and appointing Drew Herzig as a

member of the 2023 Charter Review Commission of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

**TABLED**

**RESOLUTION NO. 084-2023(AS): First Reading.** A Resolution appointing Kathryn Lester as an alternate member of the Architectural Board of Review 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:** Craig Cobb

**Seconded:** Anthony Mattox Jr.

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

**No:** None

**Abstain:** None

**LEGISLATION PASSED**

**RESOLUTION NO. 085-2023(AS): First Reading.** A Resolution appointing Danielle Cohen as a member of the Landmark Commission of the City of Cleveland Heights, OH and reappointing Ken Goldberg, Thomas Veider, and Jim Edmonson as members of the Landmark Commission; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

**Motion to adopt:** Craig Cobb

**Seconded:** Anthony Mattox Jr.

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

**No:** None

**Abstain:** None

**LEGISLATION PASSED**

**RESOLUTION NO. 086-2023(AS): First Reading.** A Resolution appointing Darlene White (Boulevard Neighborhood), Cindie Carroll-Pankhurst, Anthony Porembski, Amanda Isaacson, Leslie Jones, Suella Wilfong, and Lisa Gilbert as members of the Citizens Advisory Commission 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:** Craig Cobb

**Seconded:** Anthony Mattox Jr.

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

**No:** None

**Abstain:** None

**LEGISLATION PASSED**

**RESOLUTION NO. 087-2023(AS): First Reading.** A Resolution reappointing Justin Alcorn (Roxboro), Lee E. Barbee, II (Caledonia), David Benson (Canterbury), Laura Black (Coventry), Sue Dean Dyke (Fairfax), Susan Efroymson (Millikin), William Frank (Noble), Jonathan Goldman (Taylor), Gretchen Mettler (Caledonia), T. Nadas (Canterbury), Jessica Schantz (Fairfax), Allosious Snodgrass (Coventry), Patti Substelny (Roxboro), and Elizabeth Vanderleest (Oxford) as members of the Citizens Advisory Commission 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:** Craig Cobb

**Seconded:** Anthony Mattox Jr.

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

**No:** None

**Abstain:** None

**LEGISLATION PASSED**

**ORDINANCE NO. 075-2023(CRR): First Reading.** An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2023. and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

**Motion to adopt:** Davida Russell

**Seconded:** Gail Larson

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

**No:** None

**Abstain:** None

**LEGISLATION PASSED**

**RESOLUTION NO. 083-2023(MSES): First Reading.** A Resolution authorizing an agreement with Cintas Corporation for professional rental uniforms and laundry services for the Department of Public Works 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

**Motion to adopt:** Janine Boyd

**Seconded:** Craig Cobb

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

**No:** None

**Abstain:** None

**b. First Readings Only**

**RESOLUTION NO. 076-2023(PD): First Reading.** A Resolution creating and making 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

**READ INTO THE RECORD**

**RESOLUTION NO. 077-2023(MSES): First Reading.** A Resolution authorizing the Mayor to enter into an agreement with Greenman-Pedersen, Inc., for professional construction inspection and administration services relating to the Lee Road Resurfacing Project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

**READ INTO THE RECORD**

**RESOLUTION NO. 078-2023(CRR): First Reading.** A Resolution supporting a mayor's action call center with all actions necessary, including the expenditure of funds, hiring staff, and/or, if needed, purchasing implementing equipment, and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmembers Russell, Larson, and Cuda

**READ INTO THE RECORD**

**Russell:** Thanked the Mayor for putting together an action call center; she calls this the “people’s resolution.” This resolution simply states the city will create a centralized action center. This resolution has been written for almost a year now. Thanked President Hart for bringing it forward, and thanked Council members Cuda and Larson for helping her streamline it. Thanked all of Council for their support of this resolution.

**Mattox:** When did we come to an agreement on this? There was no agreement of all of Council supporting this, and the Mayor is not creating an action center.

**c. Second Readings**

**RESOLUTION NO. 062-2023(MSES): Second Reading.** A Resolution authorizing the Mayor to enter into an agreement with Wade Trim, Inc. of Ohio, for construction administration and resident observation services relating to control of sanitary sewer overflows CH-12, CH-17, CH-26 and CH-28; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

**Motion to adopt:** Janine Boyd

**Seconded:** Anthony Mattox Jr.

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

**No:** None

**Abstain:** None

**LEGISLATION PASSED**

**RESOLUTION NO. 063-2023(MSES): Second Reading.** A Resolution authorizing the Mayor to enter into an agreement with Wade Trim, Inc. of Ohio, for professional design engineering services relating to control of sanitary sewer overflows CH-27 and CH-51 along Quilliams Road and Atherstone Road; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

**Motion to adopt:** Janine Boyd

**Seconded:** Anthony Mattox Jr.

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

**No:** None

**Abstain:** None

**LEGISLATION PASSED**

**RESOLUTION NO. 064-2023(MSES): Second Reading.** A Resolution authorizing the Mayor to enter into an agreement with R<sub>2</sub>O for professional design services relating to control of sanitary sewer overflows CH-36 and CH-37 along North Park Boulevard; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

**Motion to adopt:** Janine Boyd

**Seconded:** Anthony Mattox Jr.

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

**No:** None

**Abstain:** None

**LEGISLATION PASSED**

**d. Consent Agenda**

**Motion to suspend rules:** Craig Cobb

**Seconded:** Tony Cuda

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

**No:** None

**Abstain:** None

**MOTION PASSED**

**Motion to adopt:** Craig Cobb

**Seconded:** Davida Russell

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

**No:** None

**Abstain:** None

**LEGISLATION PASSED**

**RESOLUTION NO. 079-2023(CRR): First Reading.** A Resolution recognizing May 2023 as Older Americans Month; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilwoman Russell

Passed on consent agenda

**RESOLUTION NO. 080-2023(CRR): First Reading.** A Resolution recognizing April 30—May 6, 2023 to be Professional Municipal Clerks Week; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilwoman Russell and President Hart

Passed on consent agenda

**RESOLUTION NO. 081-2023(CRR): First Reading.** A Resolution recognizing May 1-5, 2023, as *Air Quality Awareness Week*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Passed on consent agenda

**RESOLUTION NO. 082-2023(CRR): First Reading.** A Resolution recognizing May 2023 as *Jewish American Heritage Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Passed on consent agenda

## **11) Committee Reports**

**CRR:** Update from the CRR Committee meeting this morning; the community center will have expanded hours soon and the community center room rental is now open. Women Walking kick-off event is coming up. Shredding day is May 20 from 9am-12pm at City Hall. Update on postal service; they have hired an additional 4 carriers, and the broken doors at the post office have been repaired. Today is school bus drivers' appreciation day.

**HB:** Committee met today to discuss a few potential pieces of legislation coming up.

**PSH:** Noble Elementary Neighborhood traffic survey was sent out to the people living in that neighborhood. The results should be received soon. It was an honor to serve as a volunteer at Metro Health's Minority Men's Health Fair.

## **12) 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.)

## **13) Old Business**

**14) New Business**

**15) Council Member Comments**

(**Note:** Council comments should directly relate to the business of the City of Cleveland Heights, rather than personal reflection or commentary. A maximum 3-minute time limit applies, but the Council President may reduce time limit based on the volume of business on the agenda, the time of evening, or other similar factors.)

**Russell:** June 10th is the next "Tenant/Landlord" series continues. Also "Pathway to Homeownership" series is Thursday June 8th between 6pm-8pm.

**Larson:** Spoke about the cleanup event at the Caledonia ravine.

**Cuda:** Thanked everybody who showed up for the Caledonia ravine cleanup.

**Mattox:** Encouraged everybody to check out the new Focus publication.

**16) Council President's Report**

Will be putting forth a tax clinic on property taxes (two evenings and a Saturday in May and two evenings and a Saturday in June).

**17) Adjournment**

**NEXT MEETING OF COUNCIL: MAY 15, 2023**

Proposed: 6/20/2023

RESOLUTION NO. 109-2023 (F), *First Reading*

By Mayor Seren

A Resolution approving a petition for the adoption of a public services and improvements plan for the Coventry Village Special Improvement District.

WHEREAS, Ohio Revised Code Chapter 1710, "Special Improvement Districts," provides for the voluntary creation of nonprofit corporations by groups of property owners to fund mutually beneficial improvements through self-assessment; and

WHEREAS, by Resolution No. 160-1996, this Council approved the formation of the Coventry Village Special Improvement District ("Coventry SID"); and

WHEREAS, by subsequent resolutions, this Council previously approved and levied assessments to fund the costs of said plan and subsequent public services and improvements plans for the Coventry SID; and

WHEREAS, the most recently approved public services and improvements plan has expired; and

WHEREAS, the Board of Directors of the Coventry SID have approved a proposed public services and improvements plan for the next five years; and

WHEREAS this Council returned said plan to the Board of Directors without comments or recommendations for changes by Resolution No. 035-2023; and

WHEREAS, said plan has been approved by the owners of property constituting over sixty percent (60%) of the front footage of the property included in the district and has been submitted to this Council for its approval; and

WHEREAS, approval of the public services and improvements plan would be in the best interest of the Coventry SID and the residents of this community.

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

SECTION 1. This Council hereby approves the petition for adoption of the submitted public services and improvements Plan for the Coventry Village Special Improvement District ("Coventry SID"), the originals of which petition are on file with the Clerk of Council, and a copy of which Plan is attached to this Resolution as Exhibit "A" and incorporated herein by reference.

REOLUTION NO. 109-2023(F)

SECTION 2. This Council hereby finds that the petition for the adoption of said Plan for the Coventry SID was executed by the owners of over sixty percent (60%) of the front footage of all real property located in the district, as required by Ohio Revised Code Section 1710.06 and finds that the adoption of the submitted public services and improvements Plan will be in the best interest of the Coventry SID and the residents of this community.

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

SECTION 3. This Resolution 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 the Mayor: \_\_\_\_\_ Approved: \_\_\_\_\_

\_\_\_\_\_  
KAHLIL SEREN  
Mayor

**EXHIBIT A**

**Coventry Village Special Improvement District**

1824 Coventry Road, Cleveland Hts., OH 44118 P: (941) 232-0187

Email: [Coventryvillagestaff@gmail.com](mailto:Coventryvillagestaff@gmail.com)

***Table 1: Proposed CVSID 2024 Annual Budget***

CVSID Proposed Fiscal Year 2024 Budget by General Categories and Approximate Percentages

Category Description	%
Administration / Coordination of CVSID Programs & Communications	10%
Professional Services, Office Expenses & Insurances	10%
Marketing, Advertising & Promotions	18%
Physical Maintenance: Upkeep & Beautification of Public Areas	60%
Contingencies	2%
TOTAL	100%

CVSID Board recommendation is that Fiscal Year 2024 Annual Budget be set at \$173,250.

***Table 2: Proposed CVSID Fiscal years 2025-2025 Annual Budget***

(Assume a 3% annual increase over 2024 Fiscal year Annual Budget of \$173,250)

Category Description	%
Administration / Coordination of CVSID Programs & Communications	10%
Professional Services, Office Expenses & Insurances	10%
Marketing, Advertising & Promotions	18%
Physical Maintenance: Upkeep & Beautification of Public Areas	60%
Contingencies	2%
Category percentages may vary from year to year based on program needs, grants, additional revenues, cash carry-forwards and other factors.	100%

**COVENTRY VILLAGE SPECIAL IMPROVEMENT DISTRICT  
ANNUAL BUDGET  
2023 - 2024 FISCAL YEAR**

**REVENUES**

Real Estate Tax Assessment	\$175,000	
Cuyahoga County Collection Fee	<u>-1,750</u>	
<b>TOTAL REVENUE</b>		<b>\$173,250</b>

**EXPENSES**

Executive Director Compensation	\$34,250	
Bookkeeping and Audit	10,000	
Advertising/Promo/Web/Social Media	9,000	
Insurance Coverages (Property, Liability & Directors & Officers)	7,000	
Office Expenses (Postage, Delivery, Telephone, Clerical)	300	
Maintenance Payroll (includes Wages Taxes & Payroll Service)	25,000	
Equipment Repairs/Supplies	<u>2,000</u>	
<b>SUBTOTAL</b>		<b>87,550</b>

**Utilities**

Electricity	\$7,000	
Water/Sewer	<u>6,000</u>	
<b>SUBTOTAL</b>		<b>13,000</b>

**Street Maintenance**

Landscape Maintenance	\$7,200	
Sprinkler Maintenance/Repairs	2,500	
Rock Salt	500	
Pest Control	<u>2,300</u>	
<b>SUBTOTAL</b>		<b>12,500</b>

**Street Beautification**

Flowers/Planting	\$20,600	
Hanging Baskets (including Installation)	3,825	
Holiday Lighting (Material/Installation)	1,600	
GFI Outlets (Material/Installation)	500	
Spring & Fall Clean Up	6,000	
Mulch	<u>4,500</u>	
<b>SUBTOTAL</b>		<b>37,025</b>

Public Art Fund	15,000	
Transfer for Summer Programs	5,000	
Contingencies	<u>3,175</u>	

<b>TOTAL EXPENSES</b>		<b>\$173,250</b>
<b>NET SURPLUS (DEFICIT)</b>		<b><u>0</u></b>

Proposed: 6/20/2023

RESOLUTION NO. 110-2023(MSES), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to execute an amendment to the 2018 Stormwater Project Agreement with the City of Shaker Heights and the Northeast Ohio Regional Sewer District for the Shaker Lakes Dams Rehabilitation Project and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, on January 19, 2018, the cities of Cleveland Heights and Shaker Heights ("the Cities") entered into a Regional Stormwater Project Agreement ("the Agreement") with the Northeast Ohio Regional Sewer District ("NEORSD") for the Shaker Lakes Dams Rehabilitation Project involving Upper Shaker Lake (also known as "Horseshoe Lake," with the dam at that lake known as the "Horseshoe Lake Dam") and Lower Shaker Lake, each of which is located partially in each of the Cities, as well as Green Lake, located in the City of Shaker Heights, to plan and implement the Shaker Lakes Dams Rehabilitation project (the "Project") which consisted of certain activities to be undertaken in connection with each of the three lakes; and

WHEREAS, upon subsequent inspection the condition of Horseshoe Lake Dam was found to be in a far greater state of deterioration than at the time of execution of the Agreement, such that Horseshoe Lake Dam needed to be either completely reconstructed, rather than rehabilitated as provided under the scope of the Agreement, or decommissioned (removed); and

WHEREAS, the NEORSD's Chagrin River/Lake Erie Tributaries ("CHALET") Stormwater Master Plan determined that while Lower Shaker Lake provided flood control benefits that justify reconstruction of the Lower Shaker Lake Dam, Horseshoe Lake did not provide stormwater management or flood control benefits that could justify reconstruction of the Horseshoe Lake Dam using funds of the NEORSD's Regional Stormwater Management Program; and

WHEREAS, because Horseshoe Lake Dam could only be reconstructed, beyond the scope of the Agreement, or decommissioned (removed), and because of the findings of the CHALET study, NEORSD recommended that the best combination of flood relief, Ohio Department of Natural Resources ("ODNR") dam safety compliance, and long-term benefit would be achieved through the removal of Horseshoe Lake Dam and the restoration of Doan Brook in that vicinity to a more naturalized state; and

WHEREAS, on September 27, 2021 the City of Shaker Heights City Council, with the concurrence of the Mayor, adopted Resolution No. 21-92, indicating the concurrence of the Shaker Heights City Council in the proposal of NEORSD to remove Horseshoe Lake Dam and to return the Horseshoe Lake lake bed to its naturalized state, including streams, non-invasive vegetation, plantings, trees, and other amenities pursuant to a thorough and open public planning process to be undertaken in consultation with the cities

RESOLUTION NO. 110-2023(MSES)

of Shaker Heights and Cleveland Heights, and to rebuild the Lower Shaker Lake Dam to meet ODNR criteria for a Class I dam, as a part of NEORSD's regional stormwater management plan, and all at NEORSD's cost; and

WHEREAS, this Council, with the concurrence of the Mayor, adopted Resolution No. 151-2021 on November 22, 2021, indicating the concurrence of the Cleveland Heights City Council in the same, above-described NEORSD proposal; and

WHEREAS, ODNR on March 29, 2023 performed a new inspection of Horseshoe Lake Dam and, on May 1, 2023, issued a Dam Safety Inspection Report for Horseshoe Lake Dam which states, in part, that "Due to the continued deterioration and extent of problems with the dam...The conditionally approved 2018 repair plan and specifications for Upper Shaker (Horseshoe) Lake Dam **are no longer acceptable and if completed would not bring the dam into compliance**" (emphasis added); and

WHEREAS, the 2023 ODNR Report further states that in lieu of comprehensive reconstruction/remediation of the dam, the dam may be decommissioned; and

WHEREAS, in light of the 2023 ODNR Inspection Report, the Parties wish to amend the Agreement to accept the NEORSD's recommendation not to perform the Upper Shaker (Horseshoe) Lake aspect of the Project described in the Agreement, and instead, to decommission the Horseshoe Lake Dam and return the lake bed to its naturalized state, including streams, non-invasive vegetation, plantings, trees, and other amenities ("Doan Brook near Horseshoe Lake Restoration Project"); and

WHEREAS, the Parties agree that the Agreement will need to be further modified, or a separate agreement executed, once additional design details of the Doan Brook near Horseshoe Lake Restoration Project have been developed and components more specifically agreed upon among the Parties; and

WHEREAS, the 2018 Agreement provides in Section 12.1 that the Agreement may be modified by written instrument executed by each party; and

WHEREAS, for purposes of background and clarification only, NEORSD is also undertaking a separate project known as the "Lower Shaker Lake Dam Reconstruction Project", pursuant to separate project agreement among the Parties.

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

SECTION 1. The Mayor shall be and is hereby authorized to execute an amendment to the 2018 Regional Stormwater Project Agreement ("the Agreement") with

RESOLUTION NO. 110-2023(MSES)

the Northeast Ohio Regional Sewer District (“NEORS”) and the City of Shaker Heights for the Shaker Lakes Dams Rehabilitation Project, substantially in accordance with the draft Amendment on file with the Clerk of Council, subject to the final approval of the Director of Law.

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

SECTION 3. 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 amend the 2018 Regional Stormwater Project Agreement for the Shaker Lakes Dams Rehabilitation at the earliest possible time in order that the threats to public safety associated with the current condition of the dams be alleviated 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 the Council

\_\_\_\_\_  
ADDIE BALLESTER  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_ Approved: \_\_\_\_\_

\_\_\_\_\_  
KAHLIL SEREN  
Mayor

Proposed: 6/20/2023

RESOLUTION NO. 111-2023(PD), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to commit \$1,500,000.00 of the City's ARPA funds for the Cain Park Village Stramp Project, and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City issued a Request for Proposals/Request for Qualifications (RFP/RFQ) for the redevelopment of the Taylor Tudor Plaza (the "Site") on August 27, 2021 with responses due on December 10, 2021; and

WHEREAS, the Site is strategically located along the South Taylor Road corridor and is adjacent to Cain Park; and

WHEREAS, in order to allow for a comprehensive revitalization of the Taylor Road corridor, the RFP/RFQ included, among other elements, the opportunity for a respondent to propose a vision for the inclusive development of added property in the vicinity of the Site ("Added Property"); and

WHEREAS, after evaluating all of the responses/proposals and interviewing all of the respondents, the staff committee recommended WXZ Development, Inc. ("WXZ") as the most qualified respondent and the respondent with the most comprehensive vision for the area through its clear inclusion of Added Property; and

WHEREAS, on April 18, 2022, Council passed Resolution No. 54-2022 authorizing the Mayor to negotiate a Memorandum of Understanding with WXZ; and

WHEREAS, WXZ's proposal includes several public space improvements intended to improve pedestrian safety as well as promote mobility *to*, and activity *at*, Cain Park. One such public space improvement in WXZ's proposal is a universally- accessible pathway known as a stramp proposed to be located at the Eastern end of Cain Park to take the place of the existing paved path (see Exhibits "A", "B", "C", and "D" attached); and

WHEREAS, currently there are no ADA-accessible pathways into Cain Park at the eastern end along South Taylor Road and it is in the best interests of the City to ensure that not only all are welcome, but that all are able to easily access and enjoy City-owned assets such as Cain Park; and

WHEREAS, on March 21, 2022, Council passed Resolution No. 29-2022 authorizing the Mayor to execute a contract with Guidehouse Inc. for consulting services related to the use of American Rescue Plan Act State and Local Fiscal Recovery Funding ("ARPA"); and

RESOLUTION NO. 111-2023(PD)

WHEREAS, preliminary hard construction cost estimates for the Cain Park Village Stramp are approximately One Million Five Hundred Thousand Dollars (\$1,500,000.00) as of April 6, 2023; and

WHEREAS, Guidehouse Inc. has reviewed the Cain Park Village Stramp plans and concept through meetings with City staff, WXZ, and WXZ's design team at RDL Architects and have concluded that the use of ARPA funds for the Cain Park Village Stramp project are permissible; and

WHEREAS, on February 27, 2023, Mayor Seren submitted to Council a list of recommended uses of ARPA funds. Included in this list is the recommended expenditure of One Million Five Hundred Thousand Dollars (\$1,500,000.00) for the construction of the Cain Park Village Stramp; and

WHEREAS, the City does not possess current and accurate boundary surveys, topographic surveys, or other technical information pertaining to the eastern end of Cain Park; and

WHEREAS, City staff have collaborated with WXZ on the steps necessary to construct the Cain Park Village Stramp and upon the City's commitment of One Million Five Hundred Thousand Dollars (\$1,500,000.00) for the Stramp's hard construction costs, WXZ is offering to execute certain steps, on the City's behalf, to deliver to the City schematic drawings, surveys, and related documents necessary to go to bid for the construction of the Stramp (see Exhibit "E", attached).

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

SECTION 1. The Council determines that it is in the best interests of the City, and the Mayor is hereby authorized, to commit One Million Five Hundred Thousand Dollars (\$1,500,000.00) of the City's ARPA funds toward the hard construction costs of the Cain Park Village Stramp.

SECTION 2. This Council hereby determines that it is in the best interests of the City and shall, in the opinion of this Council, be cost-effective to permit WXZ to execute on the City's behalf the necessary due diligence, surveying, design, and architectural work required to deliver to the City a bid package for the construction of the Cain Park Village Stramp. The specific tasks WXZ is hereby permitted to complete on the City's behalf are outlined in the attached Exhibit "E".

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

SECTION 4. 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 permit WXZ to engage the necessary third-party consultants to execute the tasks as described above and further outlined in the attached Exhibit "E" in order to advance construction of the Cain Park Village Stramp at the earliest possible time. Wherefore, provided it receives the 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.

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MELODY JOY HART  
President of the Council

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ADDIE BALESTER  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

Exhibit A: Aerial of Stramp Location



Exhibit B: Focused Aerial of Stramp Location



Proposed Stramp Location

Exhibit C: Cain Park Village Site Plan With Stramp Highlighted

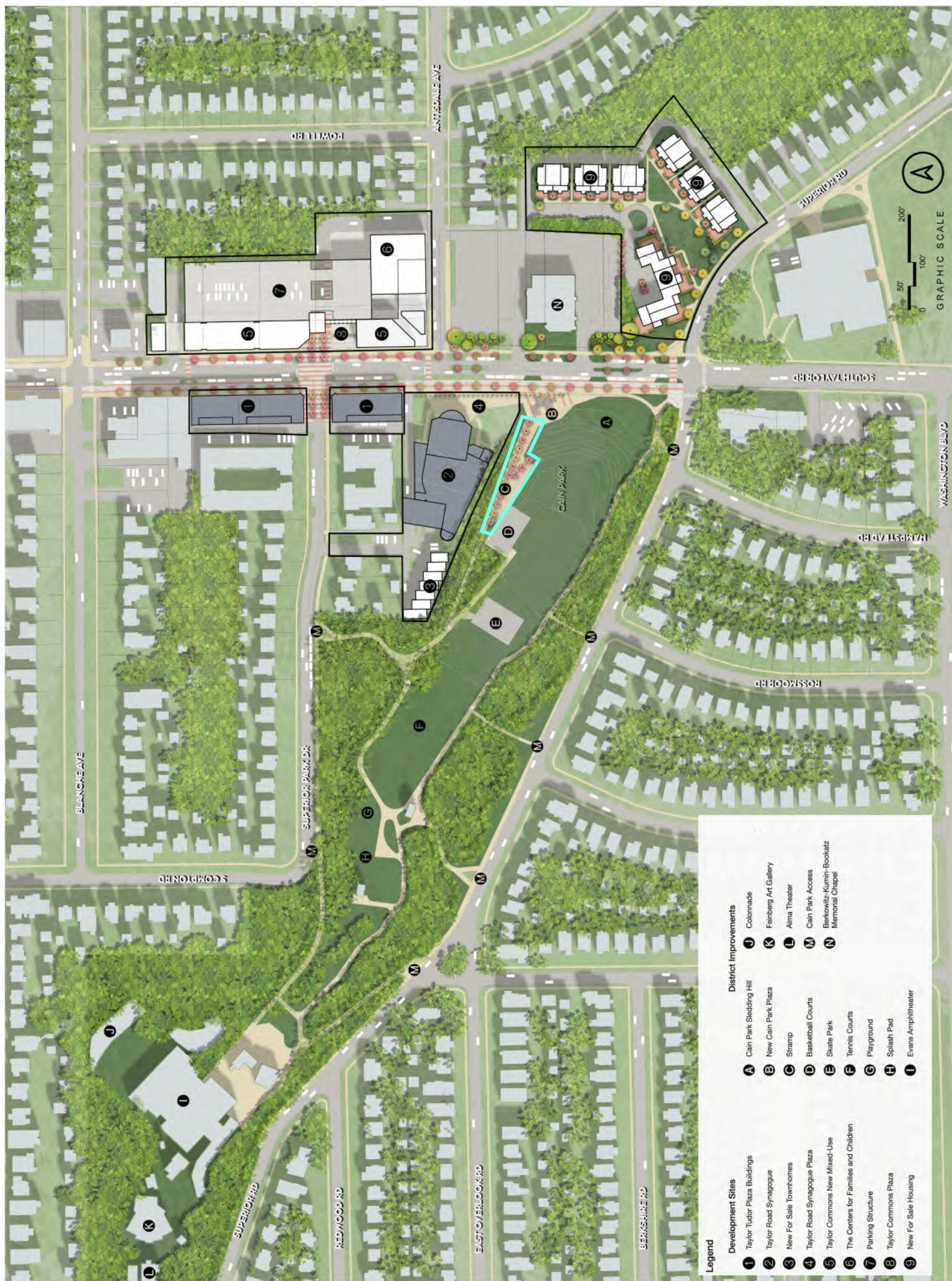
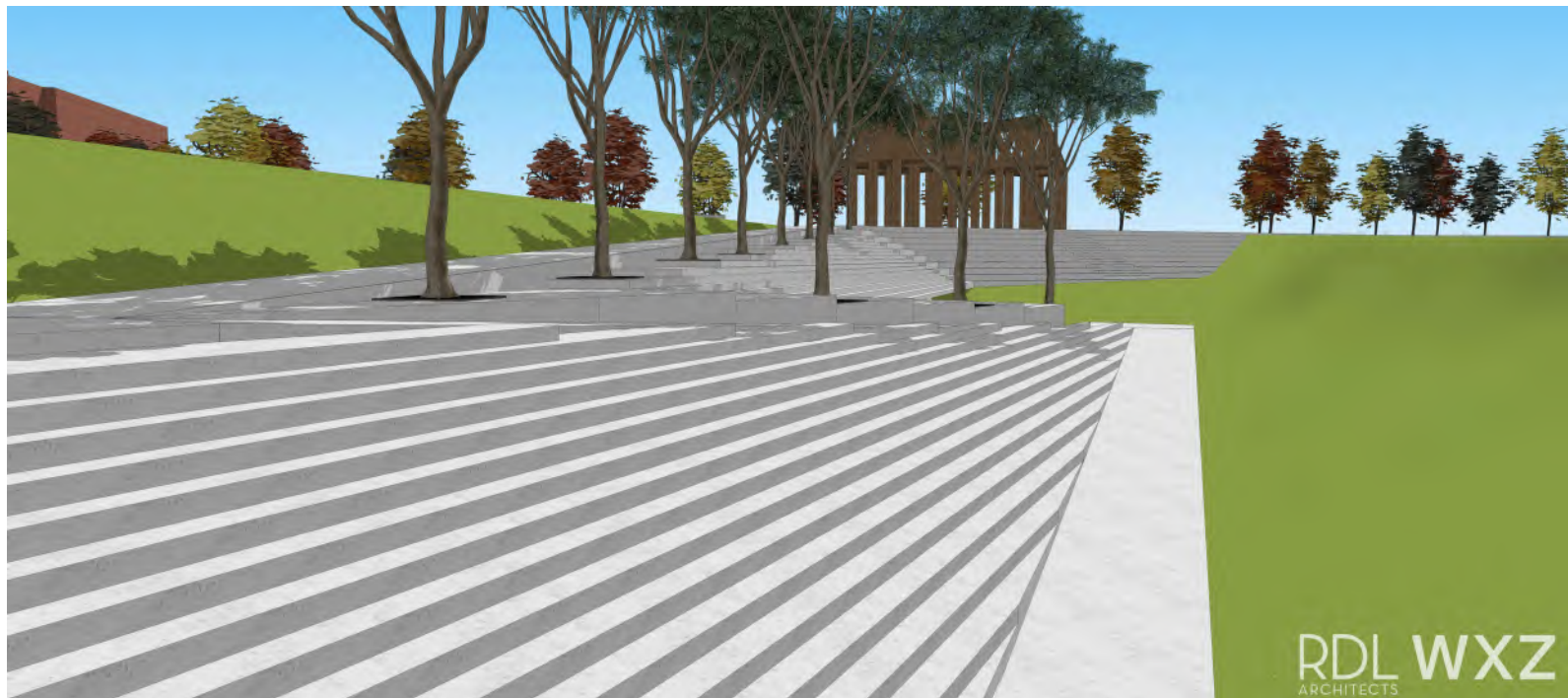


Exhibit D: Cain Park Village Stramp Conceptual Rendering



23 May 2023

Eric Zamft, AICP  
Director of Planning & Development  
City of Cleveland Heights  
40 Severance Circle  
Cleveland Heights, OH 44118

Director Zamft,

I am pleased to provide you this overview of the work that WXZ Development, Inc. is willing to complete in furtherance of our collaborative efforts to construct the stramp at the Eastern entrance of Cain Park. The stramp is a critical public infrastructure upgrade as well as an amenity. Not only will it serve as an ADA-compliant pathway so that Cain Park truly is welcoming to all, it will also serve as a unique and functional amenity that will catalyze activity and patronage at this end of the Park. Furthermore, the stramp serves as a prime example of what is possible when local businesses work collaboratively with the City and community stakeholders towards a common goal, in this case the revitalization of an important Cleveland Heights commercial district, Cain Park Village.

Based on the City's commitment of \$1,500,000 for construction of the stramp, WXZ will execute the following tasks:

- Engage the services of an architecture and planning firm; landscape architect; civil engineer; and surveyor.
- The surveyor will be responsible for delivering a series of surveys (i.e. boundary and topographic surveys) of the proposed stramp location within Cain Park.
- The surveys are the critical first step that will allow the civil engineer and landscape architect to begin their design work.
- The landscape architect will design the stramp itself and all accompanying features and/or structures, if any.
- The civil engineer and landscape architect will work together to create, assemble, and deliver the schematic design package.

Please let me know if I can provide any other information at this time. Thank you,  
Director Zamft.

Sincerely,  
Matthew Wymer

**WXZ**  
**Design. Develop. Manage.**

**M** 440 801 1690  
**A** 22720 Fairview Center Dr #150  
Fairview Park, OH 44126

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[info@wxzinc.com](mailto:info@wxzinc.com)

Proposed: 06/20/2023

ORDINANCE NO. 104-2023(PSH), *First Reading*

By Mayor Seren

An Ordinance amending Section 1351.34 “Registration of Dwelling Structure By Out-of-County Owners” of Chapter 1351 “Basic Standards for Residential Occupancy” and Section 1369.16 “Registration of Business Structures by Out-of-County Owners” of Chapter 1369 “Basic Standards for Business Occupancy” of the Codified Ordinances of the City of Cleveland Heights.

WHEREAS, in 2007, this Council adopted Sections 1351.34 and 1369.16 of the Codified Ordinances to provide for the registration of dwelling structures and business structures by out-of-county owners for the designation of an authorized agent who maintains a physical office with a street address in Cuyahoga County, Ohio, or who resides in Cuyahoga County, who shall consent to and agree to receive any and all notices of violation of City ordinances and to receive process in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the structure; and

WHEREAS, since 2007, the City of Cleveland Heights has collected a \$100 registration fee to offset the cost of processing and enforcing the out-of-county registration requirement; and

WHEREAS, the City of Cleveland Heights, and this Council, have observed trends in the increased ownership of one-to-three family residential properties by investors, many of whom are not based in the City; and

WHEREAS, the City of Cleveland Heights, and this Council, have observed that business purchases of 1-3 family homes in the inner ring suburbs on the east side of Cleveland have increased from just over 5% in 2004 to over 25% in 2020, as reported in *The Impact of Real Estate Investor Activity on the Cuyahoga County, Ohio Housing Market 2004-2020*, prepared by the Vacant and Abandoned Property Action Council, and have received complaint from residents of poorly-maintained rental properties owned by investors from outside the City; and

WHEREAS, as reported by the Vacant and Abandoned Property Action Council, enforcement of local health and safety regulations and codes can be complicated by multiple legal mechanisms to obscure the identity of owners and responsible parties, and to shield them from liability in connection with such regulations; and

WHEREAS, in December 2020, the City amended Section 1351.34 and 1369.16 in an effort to improve the City’s ability enforcement of its Housing Code, improve its ability to address problems arising from the increasing ownership of foreclosed properties by

investors, many of whom were out of county, out of state, or even out of the country, and positively impact the quality of the City's housing stock; and

WHEREAS, the December 2020 amendments were never intended to eliminate the long-standing requirement that all out-of-county owners that are involved in the business of leasing dwelling structures that are located within the City of Cleveland Heights must pay the same \$100 registration fee that all other out-of-county property owners must pay; and

WHEREAS, in order to clarify the legislative intent and to ensure that all of the out-of-county registration requirements set forth in Sections 1351.34 and 1369.16 are the same for all out-of-county owners of real property that is located within the City of Cleveland Heights, this Council has determined that it would be in best interest to make minor amendments in the language of Section 1351.34 and 1369.16.

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

SECTION 1. Section 1351.34, "Registration of Dwelling Structure By Out-of-County Owners," of Chapter 1351, "Basic Standards for Residential Occupancy," of the Codified Ordinances of the City of Cleveland Heights shall be and is hereby amended to read as follows (additions bolded and underlined, deletions strikethrough):

**1351.34 REGISTRATION OF DWELLING STRUCTURE BY OUT-OF-COUNTY OWNERS.**

(a) If a dwelling structure located within the City is owned by a person or persons, none of whom reside within Cuyahoga County, the owner(s) of the dwelling structure, within thirty (30) days after the effective date of this Section 1351.34 or within thirty (30) days after obtaining ownership of the dwelling structure, whichever is later, and annually thereafter, shall register with the Building Commissioner on a form prescribed by the Building Commissioner or his or her designee and shall designate an authorized agent for each such dwelling structure. The authorized agent must be a natural person eighteen (18) years of age or older who maintains a physical office with a street address in Cuyahoga County, Ohio, or who resides within Cuyahoga County. A Post Office Box shall not satisfy the physical office requirement. By designating an authorized agent under the provisions of this Section 1351.34, the owner consents and agrees to receive any and all notices of violation of City ordinances and to receive process in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or dwelling structure, including, but not limited to, proceedings related to the enforcement of the Housing Code, by service of the notice or process on said agent. The registration statement shall include the name and address of the designated agent and shall reflect the owner's and agent's express agreement to appear in court when summoned, that the agent shall be authorized to testify on behalf of the owner in such case, and that the agent's testimony shall be deemed to be binding upon the owner in any administrative enforcement proceeding, or court proceeding, instituted by the City against the owner or

owners of the dwelling structure. The failure of the owner of the dwelling structure to obtain a deed for the property or to file the deed with the County Recorder shall not excuse the owner from compliance with this Section 1351.34.

(b) The designation of an authorized agent under this Section shall be deemed effective until the owner notifies the Building Commissioner or his/her designee, in writing, of a change of authorized agent or files a new annual registration statement, or until the Building Commissioner is notified in writing that such registration is no longer required because an owner of the dwelling structure now resides in Cuyahoga County.

**(c) The registration fee under this Section 1351.34 shall be \$100.00. The registration process under this Section 1351.34 shall be the same as the registration process set forth in Section 1351.33 and as further set forth by the Commissioner of Buildings. Registration under Section 1351.33 shall not negate the requirement for registration under this Section 1351.34.**

(ed) A violation of this Section 1351.34 is hereby classified as a misdemeanor of the first degree, punishable by a fine of not more than one thousand dollars (\$1,000), imprisonment not more than six (6) months, or both. Every day such violation occurs or continues shall constitute a separate offense. Nothing in this section shall limit the court in fashioning a remedy other than those set forth herein that shall maintain the building to prevent it from harming the neighborhood in which it stands.

SECTION 2. Current Section 1351.34 of Chapter 1351 of the Codified Ordinances of the City of Cleveland Heights, as it existed prior to the effective date of this ordinance, is hereby repealed.

SECTION 3. Section 1369.16, "Registration of Business Structures by Out-of-County Owners," of Chapter 1369, "Basic Standards for Business Occupancy," of the Codified Ordinances of the City of Cleveland Heights shall be and is hereby amended to read as follows (additions bolded and underlined, deletions strikethrough):

**1369.16 REGISTRATION OF BUSINESS STRUCTURES BY OUT-OF-COUNTY OWNERS.**

(a) If a business structure, including without limitation a commercial, industrial or institutional structure, located within the City is owned by a person or persons, none of whom reside within Cuyahoga County, the owner(s) of the ~~dwelling~~**business** structure, within thirty (30) days after the effective date of this Section 1369.16 or within thirty (30) days after obtaining ownership of the structure, whichever is later, and annually thereafter, shall register with the Commissioner of Buildings on a form prescribed by the Commissioner of Buildings and designate an authorized agent for each structure. The authorized agent must be a natural person eighteen (18) years of age or older who maintains a physical office in Cuyahoga County, Ohio, or actually resides within Cuyahoga County, Ohio. By designating an authorized agent under the provisions of this section, the owner is consenting to receive any and all notices of violations of City ordinances and to receive process, in any court proceeding or administrative enforcement

ORDINANCE NO. 104-2023(PSH)

proceeding related to the use or maintenance of the property or business structure, including, but not limited to, proceedings related to the enforcement of the Business Maintenance Code or Building Code, by service of the notice or process on the authorized agent. The failure of the owner of the structure to obtain a deed for the property or to file the deed with the County Recorder shall not excuse the owner from compliance with this Section 1369.16.

(b) Any owner who has designated an authorized agent under the provisions of this Section 1369.16 shall be deemed to consent to the continuation of the agent's designation for the purpose of this subsection until the owner notifies the Commissioner of Buildings in writing on a form prescribed for such purpose by the Commissioner of Buildings of a change of authorized agent or until the Commissioner of Buildings is notified in writing that an owner of the business structure is now residing within Cuyahoga County and registration is no longer required under this section.

(c) The registration fee under this Section 1369.16 shall be \$100.00. The registration process under this Section 1369.16 shall be the same as the registration process set forth in Section 1369.17 and as further set forth by the Commissioner of Buildings. Registration under Section 1369.17 shall not negate the requirement for registration under this Section 1369.16.

SECTION 4. Current Section 1369.16 of Chapter 1369 of the Codified Ordinances of the City of Cleveland Heights, as it existed prior to the effective date of this ordinance, is hereby repealed.

SECTION 5. 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 6. This Ordinance shall take effect and be in force at the earliest time permitted by law.

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MELODY HART  
President of Council

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ADDIE BALESTER  
Clerk of Council

ORDINANCE NO. 104-2023(PSH)

PASSED:

Presented to Mayor:

Approved:

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KAHLIL SEREN  
Mayor

Proposed: 6/05/2023

RESOLUTION NO. 102-2023(CRR), *Second Reading as Amended*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with GameTime through the Omnia cooperative purchasing program for the purchase and installation of a potable splash pad for Denison Park; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City desires to install a large splashpad at Denison Park; and

WHEREAS, Ohio Revised Code Section 9.48 authorizes political subdivisions to participate in cooperative purchasing program without obtaining competitive bids; and

WHEREAS, the Mayor has determined that the equipment purchase and construction of the splashpad may be obtained from GameTime through the Omnia cooperative purchasing program at a lower price than could be obtained through the City's bidding individually, in accordance with a proposal dated May 10, 2023, a copy of which is on file with the Clerk of Council, and that it would be in the City's best interests to purchase and install the splashpad 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 execute any and all agreements necessary for the construction of a splashpad from GameTime, including the construction of a concrete pad and purchase and installation of equipment, through the Omnia cooperative purchasing program, in accordance with the provisions of the Ohio Revised Code and the City's Charter and Codified Ordinances, for a price not to exceed Four Hundred Seventy-six Thousand, Four Hundred Eighteen and 18/100 Dollars (\$476,418.18). The City waives individual formal bidding for this project. All contracts hereunder shall be in a form approved 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.

RESOLUTION NO. 102-2023(CRR)

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure 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 construction this season. 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.

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MEODY JOY HART  
President of Council

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ADDIE BASESTER  
Clerk of Council

PASSED:

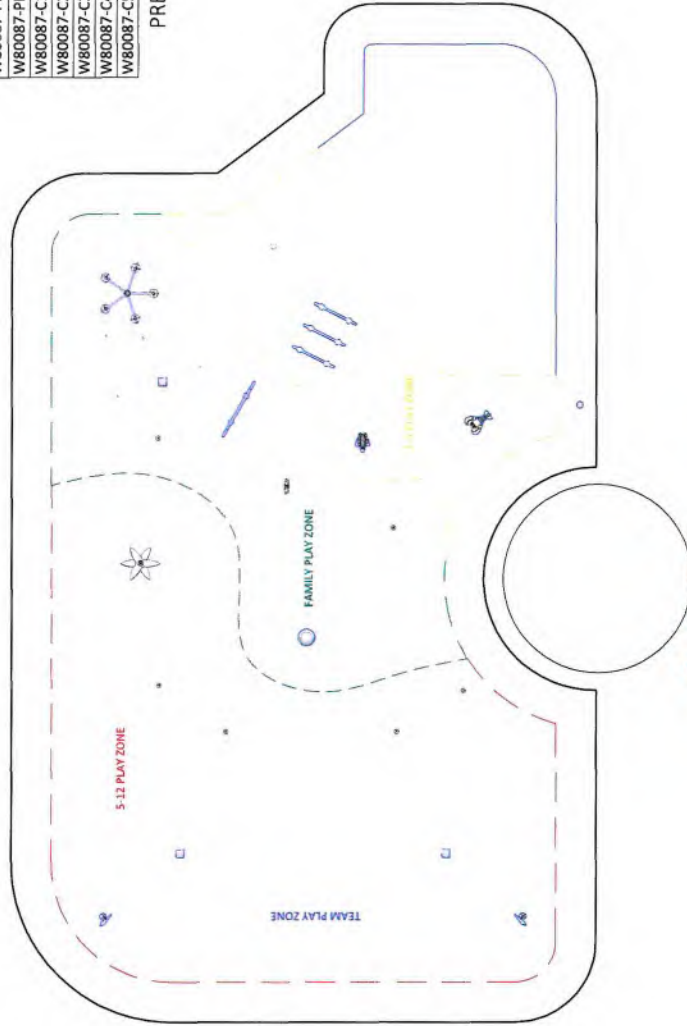
Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

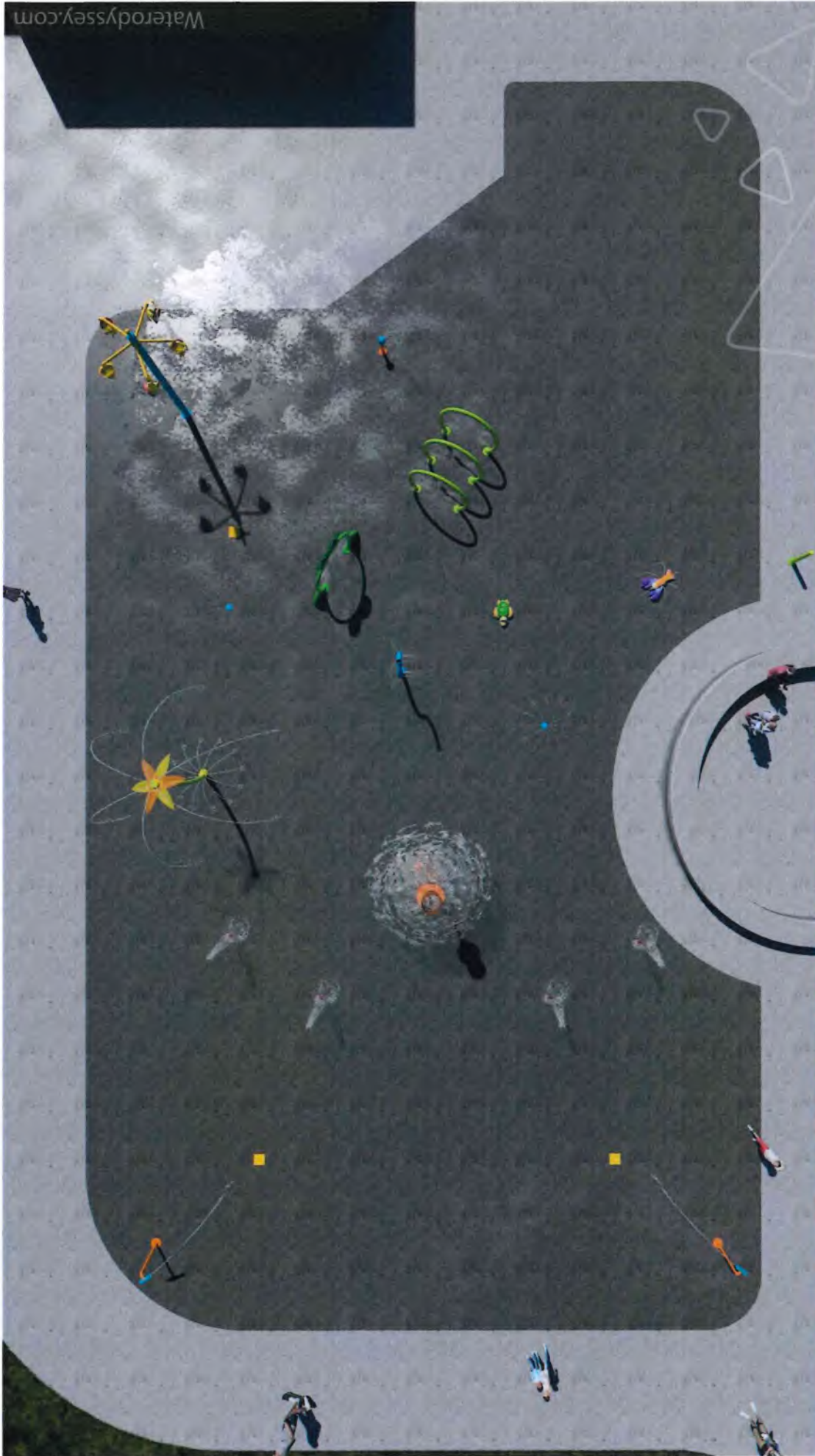
# DENISION PARK 1015 Quarry Dr. Cleveland Heights, OH. 44121



4600 HWY 123, SAN MARCOS, TX 78666 USA  
TEL: (512) 392-1155 WWW.FOUNTAINPEOPLE.COM FAX: (512) 392-1154

DRAWING SHEET INDEX			
DENISION PARK			
DRAWING NAME	DRAWING DESCRIPTION	DATE	REV
W80087-CS-V3-R1	COVER SHEET	5/2/2023	-
W80087-PV-V3-R1	PLAN VIEW	5/2/2023	-
W80087-PD1-V3-R1	PIPING & MECH. DIAGRAM PG 1	5/2/2023	-
W80087-PD2-V3-R1	PIPING & MECH. DIAGRAM PG 2	5/2/2023	-
W80087-C1-V3-R1	COMPONENT SHEET 1	5/2/2023	-
W80087-C2-V3-R1	COMPONENT SHEET 2	5/2/2023	-
W80087-C3-V3-R1	COMPONENT SHEET 3	5/2/2023	-
W80087-C4-V3-R1	COMPONENT SHEET 3	5/2/2023	-
W80087-C5-V3-R1	COMPONENT SHEET 3	5/2/2023	-

PRELIMINARY- NOT FOR CONSTRUCTION



## Denison Park Splash Pad

Cleveland Heights, OH

W80087-3AR1 | 174 GPM | 6657 SQ. FT. | Park View | RK

Creating Compelling  
Aquatic Play Experiences



**WATER ODYSSEY**  
OF FANTASTIC PEOPLE  
A PLACE



## Denison Park Splash Pad

Cleveland Heights, OH

W80087-3AR1 | 174 GPM | 6657 SQ FT | Park View | RK

Creating Compelling  
Aquatic Play Experiences





Waterdyssey.com

## Denison Park Splash Pad

Cleveland Heights, OH

Creating Compelling  
Aquatic Play Experiences



W80087-3AR1 | 174 GPM | 6657 SQ FT | Park View | RK



## Denison Park Splash Pad

Cleveland Heights, OH

W80087-3AR1 | 174 GPM | 6657 SQ FT | Park View | RK



## Denison Park Splash Pad

Cleveland Heights, OH

W80087-3AR1 | 174 GPM | 6657 SQ FT | Park View | RK

Creating Compelling  
Aquatic Play Experiences



**WATER ODYSSEY™**  
OF PASSION FOR PEOPLE  
A PLACE WHERE

JND	JND	SALES
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SCALE: NTS

**GENERAL NOTES:**  
1. THIS PAGE IS FOR PRESENTATIONAL PURPOSES ONLY. THE SHEETS ARE NOT TO SCALE AND SUBJECT TO CHANGE. CUT SHEETS AND/OR SALES SHEETS CAN BE PROVIDED UPON REQUEST. ASK YOUR SALES COORDINATOR FOR SCALED SALES AND CUT SHEETS.



## VER. 18

JND
JND
SALES

**GENERAL NOTES:**

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**GENERAL NOTES:**

**Water Rings<sup>TM</sup>**

Model No. W810  
This fountain features a circular base with a central jet and four side jets. The base is made of 304 stainless steel and the jets are made of 316 stainless steel. The fountain is designed for use in parks, schools, and community centers.

**Specifications:**

- Material: 304 Stainless Steel
- Height: 12" (305mm)
- Base Diameter: 12" (305mm)
- Jet Diameter: 1/2" (12.7mm)
- Flow Rate: 1.5 GPM (56.8 LPM)
- Power: 1/2 HP (373W)

**Anchor Base**

After anchor base is installed, the fountain must be anchored into the concrete base. The anchor base is made of 304 stainless steel and the concrete base is made of 316 stainless steel.

**Hydraulic Requirements**

Height	Type	GPM	PSI
12"	Jet	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10

**Directional Eyeball Jet**

Model No. W811  
This fountain features a circular base with a central jet and four side jets. The base is made of 304 stainless steel and the jets are made of 316 stainless steel. The fountain is designed for use in parks, schools, and community centers.

**Specifications:**

- Material: 304 Stainless Steel
- Height: 12" (305mm)
- Base Diameter: 12" (305mm)
- Jet Diameter: 1/2" (12.7mm)
- Flow Rate: 1.5 GPM (56.8 LPM)
- Power: 1/2 HP (373W)

**Anchor Base**

After anchor base is installed, the fountain must be anchored into the concrete base. The anchor base is made of 304 stainless steel and the concrete base is made of 316 stainless steel.

**Hydraulic Requirements**

Height	Type	GPM	PSI
12"	Jet	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10

**Fish N' Spill<sup>TM</sup>**

Model No. W812  
This fountain features a circular base with a central jet and four side jets. The base is made of 304 stainless steel and the jets are made of 316 stainless steel. The fountain is designed for use in parks, schools, and community centers.

**Specifications:**

- Material: 304 Stainless Steel
- Height: 12" (305mm)
- Base Diameter: 12" (305mm)
- Jet Diameter: 1/2" (12.7mm)
- Flow Rate: 1.5 GPM (56.8 LPM)
- Power: 1/2 HP (373W)

**Anchor Base**

After anchor base is installed, the fountain must be anchored into the concrete base. The anchor base is made of 304 stainless steel and the concrete base is made of 316 stainless steel.

**Hydraulic Requirements**

Height	Type	GPM	PSI
12"	Jet	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10

**Turn-A-Round<sup>TM</sup>**

Model No. W813  
This fountain features a circular base with a central jet and four side jets. The base is made of 304 stainless steel and the jets are made of 316 stainless steel. The fountain is designed for use in parks, schools, and community centers.

**Specifications:**

- Material: 304 Stainless Steel
- Height: 12" (305mm)
- Base Diameter: 12" (305mm)
- Jet Diameter: 1/2" (12.7mm)
- Flow Rate: 1.5 GPM (56.8 LPM)
- Power: 1/2 HP (373W)

**Anchor Base**

After anchor base is installed, the fountain must be anchored into the concrete base. The anchor base is made of 304 stainless steel and the concrete base is made of 316 stainless steel.

**Hydraulic Requirements**

Height	Type	GPM	PSI
12"	Jet	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10
12"	Side	1.5	10

GENERAL NOTES:

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SCALE: NTS

Page 41 of 114



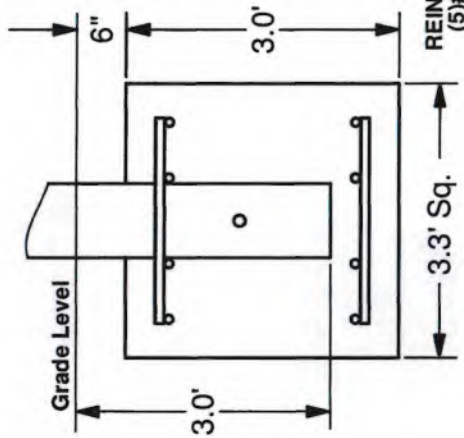
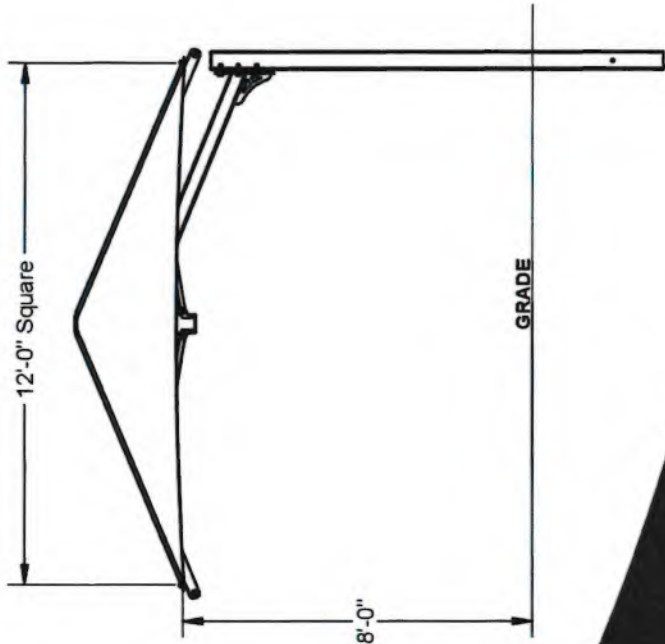
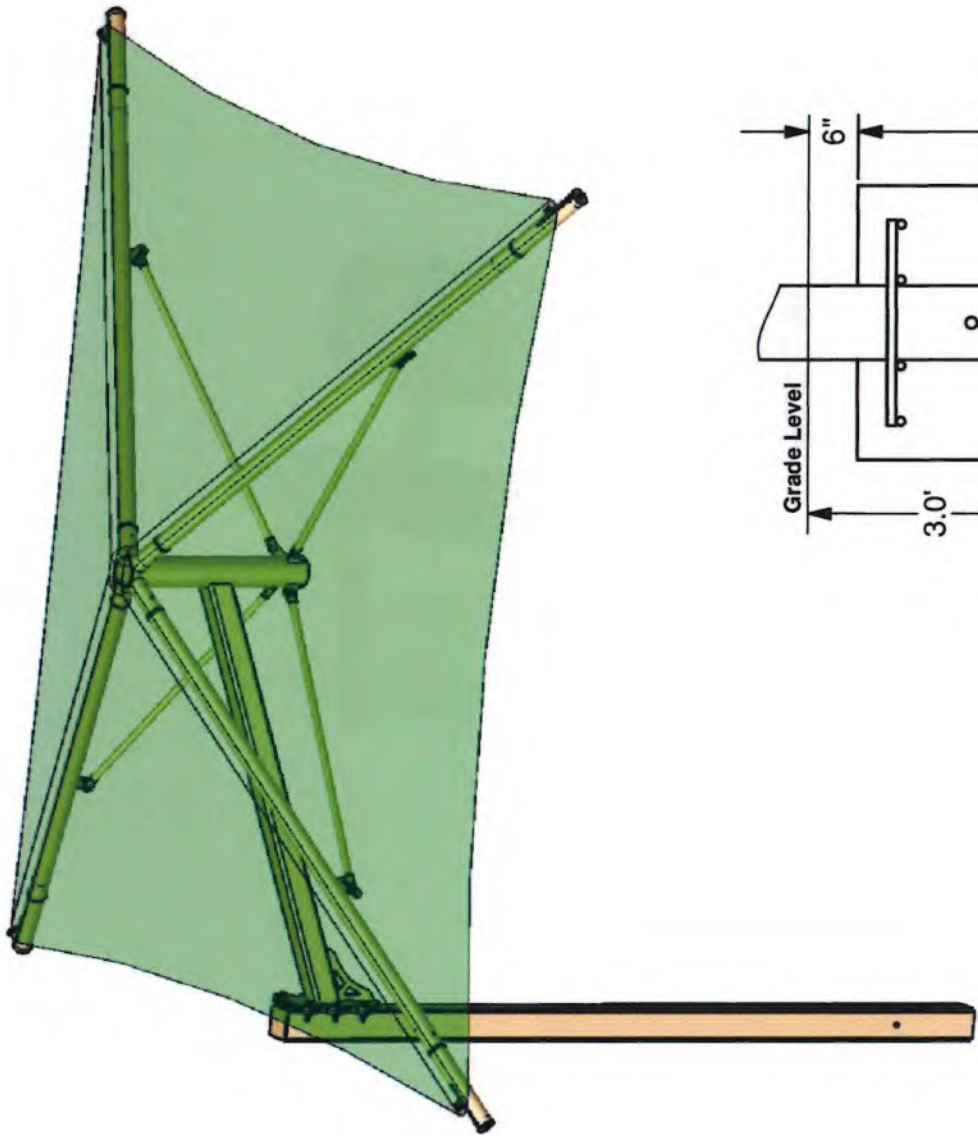


CANTILEVER UMBRELLA SHADE

12' x 12' x 8'

MODEL #:  
CU121208IG (With Glide Elbows)  
CU121208IN (Without Glide Elbows)

REF.#	PART DESCRIPTION	QTY.
1	Column - 5" Sq. w/ Mounting Plate	1
2	Cantilever Arm/Crown - 4" Sq. / Ø5" / Ø2 7/8"	1
3	Rafter - Ø2 7/8" Swaged w/ Adjustment Plate	4
4	Strut - Ø1 1/4" Rigid	4
5	Canopy - 12' x 12' w/ Cable Insert	1
6	Hardware Kit	1

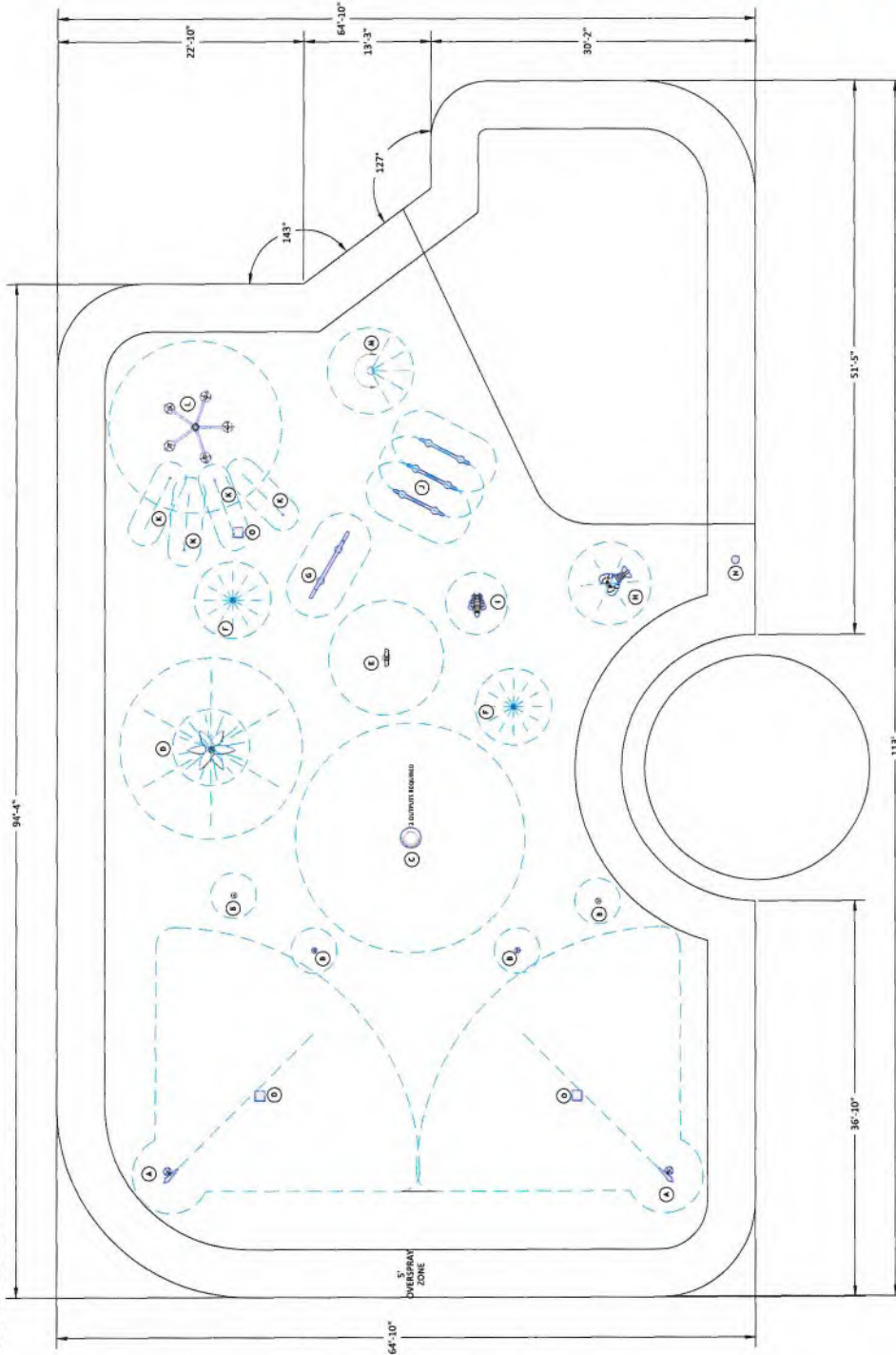


**FOOTING DETAIL**  
\*Footing design based on 1500  
PSF soil bearing pressure.

*These drawings are for reference only and should not be used as construction details. Materials, fasteners, and foundations are subject to change if professionally sealed engineering drawings are required. Designed for 93 MPH Basic Wind Speed.*

REF.	ITEM	FEATURE DESCRIPTION	QTY
A	W008	GRAVITY CANNON 16 (27) GPM @ 16 PSI	2
B	W011C	20' TUB 20' TUB 20' TUB	4
C	W015-LC	TOTAL BUCKET FILL SUPPLY #1 FILL SUPPLY #2 EFFECT SUPPLY #2 CITY WATER 5 GPM @ 30 PSI	1
D	G031	FLOWERETTE 30 GPM @ 5 PSI	1
E	W003C	CURVEY COOL 7' HIGH @ 1 PSI	1
F	W057	WATER SPROUT 2' HIGH - 6' SPREAD 4 (8) GPM @ 1 PSI	2
G	W238-1	BIG MOUTH FROG 10 GPM @ 10 PSI	1
H	F0001	LAUNCHER AQUA SPOUT 4 GPM @ 3 PSI	1
I	F0010	TOMMY SEA TURTLE AQUA SPOUT 3 GPM @ 3 PSI	1
J	W238-3	30 GPM @ 10 PSI 10' TUB (3 RINGS)	1
K	W086C	DIRECTIONAL EXTERBALL 2' HIGH @ 5 PSI	4
L	W237	5-15 GPM @ 6 PSI FISH N' SPILL	1
M	W214	TURN-A-ROUND 5 GPM @ 3 PSI	1
N	W009	TOUCH N' GO HARD-WINNED	1
O	W200	50 GPM FLOW RATE EA	3
TOTAL GPM:		174 GPM	
SPASH PAD AREA:		5240 SQ. FT	
TOTAL AREA:		6657 SQ. FT	

\* THERE WILL BE A DEDICATED CITY WATER LINE PIPED TO THE TIDAL BARREL FOR THE DUMP ACTION. DETAILS TO BE SHOWN ON PIPING.



#### GENERAL NOTES:

- THIS DRAWING IS DIAGRAMMATIC IN NATURE. LOCATIONS RECOMMENDED FOR PLAY COMPONENTS AND DRAINS ARE APPROXIMATE. PIPING AND CONDUIT RUNS ARE DIAGRAMMATIC. JOB CONDITIONS AND LOCAL CODES MUST DETERMINE FINAL ROUTING.
- WET DECK AREA MUST BE POURED AND FORMED SO THAT WATER SHED AREA SLOPES TOWARD DRAINS.

SCALE: 43/256" = 1'-0"

**WATER ODYSSEY™**  
BY FOUNTAIN PEOPLE  
A PLAYCORE Company

Water Odyssey™ by Fountain People, Inc. ~ PO Box 807 ~ San Marcos, Texas 78667-0807  
Phone (512) 392-1155 ~ Fax (512) 392-1154 ~ www.waterodyssey.com

**DENISON PARK**  
**PLAN VIEW**

VER. 3  
OPT. A  
TYPE PV  
REV. 1  
PRO. # W80087  
DATE 4/28/23

JND  
JND  
SALES  
SHEET

113'



JND
JND
SALES

1. THIS DRAWING IS SCHEMATIC IN NATURE. LOCATIONS RECOMMENDED FOR PUMP COMPONENTS AND VALVES ARE APPROXIMATE. PIPING AND CONDUIT RUNS ARE SCHEMATIC.
2. CHECK LOCAL CODES FOR PIPING REQUIREMENTS, JOB CONDITIONS AND LOCAL CODES MUST BE OBSERVED.
3. REFER TO THE INSTALLATION DRAWING OF EACH PUMP FEATURE AND EQUIPMENT VAULT OR UTILITY BOX FOR SPECIFIC INSTALLATION DETAILS.
4. PIPING, CONDUIT, AND WIRE ARE BY INSTALLER.
5. PROVIDE A MINIMUM 100' MAXIMUM RUNS. LONGER RUNS MUST BE EVALUATED BY WATER ENGINEER.
6. PROVIDE A MINIMUM 10' MAXIMUM SLOPE. SLOPE MUST BE MAINTAINED THROUGHOUT THE ENTIRE LENGTH OF PIPE SIZE BETWEEN DISCHARGE MANHOLE AND FEATURES. VELOCITY NOT TO EXCEED 8 FT/SEC/COND.
7. A MINIMUM OF 50 PSI @ PROVIDED MANHOLE.
8. THE PUMP AND THE TEE MUST BE PLACED IN THE CENTER OF THE PIPING RUN TO ENSURE BALANCED FLOW.
9. WET DECK AREA MUST BE POURED AND FORMED SO THAT WATER SHED AREA SLOPES TOWARD DRAIN.
10. ALL PIPING TO FEATURES ARE RECOMMENDED TO HAVE 1% - 2% SLOPE FOR WINTERIZATION.

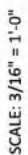
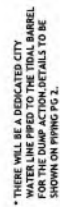
**ELECTRICAL NOTES**

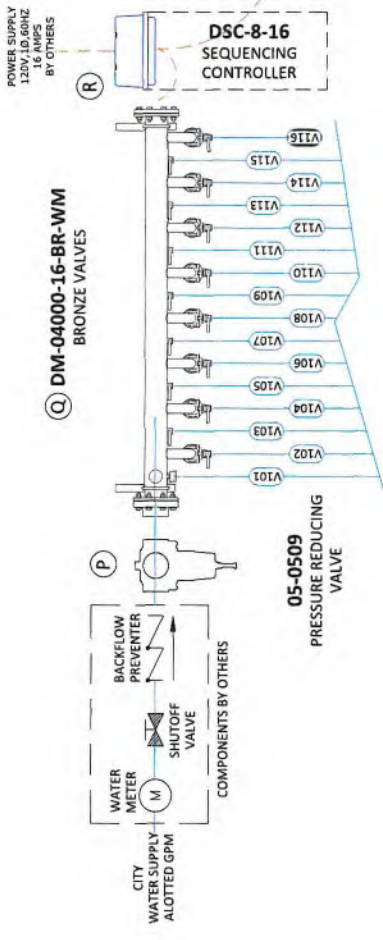
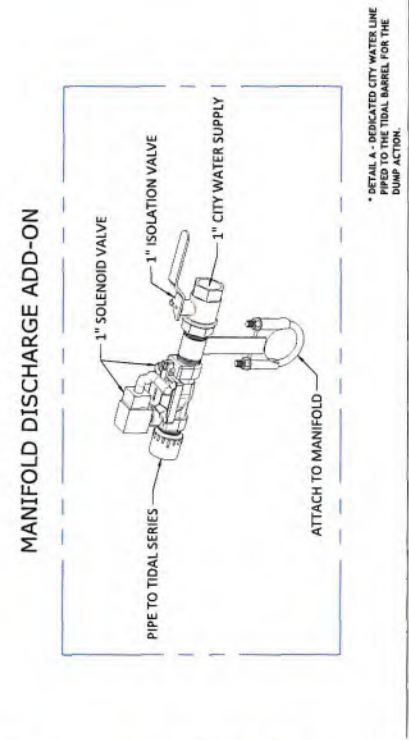
1. SEE ELECTRICAL SCHEMATICS AND PROGRAMMING SHEET FOR WIRING CONNECTIONS TO BE MADE TO TAGGED SOLENOID VALVE ASSEMBLY."

**EQUIPMENT ROOM NOTES**

1. LOCATION OF EQUIPMENT ROOM AND EQUIPMENT BY OTHERS. SEE NOTE #6.

2. LOCATION OF COMPONENTS INSIDE ENCLOSURE MAY DIFFER FROM THIS LAYOUT.





- GENERAL NOTES:**
- THIS DRAWING IS SCHEMATIC IN NATURE. LOCATIONS RECOMMENDED FOR PLAY COMPONENTS AND DRAINS ARE APPROXIMATE. PIPING AND CONDUIT RUNS ARE SCHEMATIC.
  - CHECK LOCAL CODES FOR PIPING REQUIREMENTS, FOR CONDITIONS AND LOCAL CODES MUST DETERMINE FINAL ROUTING.
  - REFER TO THE INSTALLATION DRAWING OF EACH PLAY FEATURE AND EQUIPMENT VAULT OR UTILITY BOX FOR SPECIFIC INFORMATION.
  - PIPING, CONDUIT, AND WIRE ARE BY INSTALLER.
  - ANY REQUIRED BACKFLOW DEVICE OR WATER METER ON THE CITY WATER MAIN SHALL BE PROVIDED BY INSTALLER.
  - PIPE SIZES ASSUME 100' MAXIMUM RUNS. LONGER RUNS MUST BE EVALUATED BY WATER ODYSSEY, CONTRACTOR OR PIPE SIZES ASSUME 50 PSI @ PROVIDED MANIFOLD AND FEATURES. VELOCITY NOT TO EXCEED 8 FT/SECOND.
  - A MAXIMUM OF 50 PSI @ PROVIDED MANIFOLD.
  - SYMBOL \*\* INDICATES THAT THE TEE MUST BE PLACED IN THE CENTER OF THE PIPING RUN TO ENSURE BALANCED FLOW.
  - WET DECK AREA MUST BE POURED AND FORMED SO THAT WATER SHED AREA SLOPES TOWARD DRAINS.
  - ALL PIPING TO FEATURES ARE RECOMMENDED TO HAVE 1%-2% SLOPE FOR WINTERIZATION.
- ELECTRICAL NOTES**
- REFER TO ELECTRICAL SCHEMATICS AND PROGRAMMING SHEET FOR WIRING CONNECTIONS TO BE MADE TO TAGGED SOLENOID VALVE ASSEMBLIES
- EQUIPMENT ROOM NOTES**
- LOCATION AND ORIENTATION OF EQUIPMENT ROOM AND EQUIPMENT BY OTHERS. SEE NOTE #6.
  - LOCATION OF COMPONENTS INSIDE ENCLOSURE MAY DIFFER FROM THIS LAYOUT.

FEATURE CONTROL SCHEDULE									
REF.	VALVE	VALVE SIZE	FEATURE PN	FEATURE DESCRIPTION	QTY	PIPE SIZE	GPM	PSI	OUTPUT CHANNEL
A	101	1" std	W088 (90)	GRAVITY CANON	1	1"	16	16	2-01
	102	1" std			1	1"	16	16	2-02
B	103	1" std	W011C	JET WAY	2	1"	6	4	2-03
	104	1" std			2	1"	6	4	2-04
C	105	1-1/2" std	W185-LC	TIDAL BUCKET	1	1-1/2"	10	5	2-05
D	106	1-1/2" std	C031	WATER INLET HILL FLOWERETTE	1	1-1/2"	30	5	2-06
F	107	1" std	W057	WATER SPROUT	1	1"	4	1	2-07
E	108	1" std	W003C	CURVY COOL	1	1"	7	20	2-08
H	109	1" std	F3001	LARRY LOBSTER	1	1"	4	3	3-01
			F3010	TOMMY SEA TURTLE	1	1"	3	15	
G	110	1" std	W238-1-BMF	BIG MOUTH FROG	1	1"	10	10	3-02
F	111	1" std	W057	WATER SPROUT	1	1"	4	1	3-03
J	112	1-1/2" std	W238-3	WATER RINGS (QTY 3 RINGS)	1	1-1/2"	30	10	3-04
K	113	1" std	W086C	WATER RINGS (QTY 3 RINGS) EYE BALL	4	1"	8	3	3-05
L	114	1" std	W327	FISH N' SPILL	1	1"	15	6	3-06
M	115	1" std	W214 (360)	TURN-A-ROUND	1	1"	5	3	3-07
C	MDA	MDA	W185-LC	TIDAL BUCKET (WATER INLET DUMP)	N/A	1/2"	0.5	30	3-08
TOTAL FLOW								174	

ACTIVATOR CONTROL SCHEDULE			
REF.	#	FROM (INPUT CHANNEL)	TO (OUTPUT CHANNEL)
N	011	1-01	W009 #1
PLAY SCENARIO ZONES			
ACTIVATOR LABEL	011		
ACTIVATOR LOCATION	W009 TOUCH N' GO HARD WIRED		
MANIFOLD VALVE ASSEMBLY LABEL	V101 THRU V116		

PROGRAM NOT SPECIFIED

EQUIPMENT CONTROL SCHEDULE			
REF.	PRODUCT PN	PRODUCT DESCRIPTION	QTY
N	W009	TOUCH N' GO HARD WIRED	1
O	W200	PLAIN DRAIN 50 GPM FLOW RATE EA	3
P	05-0509	PRESSURE REDUCING VALVE 300 GPM @ 10-15 PSI	1
Q	DM-04000-16-BR-WM	DISTRIBUTION MANIFOLD 4" BRONZE VALVES	1
R	DSC-8-16	SEQUENCING CONTROLLER	1



P.O. Box 208 Harrison, OH 45030  
Toll Free 800-762-7936  
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info@dwarec.com

05/10/2023  
Quote #  
103533-01-04

## OPTION 2 - Cleveland Heights - Denison Park - Potable Splashpad - Large Concrete Pad

Cleveland Heights, City of  
Attn: Joseph McRae  
Denison Park, 1015 Quarry Drive  
Cleveland Heights, OH 44121  
Phone: 216-691-7260  
jmcrae@clvhts.com

Project # 103533  
Job # 103533-01  
Ship to Zip 44121

Quantity	Part #	Description	Unit Price	Amount
FEATURES				
1	W185- LC	Water Odyssey - Tidal Bucket	\$15,206.16	\$15,206.16
1	C031	Water Odyssey - ColorCast Flowerette with Magic Flow stainless steel jet streams	\$13,721.24	\$13,721.24
1	F3001	Water Odyssey - Fun Forms Larry Lobster Aqua Spout	\$3,460.38	\$3,460.38
1	F3010	Water Odyssey - Fun Forms Tommy Sea Turtle Aqua Spout	\$3,955.05	\$3,955.05
2	W088(90)	Water Odyssey - Gravity Cannon- designed for 90 Degree Horizontal Swing Splash Zone	\$7,671.37	\$15,342.74
1	W327	Water Odyssey - Fish N Spill, 5-Arm Assembly	\$18,906.00	\$18,906.00
1	W238-1- BMF	Water Odyssey - Water Rings- (Single Ring) with legs and carving to resemble a Big Mouth Frog	\$11,232.00	\$11,232.00
1	W238-3	Water Odyssey - Water Rings, (Three Ring Array)	\$14,930.12	\$14,930.12
1	W214(180)	Water Odyssey - Turn-A-Round	\$7,670.00	\$7,670.00
1	W003C	Water Odyssey - Curvy Cool, Water Conserving	\$8,578.44	\$8,578.44
4	W086C	Water Odyssey - Directional Eyeball, Water Conserving Version	\$676.21	\$2,704.84
4	W011C	Water Odyssey - Jet Way, Water Conserving	\$626.64	\$2,506.56
2	W057	Water Odyssey - Water Sprout	\$1,250.39	\$2,500.78
1	W009	Water Odyssey - Touch & Go Bollard, Wired	\$2,859.00	\$2,859.00
6	W117- 7-P	Water Odyssey - Winterization Cover, Plastic for 7" ground sprays	\$89.75	\$538.50
10	W117- AB4-P	Water Odyssey - Winterization Cover, Plastic for 4" Anchor Base	\$148.25	\$1,482.50
1	W117- AB6-P	Water Odyssey - Winterization Cover, Plastic for 6" Anchor Base	\$198.35	\$198.35
MECHANICAL EQUIPMENT				
3	W200	Water Odyssey - Plain Drain with 4" Slip Connection	\$1,200.00	\$3,600.00
1	DSC-8- 16	Water Odyssey - Dynamic Sequencing Controller- UL-Listed Controller with 1 module for 8 hard-wired inputs, 2 modules for 16 wired 24VAC outputs, mounted in a NEMA 4X Enclosure with Lockable Hasp.	\$7,232.00	\$7,232.00
1	DM- 04000- 16-BRWM	Water Odyssey - 4" Manifold 16 Ports Bronze Valves Wall Mount	\$22,600.00	\$22,600.00
1	05-0509	Water Odyssey - 3" PRV30 (Pressure Reducing Valve)- * 300GPM typical; Cast Bronze Pressure Reducing Valve, 10-35PSI output range; 36H Series 36H-200-02 factory set at 25PSI	\$5,433.20	\$5,433.20
1	INSTALL	Water Odyssey - FREIGHT	\$10,400.00	\$10,400.00
SITE AMENITIES - AMENITIES				



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## OPTION 2 - Cleveland Heights - Denison Park - Potable Splashpad - Large Concrete Pad

Quantity	Part #	Description	Unit Price	Amount
4	28010	GT-Site - 6' P/S Bench W/Back S/M	\$1,036.00	\$4,144.00
2	QRI183	GT-Shade - GTCU121208IG CANTI UMB 12X12X8 W/GLD	\$5,723.00	\$11,446.00
		INSTALLATION		
1	RDU	Water Odyssey - Installation of Splashpad (Pricing includes 8,110 sq ft of concrete and subbase)- <b>Concrete subbase and Concrete Deduct: \$129,800</b>	\$292,585.00	\$292,585.00
1	INSTALL	Water Odyssey - Installation of Shades and Benches	\$4,570.00	\$4,570.00
Contract: OMNIA #2017001134			<b>Sub Total</b>	<b>\$487,802.86</b>
			<b>Discount</b>	<b>(\$13,640.33)</b>
			<b>Freight</b>	<b>\$2,255.65</b>
			<b>Total</b>	<b>\$476,418.18</b>

### Comments

*If Eng. Drawings are requested please initial below to approve additional \$5,000 for Eng. drawings.*

X

**Pricing on Equipment is valid for 30 days. Please request a new price after that time.** Our quotation is based on shipment of all items at one time to a single destination, unless otherwise noted, and changes are subject to price adjustment.

**Due to volatility of fuel prices, freight charges may change at time of delivery.**

**Payment terms:** Payment in full, net 30 days subject to credit approval. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment will be invoiced separately from other services and shall be payable in advance of those services and project completion.

**Force Majeure:** No Party to this Agreement shall be responsible for any delays, price increases, or failure to perform any obligation under this Agreement due to acts of God, outbreaks, epidemic/pandemic or the spreading of disease or contagion strikes or other disturbance, including, without limitation, war, insurrection, embargoes, governmental restrictions, acts of governments or governmental authorities, and any other cause beyond the control of such party. During an event of force majeure, the Parties' duty to perform obligations shall be suspended.

**OMNIA Partners Contract Number: 2017001134**

**To order:** Please complete the acceptance portion of this quotation and provide color selections, purchase order copy and other key information requested.

**This quote does not include any state or local sales taxes. Sales tax will be added to the order if required, unless otherwise noted.**

Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

**Omnia Partners Purchase Orders** must be made out to:

GameTime  
 c/o DWA Recreation, Inc.  
 P.O. Box 208  
 Harrison, OH 45030

**Once equipment is ordered, the owner assumes that the equipment is being installed according to the ASTM standards for layout and design. Additionally, the owner shall check to make sure that all appropriate fall zones are current and compliant. In the event that the owner has to return the equipment, both inbound and outbound freight will be charged along with a 25% restocking fee.**



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05/10/2023  
Quote #  
103533-01-04

## OPTION 2 - Cleveland Heights - Denison Park - Potable Splashpad - Large Concrete Pad

**GT Shade Shipping Time:** Standard shipping time for Freestanding Shade products is 4-5 weeks. Allow an additional 4-7 days for transit.

If the GT Shade order includes engineering drawings, please allow an additional 2-3 weeks. This additional time frame does not include any time needed for review by the purchaser. After your order in 2-3 weeks you will be sent engineering drawings for review. After approval is received, the 4-5 week fabrication schedule will begin.

Short Ship Claims: Purchaser has 14 days from receipt of equipment to file a short ship report in writing to our office. Company reserves right to not honor claims made after this time.

**Water Odyssey Standard Shipping Time:** Concrete embedded items, typically ship within 4-5 weeks. Standard Play Features typically ship 10 weeks ARO. Custom Features ship 18 weeks and Custom GFRC Products ship 6-7 Months ARO. Please confirm current shipment times at time of order. Shipping Time is from point of receiving approved submittals.

Short Ship Claims: Purchaser has 14 days from receipt of equipment to file a short ship report in writing to our office. Company reserves right to not honor claims made after this time.

**Exclusions:**

"Unless otherwise indicated in the pricing issued above, this quotation does NOT include the cost(s) or fee(s) associated with (and thusly, DWA Recreation, Inc. & its subcontractors do not anticipate provision of) the following:

- any/all registrations, e.g. Vendor or Contractor Registrations with local City and/or County
- any/all professional licensing, e.g. occupational licensing with local City and/or County
- any/all permitting, e.g. building or zoning permits
- lift-gate service by courier at time of delivery
- acceptance of delivery and offloading by DWA Recreation, Inc., or its subcontractors
- any/all waste management services, e.g. provision of a dumpster
- any/all site restoration, e.g. removal of spoils, rough grading, seeding and/or other reclamation

**Site Access:** The site will need to be accessible for heavy machinery and trucks, a pre-construction meeting will need to take place to discuss access egress.

- DWA and DWA subcontractors are not responsible for sidewalks preventing access egress to the site.

We are NOT responsible for building permits and/or any other fees, including hauling away of spoils or reclamation of disturbed areas unless otherwise indicated on quote.



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05/10/2023  
Quote #  
103533-01-04

## OPTION 2 - Cleveland Heights - Denison Park - Potable Splashpad - Large Concrete Pad

### includes:

#### *- PRICES ARE FACTORED AT PREVAILING WAGE RATES*

- excavation as necessary for sprayground pad*
- furnish/installation of sprayground footings*
- furnish/installation of sprayground plumbing (Schedule 80)*
- furnish/installation of sprayground gravel base, 6" thick*
- furnish/installation of sprayground concrete deck (4,000 psi AE), 6" thick*
- installation of sprayground controller in existing mechanical room*
- installation of manifold in existing mechanical room*
- installation of sprayground features and activator*
- rough grading of excavated areas*
- fastening of drain pipe to existing dechlorinization tank*

### excludes:

- Customer is responsible for accepting shipment unless otherwise noted*
- customer is responsible for all permitting*
- removal of spoils by customer/other contractors*
- customer/others to provide a connection to a previously approved dechlorinization system to waste*
- 6" drain to be ran within 10'-0" of concrete pad perimeter by customer/others.*
- customer/other to provide restroom and mechanical room at site*
- installation pricing is contingent on no removal of existing concrete*
- minimum water line required = Called for on drawings provided*
- Backflow Preventer required, not included, to be provided by customer/others*
- 120v/20a Electrical GFCI circuit to be provided to Controller in mechanical room by customer/others*
- final grading and landscaping by customer/others*

### Payment Terms

We will invoice for 30% deposit once the order is placed. The 2nd 30% payment is due with shipment of the equipment, and the next 20% of the payment will be at the start of installation. We will bill for the remaining 20% once the installation of the splashpad has been completed.



P.O. Box 208 Harrison, OH 45030  
Toll Free 800-762-7936  
Fax 330-821-4505  
www.dwarec.com  
info@dwarec.com

05/10/2023  
Quote #  
103533-01-04

## OPTION 2 - Cleveland Heights - Denison Park - Potable Splashpad - Large Concrete Pad

### GTShade Colors:

**Shade Fabric:** Yellow, Orange, Cayenne, Sun Blaze, Deep Ochre, Royal Purple, Purple, Navy Blue, True Blue, Turquoise, Dove Blue, Lime, Bottle Green, Forest Green, Brown, Cedar, Latte, Beige, Cream, Silver, Charcoal

**Shade Frame:** (Freestanding Shade Structures - not for integrated shade roofs): Yellow, Butterscotch, Orange, Red, Burgundy, Royal Purple, Periwinkle, Blue, Sky Blue, Sea Mist, Azure, Ocean, Spring Green, Chartreuse, Ice Mint, Ice Butter, Sage, Green, Dark Green, Bronze, Brown, Beige, Champagne, Vanilla, White, Metallic, Starlight Black, Black

### **Order Information:**

Bill To: \_\_\_\_\_

Ship To: \_\_\_\_\_

Contact: \_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Tel: \_\_\_\_\_

Tel: \_\_\_\_\_

Fax: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

eMail: \_\_\_\_\_

Fax: \_\_\_\_\_

eMail: \_\_\_\_\_

Project/Site Location: \_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Tel: \_\_\_\_\_

Fax: \_\_\_\_\_

eMail: \_\_\_\_\_

Coordinates or Description of Location: \_\_\_\_\_

\_\_\_\_\_



P.O. Box 208 Harrison, OH 45030  
Toll Free 800-762-7936  
Fax 330-821-4505  
www.dwarec.com  
info@dwarec.com

05/10/2023  
Quote #  
103533-01-04

## OPTION 2 - Cleveland Heights - Denison Park - Potable Splashpad - Large Concrete Pad

**Acceptance of quotation:**

Accepted By (printed): \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

P.O. No: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Purchase Amount: **\$476,418.18**

SALES TAX EXEMPTION CERTIFICATE #: \_\_\_\_\_ (PLEASE PROVIDE A COPY OF CERTIFICATE)

\_\_\_\_\_  
Customer Signature

Quote prepared by: Jackson Greiwe

Sales Representative: Taylor Kolanko - taylor@dwarec.com - 330-206-5453

Proposed: 6/5/2023

RESOLUTION NO. 105-2023(F), *Second Reading*

By Mayor Seren

A Resolution approving the adoption of the 2024 Tax Budget; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the Mayor has prepared and submitted to the Council a proposed 2024 Tax Budget for Council's review and evaluation; and

WHEREAS, the members of the Council have met with the Mayor and his staff for the purpose of review, evaluation, and to discuss their recommendations on the proposed Budget; and

WHEREAS, a copy of the proposed 2024 Tax Budget is available for inspection by the general public at the office of the Director of Finance at the City Hall; and

WHEREAS, a notice of public hearing will be given prior to the public hearing on said 2024 Tax Budget.

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

SECTION 1. This Council hereby approves the adoption of the 2024 Tax Budget as is on file in the office of the Director of Finance.

SECTION 2. The Clerk of Council is hereby directed to make a copy of the approved 2024 Tax Budget a matter of record.

SECTION 3. The Director of Finance is hereby directed to file a copy of the approved 2024 Tax Budget with the Cuyahoga County Budget Commission.

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

SECTION 5. 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 to permit its timely filing with the Budget Commission within the period permitted by law. Wherefore, provided it receives the 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

RESOLUTION NO. 105-2023(F)

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

## ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit

City of Cleveland Heights

For the Fiscal Year Commencing

January 1, 2024

Fiscal Officer Signature \_\_\_\_\_ Date \_\_\_\_\_

# COUNTY OF CUYAHOGA

### **Background**

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

### **Ohio Revised Code Section 5705.281**

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

### **County Budget Commission Duties**

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

### **County Budget Commission Action**

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

### **Alternative Tax Budget Information Filing Deadline**

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

# **GUIDELINES FOR COMPLETING THE ALTERNATIVE TAX BUDGET INFORMATION**

## **SCHEDULE 1**

The general purpose of schedule 1 is to meet the requirement of Ohio Revised Code (ORC) Section 5705.04 which requires the taxing authority of each subdivision to divide the taxes levied into separate levies. For help use the schedule B issued by the budget commission for the current year and add any new levies. This will help to ensure that no levies are missed.

In column 1 list only those individual funds which are requesting general property tax revenue. In column 2 purpose refers to the following terms, inside, current expenses, and special levy for example. In column 4 levy type refers to renewal, additional, and replacement for example. In column 9 identify the amount of general property tax you wish to request.

## **NOTE:**

The general purpose of column 9 is to demonstrate the need to produce property tax revenues to cover the estimated expenditures for the budget year. ORC Section 5705.341 states in part;

"Nothing in this section or any section of the ORC shall permit or require the levying of any rate of taxation, whether within the 10 mill limitation or whether the levy has been approved by the electors, the political subdivision or the charter of a municipal corporation in excess of such 10 mill limitation, unless such rate of taxation for the ensuing fiscal year is clearly required by a budget properly and lawfully, adopted under this chapter or by other information required per ORC 5705.281."

Property tax revenue includes real estate taxes, personal property taxes, homestead and rollback, and the personal property 10,000 exempt monies.

## **SCHEDULE 2**

The general purpose of schedule 2 is to produce an Official Certificate of Estimated Resources for all funds.

In column 3, total estimated receipts should include all revenues plus transfers in excluding property taxes and local government revenue. All taxing authority must submit a list of all tax transfers.

## **SCHEDULE 3**

The general purpose of schedule 3 is to provide inside/charter millage for debt service. The basic security for payment of general obligation debt is the requirement of the levy of ad valorem property taxes within the 10 mill limitation imposed by Ohio law. Ohio law requires a levy and collection of ad valorem property tax to pay debt service on general obligation debt as it becomes due, unless that debt service is paid from other sources.

## **SCHEDULE 4**

The general purpose of schedule 4 is to provide for the proper amount of millage to cover debt service requirements on voted bond issues. Major capital improvement projects are sometimes financed through the use of voted bonds. The taxing authority seeks voter approval of general obligation bonds and of the levy of property taxes outside the indirect debt limitation in whatever amount is necessary to pay debt service on those bonds.

## **SCHEDULE 5**

The general purpose of schedule 5 is to properly account for tax anticipation notes. See schedule 5 for more details.

## DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)  
(List All Levies Of The Taxing Authority)

City of Cleveland Heights - 2024

### SCHEDULE 1

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authorized	\$ AMOUNT Requested Of Budget Commission
101-GENERAL FUND	Current Expenses		Inside and Charter		January 1, 2023	January 1, 2024	9.62	\$8,130,000.00
216-RECREATION FACILITIES IMPROVEMENT	Current Expenses		Charter		January 1, 2023	January 1, 2024	0.70	\$590,000.00
232-POLICE PENSION	Current Expenses		Charter		January 1, 2023	January 1, 2024	0.30	\$255,000.00
233-FIRE PENSION	Current Expenses		Charter		January 1, 2023	January 1, 2024	0.30	\$255,000.00
301-BOND RETIREMENT	Debt Service		Debt Millage		January 1, 2023	January 1, 2024	1.50	\$1,265,000.00
Totals							12.42	\$10,495,000

# STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

## SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
101-GENERAL FUND	25,290,051.00	10,187,456.00	44,126,802.46	79,604,309.46	54,264,011.22	25,340,298.24
102-BUDGET STABILIZATION ACCOUNT	550,000.00	0.00	150,000.00	700,000.00	0.00	700,000.00
301-BOND RETIREMENT FUND	567,435.00	1,265,000.00	250,000.00	2,082,435.00	1,600,000.00	482,435.00
232-POLICE PENSION FUND	203,182.00	255,000.00	1,250,000.00	1,708,182.00	1,542,488.88	165,693.12
233-FIRE PENSION FUND	337,984.00	255,000.00	1,525,000.00	2,117,984.00	1,799,956.26	318,027.74
201-STREET MAINTENANCE FUND	1,596,449.00	0.00	2,244,102.00	3,840,551.00	2,779,380.66	1,061,170.34
202-FOUNDATION GRANTS FUND	93,816.00	0.00	0.00	93,816.00	0.00	93,816.00
203-FIRST SUBURBS CONSORTIUM FUND	2,501.00	0.00	0.00	2,501.00	0.00	2,501.00
204-COMMUNICATIONS DISPATCH FUND	0.00	0.00	0.00	0.00	0.00	0.00
205-PUBLIC WORKS MAINTENANCE FUND	423.00	0.00	0.00	423.00	0.00	423.00
206-LAW ENFORCEMENT TRUST FUND	114,634.00	0.00	34,000.00	148,634.00	90,576.00	58,058.00
207-DRUG LAW ENFORCEMENT FUND	228,142.00	0.00	165,000.00	393,142.00	167,986.86	225,155.14
208-COMMUNITY DEVELOPMENT BLOCK GRANT FUND	1,125,818.00	0.00	3,000,000.00	4,125,818.00	3,200,000.00	925,818.00
211-H.O.M.E. PROGRAM FUND	177,765.00	0.00	558,000.00	735,765.00	532,440.00	203,325.00
212- FEMA FUND	159,527.00	0.00	0.00	159,527.00	0.00	159,527.00
213-POLICE IMPROVEMENT FUND	7,668.00	0.00	8,000.00	15,668.00	12,000.00	3,668.00
214-LOCAL PROGRAMMING FUND	743,283.00	0.00	515,650.80	1,258,933.80	538,193.82	720,739.98
215-CAIN PARK FUND	47,854.00	0.00	1,551,524.00	1,599,378.00	1,520,000.00	79,378.00
216-RECREATIONAL FACILITIES IMPROVEMENT FUND	956,682.00	590,000.00	0.00	1,546,682.00	650,000.00	896,682.00

# STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

## SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
217-PUBLIC RIGHT OF WAY FUND	165,532.00	0.00	0.00	165,532.00	0.00	165,532.00
218-MISC. STATE GRANTS	40,000.00	0.00	0.00	40,000.00	0.00	40,000.00
221-INDIGENT DUI TREATMENT FUND	272,981.00	0.00	14,280.00	287,261.00	40,800.00	246,461.00
222-COURT COMPUTER FUND	129,367.00	0.00	51,000.00	180,367.00	61,393.80	118,973.20
223-DUI ENFORCEMENT EDUCATION FUND	132,370.00	0.00	4,200.00	136,570.00	0.00	136,570.00
225-COURT SPECIAL PROJECTS FUND	2,162,679.00	0.00	86,700.00	2,249,379.00	126,997.14	2,122,381.86
226-LEAD SAFE FUND	43.00	0.00	300,000.00	300,043.00	300,000.00	43.00
227-NEIGHBORHOOD STABILIZATION PROGRAM FUND	123,584.00	0.00	0.00	123,584.00	0.00	123,584.00
228-COVID	34,600.00	0.00	0.00	34,600.00	0.00	34,600.00
230-STREET LIGHTING FUND	1,927,409.00	0.00	1,009,800.00	2,937,209.00	705,330.00	2,231,879.00
231-FORESTRY FUND	1,066,397.00	0.00	1,147,500.00	2,213,897.00	1,245,217.02	968,679.98
234-EARNED BENEFITS FUND	402,230.00	0.00	400,000.00	802,230.00	400,000.00	402,230.00
237-FIRST SUBURBS DEVELOPMENT COUNCIL	57,754.00	0.00	0.00	57,754.00	0.00	57,754.00
238-CORONAVIRUS RELIEF FUND	0.00	0.00	0.00	0.00	0.00	0.00
239-REFUSE GRANT FUND	6,947.00	0.00	0.00	6,947.00	0.00	6,947.00
240-FEDERAL MISCELLANEOUS GRANTS	76.00	0.00	200,000.00	200,076.00	200,000.00	76.00
241-LOCAL FISCAL RECOVERY	28,367,641.00	0.00	0.00	28,367,641.00	28,367,641.00	0.00
242-ONEOHIO OPIOD SETTLEMENT	14,889.00	0.00	0.00	14,889.00	0.00	14,889.00
402-CAPITAL EQUIPMENT/IMPROVEMENTS FUND	5,264,510.00	0.00	750,000.00	6,014,510.00	1,700,000.00	4,314,510.00
411-ECONOMIC DEVELOPMENT FUND	18,643.00	0.00	320,000.00	338,643.00	325,720.68	12,922.32
412-CITY HALL MAINTENANCE FUND	131,378.00	0.00	24,480.00	155,858.00	15,300.00	140,558.00
415-RING ROAD CONSTRUCTION FUND	35,045.00	0.00	0.00	35,045.00	0.00	35,045.00
416-REFUSE CAPITAL FUND	83,790.00	0.00	127,500.00	211,290.00	130,000.00	81,290.00
601-WATER FUND	1,567,134.00	0.00	1,331,610.00	2,898,744.00	1,400,716.02	1,498,027.98
602-SEWER FUND	7,844,480.00	0.00	7,282,542.02	15,127,022.02	7,820,202.30	7,306,819.72
603-PARKING FUND	162,766.00	0.00	900,000.00	1,062,766.00	1,031,755.50	31,010.50
605-REFUSE FUND	168,044.00	0.00	3,409,860.00	3,577,904.00	3,500,000.00	77,904.00

# STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

## SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
606-AMBULANCE SERVICE FUND	1,005,945.00	0.00	918,000.00	1,923,945.00	1,107,961.74	815,983.26
701-HOSPITALIZATION	68,362.00	0.00	7,140,000.00	7,208,362.00	7,140,000.00	68,362.00
703-WORKERS COMP	204,767.00	0.00	0.00	204,767.00	0.00	204,767.00
804-OFFICE ON AGING DONATIONS FUND	9,982.00	0.00	3,060.00	13,042.00	3,060.00	9,982.00
808-YOUTH RECREATION DONATION FUND	65,000.00	0.00	5,000.00	70,000.00	5,000.00	65,000.00
809-POLICE MEMORIAL FUND	11,808.00	0.00	0.00	11,808.00	0.00	11,808.00
810-YOUTH ADVISORY COMMISSION FUND	71.00	0.00	0.00	71.00	0.00	71.00
811-JUVENILE DIVERSION PROGRAM FUND	690.00	0.00	5,000.00	5,690.00	5,000.00	690.00
850-FLEXIBLE SPENDING ACCOUNT	123,867.00	0.00	140,000.00	263,867.00	140,000.00	123,867.00
857-SALES TAX FUND	350.00	0.00	250.00	600.00	250.00	350.00
858-MISCELLANEOUS AGENCY FUND	2,123,247.00	0.00	300,000.00	2,423,247.00	300,000.00	2,123,247.00
864-NEORSO BILLING FUND	278.00	0.00	0.00	278.00	0.00	278.00
	53,794,656.00					

# UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)  
 (Do Not Include General Obligation Debt Being Paid By Other Sources)  
 (Do Not Include Special Obligation Bonds & Revenue Bonds)

## SCHEDULE 3

I	II	III	IV	V	VI
Purpose Of Bonds Or Notes	Date Of Issue	Final Maturity Date	Principal Amount Outstanding At The Beginning Of The Calendar Year	Amount Required To Meet Calendar Year Principal & Interest Payments	Amount Receivable From Other Sources To Meet Debt Payments
Refund Series 2014 Ring Road	09/22	12/29	\$1,366,000.00	\$170,032.00	
2022 - Parking Deck Refunding Bonds	02/22	12/33	\$2,841,000.00	\$298,730.00	
2018 - Vehicle Bonds	2018	12/27	\$260,452.00	\$72,696.00	
2020 - Various Purpose Bonds	07/05	12/37	\$10,270,000.00	\$572,174.00	
2021 - Various Purpose Bonds	07/22	12/30	\$808,000.00	\$123,282.00	
2022 - Top of the Hill Bonds	04/22	12/31	\$1,090,000.00	\$150,526.00	
Totals			\$16,635,452.00	\$1,387,440.00	

Proposed: 6/5/2023

RESOLUTION NO. 106-2023(MSES), *Second Reading*

By Mayor Seren

A Resolution authorizing an agreement with Cintas Corporation for the purchase of paper products, mats, and cleaning and other supplies for the City 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, it is necessary for the City to make routine purchases of paper products, mats, and cleaning and other supplies for City properties/operations; 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 items 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 supplies 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 Cintas Corporation for the purchase of paper products, mats, and cleaning and other supplies 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 term of up to sixty (60) months, with expenditures in the approximate sum of Twenty-five to Thirty Thousand Dollars per annum. 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 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

RESOLUTION NO. 106-2023(MSES)

meet ODAS guidelines. 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: Mayor Seren  
cc: William Hanna, Law Director  
From: Eric Zamft, Planning Director  
Date: June 1, 2023  
Subject: Agreement with Gridics for Public Facing Zoning Software

The City and particularly the Department of Planning & Development are always looking for ways to better inform and serve the public. One of the basic roles of our Department is as the Zoning Administrator and staff to our various design boards and commissions. However, communicating the intricacies of the Zoning Code can often be challenging – not only to the public, but to board members as well.

In 2022, the Planning Commission led an effort to see if there were tools or applications that could assist the City. A number of well-established companies were contacted and a number of tools were reviewed. The results of this research were discussed at meetings in 2022 and most recently at the Planning Commission's April 20, 2023 meeting. The Planning Commission and Planning Department staff both agreed that the Gridics tool was not only the most extensive, but was well-priced as well. Specifically, Gridics is the only tool that not only can visualize what is permitted on any given parcel from a zoning point of view, it also has an "open counter" component that can help to answer most of the basic zoning questions that we receive in the Department. Finally, it contains its own online published Zoning Code. Please see slide deck attached.

Anticipating all of this, staff recommended to the Mayor and ultimately Council that budget be set aside in the 2023 budget for such software. Council did include such budget in the adopted budget.

After the April 20, 2023 Planning Commission meeting, staff reached out to Gridics to obtain a final proposal and cost estimate, which is attached.

Since the two-year cost is above \$50,000, Council must authorize the Mayor in order for him to execute the agreement. The attached legislation provides that authorization. It is requested as an emergency measure to allow for the execution of the contract upon approval rather than to wait an additional 30 days.

# Solve All Common Zoning & Planning Challenges With One Simple Platform



[www.gridics.com](http://www.gridics.com)[info@gridics.com](mailto:info@gridics.com)

## MAPS

Seamlessly integrate interactive 3D maps showing zoned development potential

## SELF-SERVICE

Provide self-service portals to reduce front counter citizen inquiries by as much as 60%

## TEXT

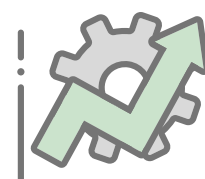
Collaborate on, manage, & publish zoning code text changes in seconds, not weeks



# Benefits of the Gridics Platform for Your Municipality



[www.gridics.com](http://www.gridics.com) [info@gridics.com](mailto:info@gridics.com)



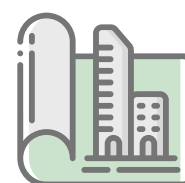
**Reduce low-value staff time & improve efficiency**



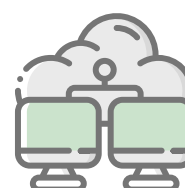
**Help citizens answer their own zoning questions**



**Better serve your community with a virtual front counter**



**Attract & encourage new development**



**Provide real-time, remote data access**



**Publish code text changes in seconds, not weeks**

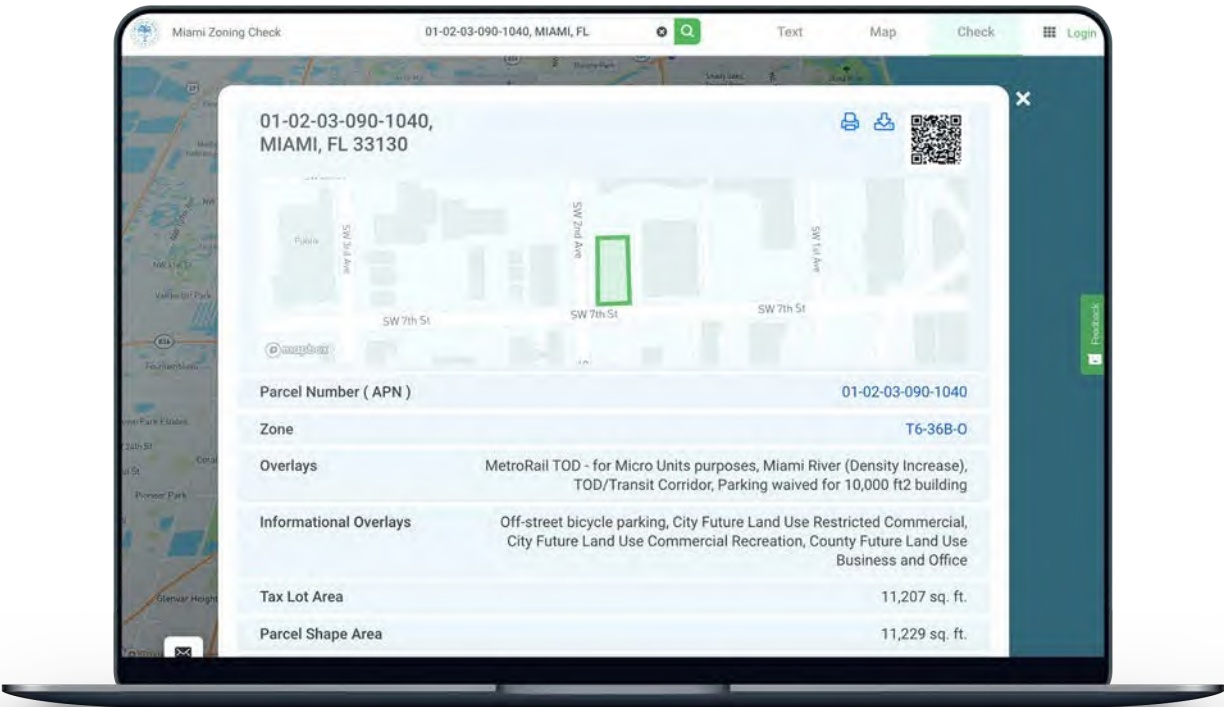
## REAL WORLD EXAMPLE

With Gridics, the City of Miami has saved thousands of dollars each month on zoning management expenses & reduced citizen calls, emails, & visits by as much as 60%



# Simple, Powerful, Cloud-Based Zoning

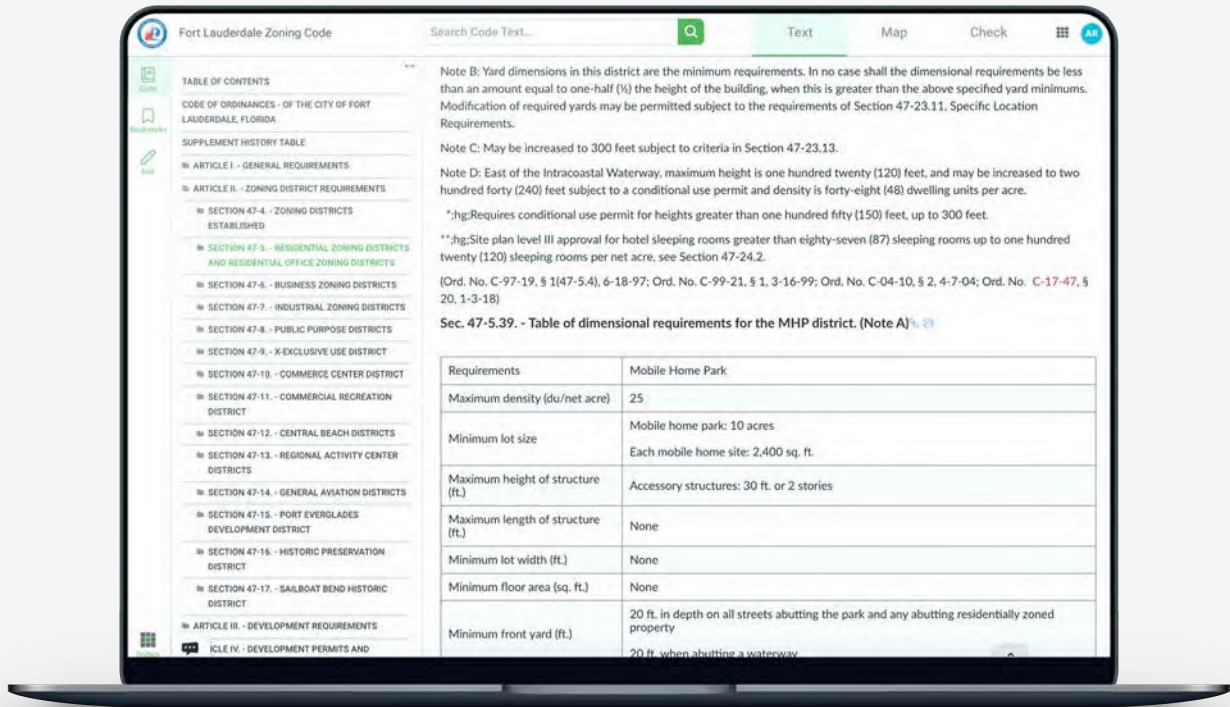
Our unique planning & zoning technology solutions are helping cities everywhere streamline citizen services & establish a data-driven approach to planning & development analysis.



## ZoneCheck

A virtual zoning front counter that addresses citizen inquiries

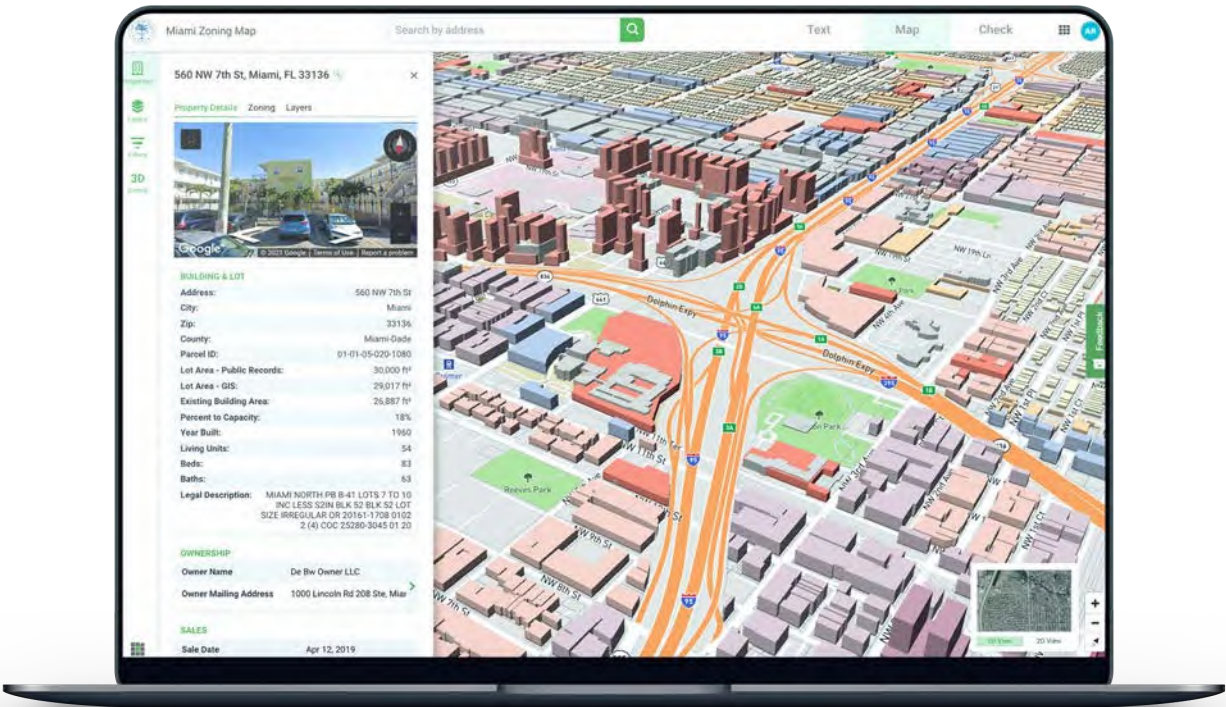
- Give citizens the power to answer their own zoning questions with a simple self-help portal
- Access parcel-specific data anytime, from any device with just 2 clicks



## CodeHUB

A centralized zoning management portal for the 21st century

- Collaborate on & publish code text changes in seconds, not months
- Seamlessly integrate all aspects of zoning code management in one place



## MuniMap

The world's most advanced, interactive 3D zoning map

- Visualize zoned development potential at the parcel, corridor, or entire city level
- Apply customizable GIS layers & visualize any data point your municipality has at its disposal

# Designed for Municipalities Large & Small

Gridics can be live in your municipality in <6 weeks with pricing customized for your population & needs

## REAL WORLD EXAMPLE

TOWN of CARY  
NORTH CAROLINA

The Gridics team calibrated Cary's zoning code in 4 weeks for a fraction of the cost of their current zoning management solution, not to mention the Town now has access to Gridics professional services



WINTER HAVEN  
The Chain of Lakes City

ROGERS  
ARKANSAS  
WHERE POSSIBLE LIVES

CORAL GABLES  
THE CITY BEAUTIFUL



COUNTY OF  
Placer

NORTH MIAMI  
FLORIDA

MIAMI  
BEACH

Implementation is a breeze...  
We handle all the heavy lifting  
so you don't have to

**Step #1:** We digitize & calibrate your code

**Step #2:** We aggregate data layers in our proprietary zoning rules engine

**Step #3:** We build instances for your city in CodeHUB, ZoneCheck, & MuniMap

**Step #4:** You review & approve the calibrations

**Step #5:** We push your instances live for citizens & staff

**Step #6:** We continuously edit & maintain your code





Municipal Zoning & Planning Solutions



## Zoning Intelligence Platform Proposal

Prepared For:



# CLEVELAND HEIGHTS

May 23rd, 2022

Eric Zamft  
Director of Planning & Development  
City of Cleveland Heights, OH  
40 Severance Circle  
Cleveland, Heights, OH 44118

Dear Eric,

We are pleased to submit this proposal to you and your team for Gridics to establish the zoning parcel record data set for every parcel in Cleveland Heights, OH and to deliver our zoning information portal product. Our one-of-a-kind technology calculates accurate zoning property records for every parcel in the city and integrates with your zoning ordinance, making it easier for your citizens and staff to access and interpret parcel-specific zoning information and significantly reduce the amount of service visits and calls.

In the accompanying proposal we outlined the specific data, products and solutions that Gridics will deliver to unify your zoning code text and property data into a single suite of easy to use tools. Once in place, the Gridics data and tools will:

- Establish a zoning record of 30+ data points for every parcel in your city.
- Reduce citizen calls and visits to answer basic zoning questions.
- Increase transparency and availability of information.
- Make it easier for staff to process permits.
- Make it easier for developers, investors and their representatives to do business with your city.

Together our leadership team of urban planners and real estate technology experts have over 65 years of combined experience developing leading software solutions, writing zoning codes around the globe, and solving complex real estate data challenges. Working as an extension of your planning and zoning teams, we are confident we can collectively put together a personalized plan to help you achieve your objectives while exponentially increasing the capabilities and efficiency of your teams.

As you review the enclosed proposal, please don't hesitate to contact us so we may answer any questions that you have. We will follow up in the coming days.

Sincerely,

Jason Doyle  
President/CEO  
Gridics, LLC

[jdoyle@gridics.com](mailto:jdoyle@gridics.com)  
(757) 777-7406



## Company Profile

*Gridics mission is to leverage our unique zoning calculation engine to provide cities and counties with a zoning parcel record data set for every parcel in their jurisdiction to make it easier for everyone to understand and interpret zoning allowances while empowering staff with critical data to plan, develop, and build better communities.*

Gridics was formed by seasoned urban planners, architects, GIS experts and real estate technologists to simplify property specific zoning interpretation and development visualization. To achieve our goal, we believe that every city and county must be able to understand how the written zoning ordinance applies to every geometric parcel in their jurisdictions. We have achieved our goal through a technology-driven approach that provides cities the ability to digitize their zoning ordinances and land use regulations in a geospatial manner, resulting in a foundational zoning parcel record database. Our patented zoning computation engine sits at the center of the Gridics platform. This one-of-a-kind technology allows Gridics to calculate the zoned development capacity of every parcel in your city resulting in a valuable dataset that powers numerous products, solutions and services never before available. From this foundation of parcel level zoning data, we created the Gridics Municipal Zoning Information Platform (“Gridics Platform”).

Our company values permeate in everything we do and support our commitment to building better cities. Our products and services shall always be:

- Easy to use
- Accurate
- Visual
- Scalable
- Collaborative
- Delightful

At its core, Gridics is strengthened by a mix of passionate individuals with diverse backgrounds and expertise. The Gridics team of urban planners, architects, GIS specialists and real estate data technologists has over 65 years of combined experience working on planning projects. When combined with the Gridics Platform, our team is able to act as a strong extension to a city’s planning staff to deliver any number of professional services. We look forward to introducing our team to yours!



Working with Gridics has been a delightful experience. I find their team of experts to be knowledgeable, professional, and very accessible. Their digital zoning platform has radically enhanced our public engagement and helped the city deliver real-time zoning updates and data to investors, developers and citizens.

**Tanya Wilson**

AICP, Director of Planning, City of North Miami



*"Our partnership with Gridics has been outstanding, and through the [Gridics] platform, we're providing innovative new tools to the public, while increasing process efficiency and reducing costs,"*

**Mike Sarasti, the City of Miami's Chief Information Officer and Director of DoIT**

*"It is a pleasure to work with the Gridics team. Their work quality and efficiency combined with their expertise in zoning and architecture made it easy for everyone to understand the development possibilities to help us make more informed decisions."*

**Raelin Story, Economic Development Director, City of Hollywood, FL**

## Why Gridics?

### Making it Easier to Manage, Access, Interpret, Understand, and Visualize

Gridics's patented technology combined with its suite of zoning information tools delivers a modern approach to the way municipalities are helping citizens, developers, brokers, architects, land use attorneys and staff interact with and interpret how the legally written zoning ordinance applies to every parcel. The Gridics approach allows municipalities to make it easy for everyone to get answers to the most common questions about zoning rules, allowed uses, development standards and more.

### Easier to Manage

The Gridics Platform makes it easier than ever for staff to manage all the city's zoning ordinance, parcel and development data in one central place. Gridics gives your city real-time ordinance updating, automated ESRI GIS integration and ability to integrate our calculated parcel zoning data into other systems via our Zoning Data API.

### Easier to Access

The Gridics Platform puts all your land use and zoning information into a single location. No longer does a citizen have to go to one website to read the code, seek out another website to

browse the map, and then try to figure out how to connect the dots between the information on the map and the relevant information in the code.

### Easier To Interpret, Understand and Visualize

The most common questions from citizens center around understanding site-specific setbacks, heights, allowed uses and applicable ordinances. Historically municipalities could only tell citizens to reference the map to look up the zone and then go read about the rules in the code, a difficult to understand legally written document. This results in calls, emails and visits to the city which staff are forced to prioritize resulting in valuable resources being used to act as interpreters of the code. For the first time ever, municipalities are able to deliver all these data points at the property specific level using the Gridics technology.

## Parcel Zoning Data

Once your zoning or land development code regulations are calibrated into our zoning calculation engine, we conduct a programmatic analysis of each parcel's geometry and geospatial attributes to establish a parcel profile. The engine applies this parcel profile to the calibrated zoning, overlay and/or PD regulations to output a zoning parcel data record for every parcel in your jurisdiction. Once complete, we are able to deliver the following data points for each parcel. This data then becomes accessible via the Gridics Zoning Information Portal (below) and can also be integrated via our Zoning Data API into any of your GIS and/or property specific systems such as your permitting system.

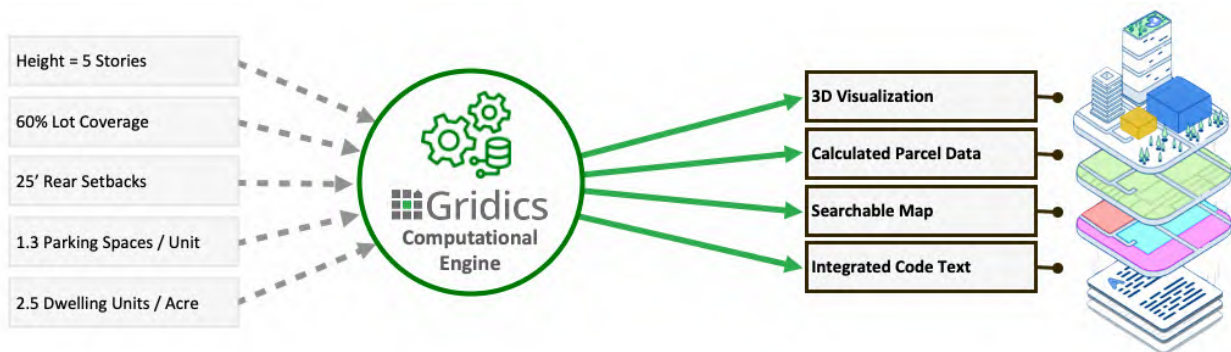
Zones/Overlays/Uses	Lot Attributes	Setbacks	Development Allowance	Visualizations & Other
Zone	Lot Type (corner, through, flag, etc)	Primary Frontage	Residential Density	Site-Plan Image w/Frontage Measurements
Sub-Zone	Max Lot Coverage	Secondary Frontage	Max Residential Units Allowed	Building Envelope 3D Shape
Type	Floor Area Ratio	Side	Max Residential Area Allowed	Building Massing 3D Shape
Applicable Overlays	Max Height	Rear	Max Lodging Rooms Allowed	Informational Bonuses, Variances, Waivers
Existing Use	Max Stories	Water*	Max Lodging Area Allowed	Bonuses, Variances, Waivers
Allowed Uses (resi/comm/lodge)	Min Open Space		Max Office Area Allowed	Building Typologies
Allowed Uses Detail (coffee shop)	Frontage Length Data (A, B, C, D)		Max Commercial Area Allowed	Split Zoned (Yes or No)
			Max Built Area Allowed	Slope*
			Max Building Footprint	

## Zoning Information Portal

The Gridics Zoning Information Portal (Gridics Zoning Portal) is a suite of three cloud-based zoning, property data and GIS analysis products unified into one website portal to help simplify zoning interpretation and reduce service requests into the planning and zoning staff. They consist of:

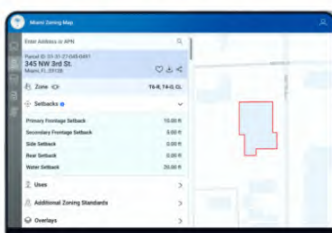
1. CodeHUB - code text publishing system with real-time editing capabilities and collaboration tools.
2. MuniMap - Modern and easy to use GIS map that integrates with ESRI and combines county tax assessor records with our unique and in-depth parcel level zoning data (and any other data you desire to integrate, such as permit data) to deliver staff, citizens and developers a true real estate intelligence portal.
3. ZoneCheck - A quick and easy way for citizens and staff to lookup an address and get all the critical data they need about a parcel.

With the Gridics Zoning Portal, cities ensure their public-facing code is always up to date and allow users to quickly access specific zoning data such as setbacks, uses, height, intensity, buildable capacity and more. By putting this data in the hands of staff and citizens, cities reduce their front counter service traffic and phone calls while allowing planners to more quickly service those that do visit or call. Our data-driven approach to code interpretation has resulted in the creation of the most innovative zoning management platform for cities to more efficiently administer zoning and development regulations.



The Gridics Zoning Portal unifies the world's only 3D zoning map (MuniMap) and self-service zoning check tool (ZoneCheck) that allow staff and citizens to quickly lookup site-specific zoning attributes such as setbacks, uses, building intensity and more, with the published online zoning ordinance (CodeHUB). By bringing text, map, and site-specific zoning data together into one easy to use website application, cities and counties are able to make it easier for citizens to understand how the existing zoning regulations apply to their parcel which reduces the amount of service requests and calls into the city.

## 1 ZoneCheck



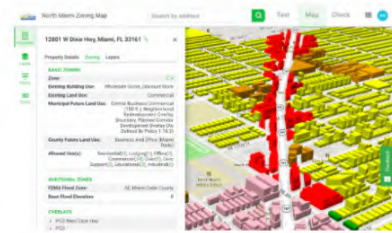
Virtualize your front counter with easy address and allowed uses lookup, reducing inbound questions to staff

## 2 CodeHUB



Modern code text publishing system allows staff/clerk to update changes directly, reducing confusion created by outdated versions

## 3 MuniMap



Customizable map with deep zoning data, property tax record info, property search, integrate with permit data, 3D visualization and more

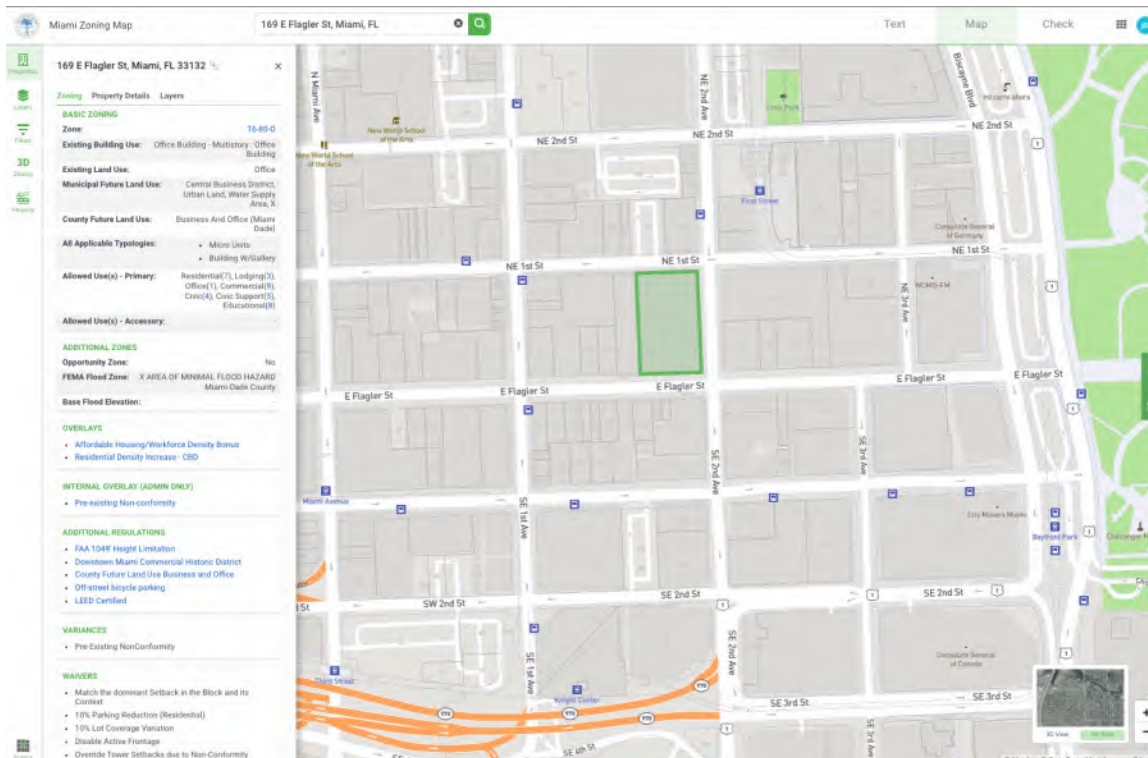
Below we provide additional detail on the three main components of the Gridics Municipal Platform - MuniMap, ZoneCheck, and CodeHUB. We encourage the city to schedule a live demonstration with our team to see these products in action!

## 1. MuniMap

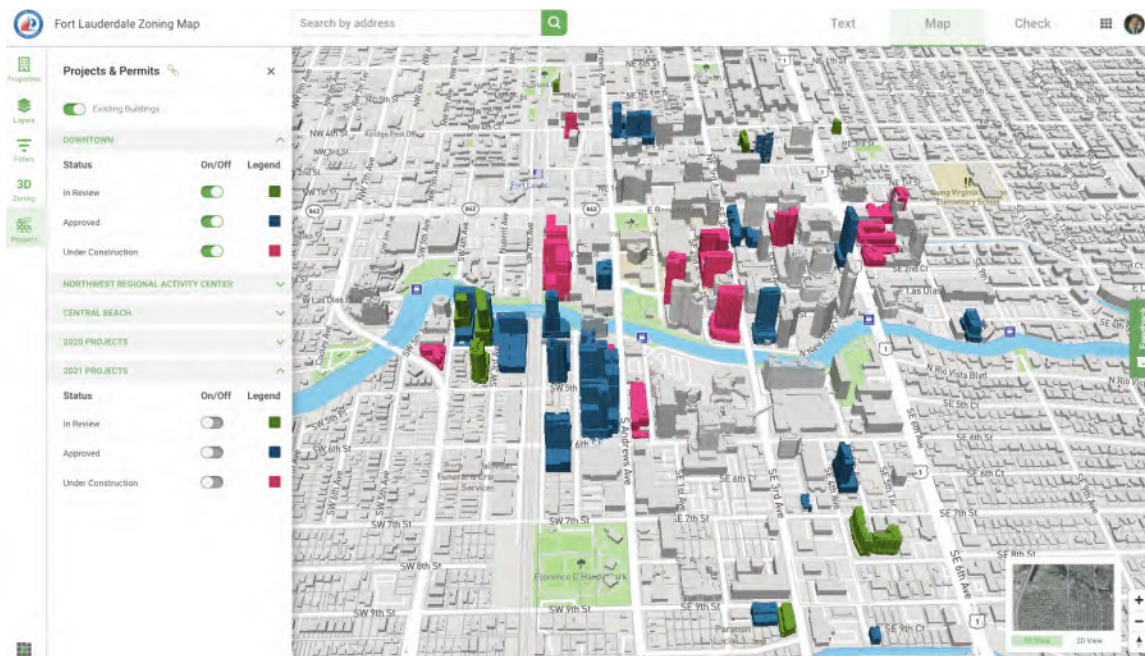
Take your zoning and planning mapping capabilities to the next level by unifying all your GIS mapping layers into our easy to navigate interface including 3D digital twin virtualization and data integration capabilities. MuniMap seamlessly integrates with ESRI systems for daily updates to shapes while also allowing for the integration of other data sets such as permits, development projects, deep zoning data and real estate tax assessor records. This unified real estate intelligence and data visualization product delivers a state of the art web application to help you deliver to their citizens and developers the information to virtually self-service their questions while making it easier to do business with your jurisdiction. In addition, MuniMap showcases the in-depth parcel level zoning data from the Gridics zoning engine.



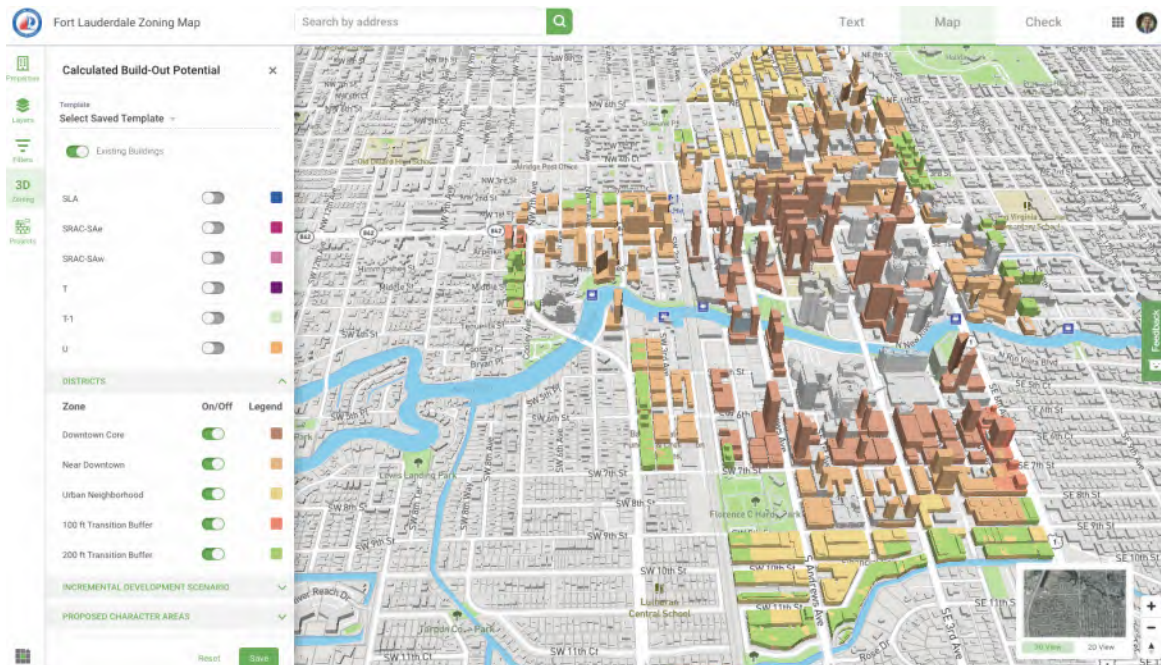
*MuniMap connects into your ESRI GIS system to pull all your map layers into a single application making it easier for everyone to virtually access the information they need.*



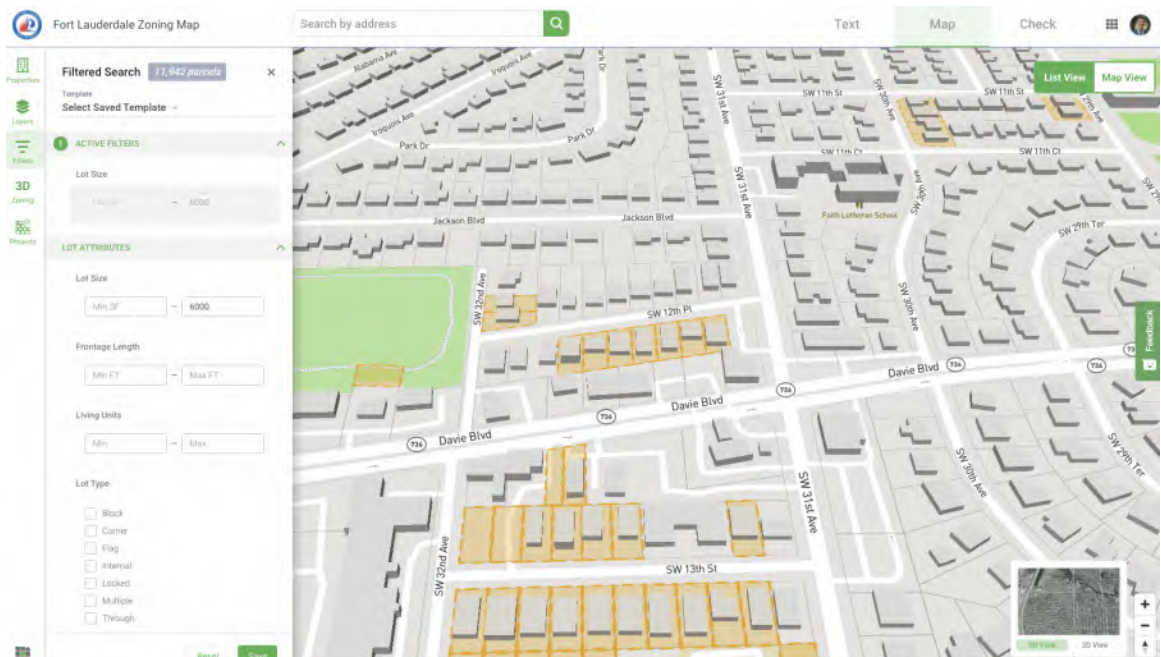
*MuniMap showcases the deep parcel-level zoning attributes, allowed uses, development allowances along with tax assessor property details and GIS layers associated with each parcel.*



*An example from Fort Lauderdale, FL, integrates the city's building permit system to show projects that are underway, in review, or approved.*



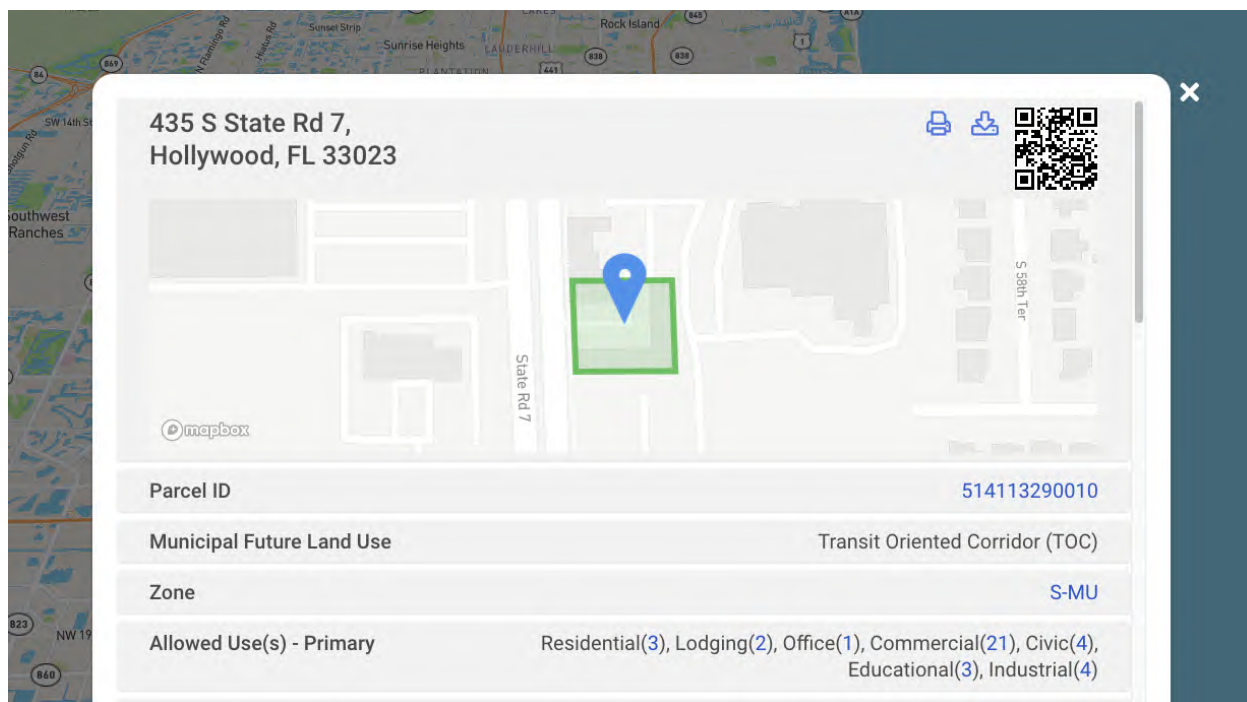
*MuniMap delivers the first ever 3D zoning map capability, showing envelope massing shapes for each parcel according to zoning constraints based on calculated capacity from the Gridics zoning engine.*



*The above example shows how the MuniMap property search module can be used by Economic Development, Planning Departments and even developers to filter and identify parcels that meet a range of search criteria.*

## 2. ZoneCheck - self-service parcel/address zoning data lookup

Reduce calls and visits to the front counter by as much as 60 percent when you provide your citizens with ZoneCheck, a quick and easy to use tool to lookup site-specific data such as setbacks, heights, allowed uses and more. Integrated with your CodeHUB land use ordinance, it becomes easier than ever for citizens to find the information for their property and connect directly to the relevant areas of the code text.



*An example from our ZoneCheck portal showing the zoning information for a property selected.*

## 3. CodeHUB - zoning ordinance publishing

Take control of updates to your zoning ordinance with real-time editing capabilities, version control, bookmarking and modern web display of tables and imagery. Integrated with MuniMap and ZoneCheck self service tools, your citizens will have everything they need in a single unified zoning portal to easily find the information they're looking for. We understand you are currently using AM Legal as your primary municipal code publishing platform. Some of our clients choose to remain with their current provider and take advantage of our other platform tools - ZoneCheck and MuniMap, while hosting only the zoning code in CodeHub.

Chapter 29 North Miami Zoning Code

Search Code Text...

Text Map Check

TABLE OF CONTENTS

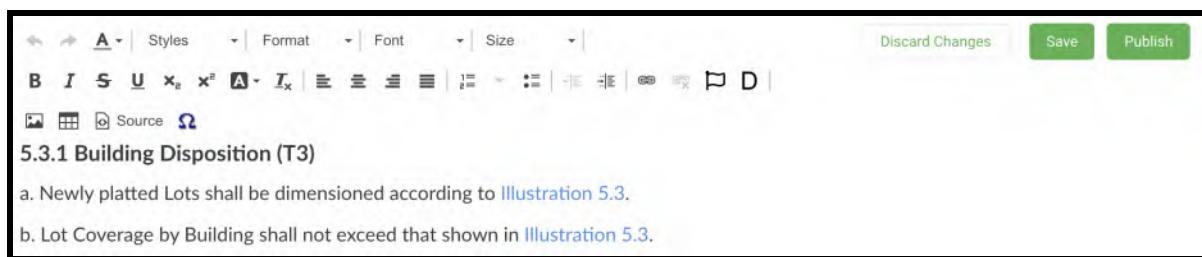
- ARTICLE 1 - GENERAL PROVISIONS
- ARTICLE 2 - DECISION-MAKING AND ADMINISTRATIVE BODIES
- ARTICLE 3 - DEVELOPMENT REVIEW
- ARTICLE 4 - ZONING DISTRICTS
  - DIVISION 1 - ESTABLISHMENT OF ZONING DISTRICTS
  - DIVISION 2 - ZONING DISTRICTS
  - DIVISION 3 - SPECIAL PURPOSE AND OVERLAY DISTRICTS
- ARTICLE 5 - DEVELOPMENT STANDARDS
- ARTICLE 6 - NONCONFORMITIES
- ARTICLE 7 - DEFINITIONS

Map

Zoning Districts	R-1	R-2	R-4	R-5	R-6	C-1	C-2BE	C-2BW	C-3	M-1	PU	RO	BZ	AOD
Commercial Type of Uses														
Convenience Store**						P	P	P	P	P****				
Drug Store/Pharmacy						P	P	P	P	P****				
Food Specialty Store						P	P	P	P	P****				
Grocery Store**						P	P	P	P	P****				
Liquor Package Store**							SE	SE	SE					
Plant Nursery, Retail/Wholesale										P****				
Retail-Wholesale, Department						P*	P	P	P	P****				
Retail-General, Single-Use						P	P	P	P	P****				P
Retail-Home Improvement						P*	P	P	P	P****				
Secondhand Store/Consignment Store						P*	P*	P*	P*					
Office Type of Uses														
Call Center						P	P	P	P	P				
Office-Business, Sales, Professional						P	P	P	P	P		P		
Office-Medical, Clinic						P	P	P	P					
Office-Medical, No Clinic						P	P	P	P			P		
Service Type of Uses														
Animal Grooming, Pet Sitting						P	P	P	P					
Animal Hospital, Veterinarian Clinic						P*	P*	P*		P*				
Animal Kennel, Boarding						P <sup>3</sup>	P*	P*		P*				
Animal Shelter										P*				

An example of a zoning district and land use matrix as published on CodeHUB.

Gridics' CodeHUB product is easy to use, giving staff and citizens immediate access to zoning information with a clear hierarchy of standards, a robust search engine, and multiple ways to share and save the information. Staff will find editing to be a breeze. Our WYSIWYG text editor allows city staff or chosen administrators to update and publish accurate ordinance text within minutes, not weeks or months. Plus, staff will have access to historic archives of previous versions of the zoning regulations within CodeHUB.



A screenshot of our user-friendly text editor within CodeHUB. The interface is similar to MS Word in that the user may adjust styles, fonts, hierarchy, and perform multiple text and paragraph editing functions, making code editing easy.

## 4. Professional Planning & GIS Services



Leverage our expert tech-enabled planners and GIS staff to produce development analysis at a fraction of the cost and time of traditional A&E firms.

- Affordable Housing Analyses
- Redevelopment Analyses

ami, FL 33131

- Scenario Plans/3D Buildout
- Master Plan Designs
- TOD/Corridor Study Analyses



In addition, we offer our clients access to ZonelQ, the world's only 3D zoning scenario visualization software. With ZonelQ, users can visualize, calculate and check complex zoning scenarios. With just a few clicks, a user can build a project and then change the zoning configuration (district or development standards) to understand how a change to zoning would apply to a specific parcel or group of parcels.



*Example project above shows how a user can see building envelope changes as they change the dropdown data by adjusting zone district, lot area, building types, thoroughfare types, and other location variables such as overlays and variances.*

## The Gridics Platform - Technical Details

There are no network requirements other than internet access and a modern web browser as the Gridics platform is entirely cloud based.

- **Implementation**

Gridics calibrators have reviewed the city's zoning code and used the following metrics to determine the scope of implementation. Please review and confirm the below. Gridics is more than happy to discuss these findings with a member of your planning team.

Implementation Complexity Factor	Units
Pages in zoning document	72
Additional documents affecting development to review	40
Number of Zones	13
Number of Overlays	2
Estimated number of Uses to calibrate	40
Zones/Overlays requiring typologies	4
Zones/Overlays requiring conditions/frontages	8
PUDs/Special Areas/Parcel Specific Regulations	5
GIS layer modification/drafting	6

- **GIS Integration to Gridics Platform** - Gridics will obtain via REST API or directly, all relevant GIS shapes necessary to calibrate and calculate site-specific zoning attributes. Gridics will verify that all necessary data is available and in format that allows importing into our system, this includes parcel geometries, street centerlines, zoning districts and applicable overlays GIS shapes.
- **Code Analysis & Calibration** - Gridics will define and implement relevant land use regulations from the ordinance into the Gridics zoning engine for calibration and calculation of site-specific zoning attributes and development allowances. Gridics can also define with the client which zones should be calibrated and which should have only a notification (some larger parcels that will need further subdivisions are often suggested to be excluded from calculation within our zoning engine).

- **MuniMap**

- Gridics will implement, activate and host a publicly accessible, multi-functional, standard map application located at the following or similar root domain <https://map.gridics.com/us/oh/clevelandheights>.
- Map modules will consist of layers, filters, and 3D Massing(optional). Additional modules such as Projects & Permits, or custom modules can be implemented at staff direction. Gridics may assess additional fees if customizations are determined to be outside the scope of this proposal.
- Layers Module - Gridics will define which available or newly created GIS layers the Client would like to be available for display in the layers module.
- Filters Module - Gridics will define which available property data the Client would like to be available for display in the layers module.
- 3D Massing Module (optional) - Gridics will define which available 3D Massing layers the client would like to be available for display in the layers module.
- The city would define which modules and sub-categories within modules will be public facing.
- Zoning Integration - For CodeHUB text publishing customers, Gridics will link base zoning and overlays from property details within the map to the respective areas of the zoning text for ease of reference and navigation.
- The main language of the application is English.

- **ZoneCheck**

- Gridics will activate and host a publicly accessible zoning data lookup tool for users to search for property specific zoning data located at the following or similar root domain <https://zonecheck.gridics.com/us/oh/clevelandheights>.
- Search capability will consist of address and apn.
- Gridics will align with the Client on which available data points to display.
- The main language of the application is English.

- **CodeHUB**

- Implementation, activation and ongoing hosting of the zoning ordinance text at a publicly accessible web page at the following or similar root domain <https://codehub.gridics.com/us/oh/clevelandheights>.
- Linking to any definitions, documents, or other websites as directed by client staff.
- Formatting to maintain consistency of form to ordinance document within the constraints of modern web publishing.
- Mobile-friendly availability of web pages.
- The main language of the application is English.

## Key Terms

1. Billing
  - a. Implementation - 50% due at execution of contract, 50% due at start of User Acceptance Testing.
  - b. The remaining Year 1 balance will be invoiced at the start of User Acceptance Testing.
  - c. Recurring fees (Year 2 and Year 3) will be billed annually on the execution date of the final signed contract.
2. Training & Support - Gridics will provide one in-person training, prior to finalizing implementation and optionally will provide one 90-minute virtual training sessions per quarter.
3. Staff Accounts & Access - Gridics will provide an unlimited number of staff accounts. Client will define which staff members shall have access to land use ordinance and calibration editing.
4. Data Ownership
  - a. All data added to the platform from the client is owned by the client.
  - b. All data calculated using the patented Gridics zoning engine is owned by Gridics.
  - c. All pro service project visualization and data are jointly owned by client and Gridics.
  - d. Gridics reserves the right to use all pro services work to promote its services.

## Sole Source Procurement

Whereas Cleveland Heights, OH desires to provide its citizens with immediate access to parcel and/or property specific zoning data through the creation of a parcel level zoning property record. To achieve this, citizens must have access to both zone specific attributes such as setback requirements as well as calculated property specific attributes such as maximum buildable area. Determining these data points requires a system to know what zone and overlays a property sits within and how the various development allowances apply to each unique geometric parcel shape.

Gridics LLC, through its technology and its accompanying applications, is the only company in existence with the capability to calculate parcel and/or property specific attributes at scale. The Gridics patented zoning calculation technology is the first and only one of its kind. Once all zoning rules are properly calibrated, our technology determines over 35 parcel and/or property specific zoning attributes and calculations that have heretofore only been able to be determined manually. In addition, the Gridics engine is capable of outputting digitized 3D massing shapes for visualization of the zoning data on a map at the parcel specific level.

As such, Gridics has been granted sole source procurement by nearly all of the municipal jurisdictions it has partnered with to date. As part of the contract, Gridics will provide A procurement officials with an official sole source letter.

## Fee Schedule

Our cost estimate is based on our initial review of the City's existing platforms and zoning regulations. Please see the implementation metrics in the Technical Details section.

### **PRICING QUOTE #1 - Full parcel data calibration and implementation**

Product	Description	FY-23	FY-24 & Beyond	Two Year Total
Implementation	<u>One-time Fee:</u> Full code calibration, parcel calculations, application activation and staff training	<del>\$15,000</del>	\$0	<del>\$15,000</del>
ZoneCheck	<u>Annual license:</u> Address level self-service property zoning data lookup	\$10,000	\$10,000	\$20,000
MuniMap	<u>Annual license:</u> Integrated online zoning map with 2D & 3D visualization of zoning	\$15,000	\$15,000	\$30,000
CodeHUB	<u>Annual license:</u> Code text publishing website	\$9,000	\$9,000	\$18,000
Support & Maintenance	<u>Annual Fee:</u> Hosting, Data Maintenance and Staff Support	\$3,000	\$3,000	\$6,000
<b>Package Discount</b>		<b>\$5,000</b>	<b>\$5,000</b>	<b>\$10,000</b>
<b>Package Total</b>		<b>\$32,000</b>	<b>\$32,000</b>	<b>\$64,000</b>

#### **Additional Services:**

Gridics will provide up to 20 hours of Professional Services per year, an \$8,000 value. Additional hours of professional services beyond the complementary 20 can be arranged on a time-and-materials basis and will be quoted based on scope and complexity of the work but will never exceed \$200/hour.

## Project Schedule

The estimated timeframe for implementation will be defined during the kick-off meeting but will be achieved within the first year. Gridics typically achieves completed implementation and a launch of the platform on a partner's municipal site within 4-6 months. Timelines will vary based upon complexity of zoning regulations and level of involvement from City staff.

## Experience

Below is a list of some (but not all) of our current customers for reference. Additional client information can be provided by request.

Agency	Estimated Population	Year Adopted Gridics
City of Miami, FL	500,000	2017
Town of Cary, NC	120,000	2022
City of Fort Lauderdale, FL	200,000	2017
City of North Miami, FL	60,000	2018
City of Miami Beach, FL	100,000	2019
Cupertino, CA	70,000	2022
Placer County, CA	400,000	2020
Rogers, AR	70,000	2020
Winter Haven, FL	40,000	2021
Hollywood, FL	150,000	2021

Proposed: 6/5/2023

RESOLUTION NO. 108-2023(PD), *Second Reading*

By Mayor Seren

A Resolution authorizing the Mayor to execute an agreement with Gridics LLC for the establishment and maintenance of a zoning parcel record data set for the Department of Planning and Development; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City's Planning Commission and Department of Planning and Development have been researching companies to create and maintain a software platform to provide public user access to zoning and other data regarding all parcels of property in the City; and

WHEREAS, after review of available options, the Planning Commission and Director of Planning and Development has recommended the retention of Gridics LLC to provide such services as outlined in its proposal dated May 23, 2022; and

WHEREAS, such services are professional services for which no bidding is necessary, and the proposed fees are reasonable and competitive.

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 Gridics LLC for the establishment and maintenance of a zoning parcel record data set for the Department of Planning and Development in accordance with Gridics' proposal dated May 23, 2022, a copy of which is on file with the Clerk of Council. The agreement shall be for a period of two years, and shall provide for total fees and expenses in an amount not to exceed the sum of Sixty-four Thousand Dollars (\$64,000.00). The 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. That it is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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

RESOLUTION NO. 108-2023(PD)

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 facilitate public access to zoning and other property data and increase efficiency of operations. 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.

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MELODY JOY HART  
President of the Council

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ADDIE BALESTER  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

Proposed: 5/15/2023

ORDINANCE NO. 98-2023(PSH), *Second Reading, As Amended*

By Mayor Seren

An Ordinance amending Chapter 522, "Lead Hazards," of Part Five, General Offenses Code; Chapter 1347, "Certificate of Occupancy," of Part Thirteen, Building Code; and Section 1345.99, "Penalty," of Chapter 1345, "Enforcement and Penalty," of Part Thirteen, Building Code; of the Codified Ordinances of the City of Cleveland Heights.

WHEREAS, lead poisoning is a serious threat to the health of children which can cause learning disabilities, language delays, hearing problems, and behavioral problems; and

WHEREAS, children living in residential rental units built before 1978 are disproportionately at risk for unsafe levels of lead exposure from lead-based-paint hazards; and

WHEREAS, this Council has determined that requiring all residential rental units constructed before January 1, 1978 to have lead-safe certification will help to decrease the occurrence of lead poisoning in in the children of Cleveland Heights;

WHEREAS, in 2022, this Council adopted regulations related to lead hazards to require rental units to be certified as lead-safe as a condition of obtaining a rental occupancy permit, and to authorize the Cleveland Heights Building Commission to administer and enforce this requirement (herein referred to as the "Lead-Safe Program"); and

WHEREAS, in order to allow for the timely and proper implementation of the Lead-Safe Program the original legislation needs to be amended.

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

SECTION 1. Chapter 522, "Lead Hazards," of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as set forth in Exhibit A hereto.

SECTION 2. Chapter 1347, "Certificate of Occupancy," of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights, shall be and hereby is amended to read as set forth in Exhibit B hereto.

SECTION 3. Section 1345.99, "Penalty" of Chapter 1345, "Enforcement and Penalty", of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

1345.99 PENALTY

(a) A violation of Section [1351.14](#), [1347.02](#), [1347.04](#)(a) or (b), [1347.05](#)(a) or (b), 1347.07(a) or (b), or 1347.08(b) is hereby classified as a minor misdemeanor. Every day such violation occurs or continues shall constitute a separate offense

(b) Whoever violates any other provision of this Housing Code, except Sections 1351.33 or 1351.34, or as described in subsection (a) hereof, or any rule or regulation promulgated thereunder, or fails to comply therewith or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Building Commissioner or other City department heads or their representatives at a reasonable hour, or whoever interferes with, obstructs or hinders the Building Commissioner or his authorized representatives while attempting to make inspections, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six (6) months, or both. Each day such violation occurs or continues shall constitute a separate offense.

SECTION 4. Current Chapters 522 and 1347, and current Section 1345.99, as they existed prior to the effective date of this Ordinance, shall be and are hereby repealed.

SECTION 5. 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 6. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

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MELODY JOY HART  
President of Council

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ADDIE BALESTER  
Clerk of Council

ORDINANCE NO. 98-2023(PSH)

PASSED:

Presented to Mayor: \_\_\_\_\_ Approved by Mayor: \_\_\_\_\_

\_\_\_\_\_  
KAHLIL SEREN  
Mayor

## EXHIBIT A

### CHAPTER 522

#### Lead Hazards

##### 522.01 Definitions

##### 522.02 Lead Hazards Are A Nuisance

##### 522.03 Prohibitions

##### 522.04 Lead Abatement and Lead Hazard Control

##### 522.05 Disclosures in Sale or Lease of Target Housing Regarding Lead Hazards

##### 522.06 Residential Property Renovation; Paint Outlet Information Rule

##### 522.07 Notice Requirements

##### 522.08 Enforcement

##### 522.99 Penalties

##### 522.01 Definitions

As used in this chapter:

(a) "Clearance examination" means an examination, performed by a clearance technician, lead inspector, or lead risk assessor, to determine whether lead hazards in a residential unit, child day-care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection and analysis of environmental samples.

(b) "Clearance technician" means a person, other than a licensed lead inspector or lead risk assessor, who is licensed under RC Chapter 3742 to perform a clearance examination.

(c) "Commissioner" means the Cleveland Heights Building Commissioner unless otherwise specified.

(d) "Division" means the Division of Building and Inspectional Services in the Department of Public Safety unless otherwise specified.

(e) "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.

(f) "Landlord" has the same meaning as in division (e) of Section 1347.01.

(g) "Lead Abatement" means a measure or a set of measures, designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

- (1) Removal of lead-based paint and lead- contaminated dust;
- (2) Permanent enclosure or encapsulation of lead-based paint;
- (3) Replacement of surfaces or fixtures painted with lead-based paint;
- (4) Removal or permanent covering of lead- contaminated soil;
- (5) Preparation, cleanup, and disposal activities associated with lead abatement.

"Lead abatement" does not include any of the following:

## EXHIBIT A

(1) Residential rental unit lead-safe maintenance practices performed pursuant to RC 3742.41 and 3742.42;

(2) Implementation of interim controls;

(3) Activities performed by a property owner on a residential unit to which both of the following apply:

A. It is a freestanding single-family home used as the property owner's private residence;

B. No child under six (6) years of age who has lead poisoning resides in the unit.

(4) Renovation, remodeling, landscaping or other activities, when the activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Abatement does not include operations and maintenance activities or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards. This definition shall not be interpreted to exempt any person from any requirement under State or federal law regarding lead abatement, including lead hazard control orders or requirements for full abatement of lead-based paint in certain federally-funded projects.

(h) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in Rule 3701-32-19 of the Ohio Administrative Code (OAC) as it may be hereafter amended.

(i) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as set forth in OAC Rule 3701-32-19. Lead hazard includes lead-based paint, lead-contaminated dust, lead-contaminated soil and lead-contaminated water pipes.

(j) "Lead hazard control" means measures taken to reduce or eliminate a lead hazard, which includes, but is not limited to, lead abatement, interim controls, or both, as appropriate.

(j)(k) "Lead-Safe Auditor" means an employee of the City of Cleveland Heights, contracted service, or coalition hired or retained by the City to assist in the administration of the City's lead-safe certification process.

(k)(l) "Lead Poisoning" means a confirmed venous blood lead test level of lead in human blood of five micrograms per deciliter or greater.

(l)(m) "Permanent" means an expected design life of at least twenty (20) years.

(m)(n) "Rental agreement" has the same meaning described in division (m) of Section 1347.01 of the Codified Ordinances.

(n)(o) "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age six (6) years or under resides or is expected to reside in such housing) or any zero (0) bedroom dwelling.

(o)(p) "Tenant" has the meaning described in division (o) of Section 1347.01 of the Codified Ordinances.

(p)(q) "Zero (0) bedroom dwelling" means any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings.

### 522.02 Lead Hazards Are A Nuisance

## EXHIBIT A

- (a) This Council finds that lead hazards constitute a nuisance.

## EXHIBIT A

(b) The Commissioner may determine that a nuisance is required to be immediately controlled under this section if, in the Commissioner's opinion, failure to immediately control the hazard may cause a serious risk to the health of the occupants of the property. In such a case, the Commissioner may require the owner or manager of the property to immediately control the nuisance or the Commissioner may, by his or her authorized representative, immediately control such nuisance.

### 522.03 Prohibitions

(a) No person shall do any of the following:

(1) Violate any provision of RC Chapter 3742, as may be applicable, or the rules adopted pursuant to it;

(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child day-care facility, or school, unless the Ohio director of health has determined by rule under RC 3742.45 that no suitable substitute exists;

(3) Interfere with an investigation conducted in accordance with this chapter or RC 3742.35 or by the Commissioner or the Commissioner's designee, any lead inspector or risk assessor.

(b) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child day-care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under RC 3742.05.

(c) No person shall do any of the following when a residential unit, child day-care facility, or school is involved:

(1) Perform a lead inspection without a valid lead inspector license issued under RC 3742.05;

(2) Perform a lead risk assessment without a valid lead risk assessor license issued under RC 3742.05, or provide professional advice regarding lead abatement without a valid lead risk assessor, lead abatement contractor, or lead abatement project designer license issued under RC 3742.05;

(3) Act as a lead abatement contractor without a valid lead abatement contractor's license issued under RC 3742.05;

(4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under RC 3742.05;

(5) Perform lead abatement without a valid lead abatement worker license issued under RC 3742.05;

(6) Perform a clearance examination without a valid clearance technician license issued under RC 3742.05, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;

(7) Perform lead training for the licensing purposes of RC Chapter 3742 without a valid approval from the director of health under RC 3742.08.

(8) Perform interim controls without complying with 24 C.F.R. Part 35.

(9) Perform lead-safe maintenance practices without complying with RC 3742.41 and 3742.42.

## EXHIBIT A

(d) No person shall manufacture, sell or hold for sale toys and other articles intended for use by children as defined in 16 C.F.R. 1303.2, or furniture as defined in 16 C.F.R. 1303.2, that bears paint containing lead in excess of 0.009 percent by weight of the total nonvolatile content of the paint or the weight of the dried paint film.

(e) No person shall sell or lease target housing in the City unless the owner, lessor, or agent of the target housing meets all applicable requirements of Section 522.06 regarding disclosures of lead hazards.

(f) No person renovating target housing in the City shall fail to comply with Section 522.07.

(g) No owner or manager of a retail or wholesale outlet of paint and paint-removal products shall violate division (b) of Section 522.07 by failing to provide an EPA-approved lead hazard information pamphlet.

(h) All power-assisted methods of lead-based paint removal are hereby prohibited, unless the standards and methods set forth in OAC Chapters 3701-30 or 3701-32, as applicable, are followed. Open flame burning is prohibited under any circumstances.

### 522.04 Lead Abatement and Lead Hazard Control

(a) The Commissioner is authorized to issue a stop work or ceaseand desist order to any person performing work in violation of RC Chapter 3742 or this chapter.

(b) No person shall fail to immediately stop lead abatement or control activities when ordered to do so under division (a) of this section. No person shall resume lead abatement or control activities except in conformance with all applicable standards and methods prescribed in RC Chapter 3742.

### 522.05 Disclosures in Sale or Lease of Target Housing Regarding Lead Hazards

(a) Disclosure in Purchase or Lease of Target Housing.

(1) A seller or lessor of target housing must disclose information concerning lead upon the transfer of any target housing pursuant to the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4852d, and shall adhere to all rules and regulations promulgated under the Act, as may be amended from time to time. Before a purchaser or tenant is obligated under a contract to purchase target housing or a rental agreement to lease target housing, the seller or lessor shall perform the activities and provide the disclosures described in this section:

A. Provide the purchaser or tenant with an EPA-approved lead hazard information pamphlet;

B. Disclose to the purchaser in writing in the sales contract, or to the tenant, in writing in the rental agreement: (i) the presence of any known lead-based paint, or any known lead-based paint hazards, in the housing; (ii) any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces; and (iii) whether the property or unit is under a lead hazard control order;

C. Disclose to the tenant a copy of the most recent clearance examination or lead risk assessment and, if applicable, the lead-safe certification;

## EXHIBIT A

D. Provide to the purchaser or tenant any records or reports (including notices or letters of violation) available pertaining to lead-based paint or lead-based paint hazards in the target housing, including regarding common areas, and regarding other residential dwellings in multi-family target housing, provided that the information is part of an evaluation or reduction of lead-based paint and/or lead-based paint hazards in the target housing;

E. Permit the purchaser a ten (10) day period (unless the parties mutually agree in writing to a different period of time or to waive this requirement) to conduct a lead risk assessment or lead inspection for the presence of lead-based paint and/or lead-based paint hazards;

F. Include in the sale or rental agreement the Lead Warning Statement prescribed in 40 C.F.R. 745.113;

G. Include in the sale or rental agreement acknowledgments that the pamphlet, disclosures, ten (10) day period (if required) and warning required were provided.

(2) Discovery of Lead Hazards or Presumed Lead Hazards. If the owner of a residential unit learns of the presence of lead-based paint and/or lead-based paint hazards the owner shall notify each tenant of the presence of lead-based paint and/or lead-based paint hazards within ten (10) days of discovering its presence. In addition, the owner shall notify prospective tenants of presumed lead-based paint and shall provide each tenant with a Lead Warning Statement and the lead hazard information pamphlet, as prescribed by 42 U.S.C. 4852d(3) Compliance Assurance. Whenever a seller or lessor has entered into a contract with an agent for the purpose of selling or leasing a unit of target housing, the agent, on behalf of the seller or lessor, shall ensure compliance with the requirements of this section and 40 C.F.R. 745 Subpart F; . An agent means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. The term "agent" does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser. For the purposes of this subsection "ensure compliance" shall have the same meaning as provided in §745.115(a) of Subpart F of 40 CFR Part 745, and an agent who has fulfilled such responsibilities shall not be liable for the failure to disclose to a purchaser or lessee the presence of lead-based paint and/or lead based paint hazards known by a seller or lessor but not disclosed to the agent.

### (b) Penalties for Violations.

(1) Criminal Penalty. Any person who knowingly fails to comply with any provision of this section shall be subject to the penalties provided in Section 522.99.

(2) The Commissioner is authorized to take lawful action as may be necessary to enforce this section or to enjoin any violation of it.

(3) Civil Liability. Any person who violates any provision of this section will be jointly and severally liable to the purchaser or lessee in an amount equal to one (1) month's rent or one (1) month's mortgage payment.

(4) In any action brought for damages under this section, the appropriate court may award court costs to the party commencing the action, together with reasonable attorney fees and any expert witness fees, if that party prevails.

(5) A non-profit environmental health or housing rights organization is authorized to bring an action under division (b)(3) of this section on behalf of an aggrieved individual or individual(s) for violations of this section. Such organization may recover its costs under the remedies provided in divisions (b)(3) and (b)(4) of this section if the organization demonstrates that it has exerted organizational resources, including staff time, to

## EXHIBIT A

investigate the alleged non-compliance with this section.

(c) **Validity of Contracts and Liens.** Nothing in this section may affect the validity or enforceability of any sale or contract for the purchase and sale or lease of any interest in residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with a mortgage loan, nor may anything in this section create a defect in title.

### 522.06 Residential Property Renovation; Paint Outlet Information Rule

(a) All renovations, repair and painting performed for compensation in target housing shall be performed in compliance with 40 C.F.R. Part 745, Subpart E, Residential Property Renovation, as may be amended from time to time. Any person performing renovations, repair and painting shall provide to occupants of the residential property a renovation-specific pamphlet as required under 40 C.F.R. 745.81.

(b) All retail and wholesale outlets of paint and paint removal products shall distribute an EPA-approved lead hazard information pamphlet to each purchaser of paint and paint removal products.

### 522.07 Notice Requirements

(a) For any lead abatement, interim controls, lead-safe maintenance practices or lead-safe renovation work in a residential unit, child day-care facility or school, the owner shall provide seven (7) days advance written notice to all occupants of residential structures, or all parents, students, teachers, and staff of child day-care facilities or schools from which lead-based paint is to be removed, and to all occupants of residential structures which are within thirty (30) feet of the residential structure, child day-care facility or school from which the lead-based paint is to be removed. The notice shall be as prescribed by the Commissioner and shall include, at a minimum, the address at which the lead-based paint will be removed, the date of commencement of the lead-based paint removal, the anticipated length of time to complete the removal, and the method by which the lead-based paint will be removed. The notice shall include a copy of an EPA-approved lead hazard information pamphlet.

(b) The notice required under this section does not relieve any person from compliance with any other notice requirements under state or federal law, including when notice is required by a hazard control order.

### 522.08 Enforcement

(a) Whenever the Commissioner or a designee determines upon information, or by observation or inspection, that any provision of this chapter is being or has been violated, the official may issue a notice of violation to the owner, manager, or person in charge to correct the violation. If the violation constitutes a nuisance that, in the determination of the Commissioner or designee, may endanger the health or safety of any person, the notice of violation shall order the immediate abatement of the nuisance.

(b) In addition to any penalty for a violation of this chapter, the Commissioner or a designee may use any and all remedies in this Code, including Chapter 553, to prevent, terminate, or abate the nuisance, or to otherwise take action to control the nuisance, the costs and expense of which may be recovered as provided in RC 715.261, including

## EXHIBIT A

certifying the costs and expense to the County Auditor, to be placed on the property as a lien to be collected as other taxes and returned to the City.

(c) In addition to any penalty for a violation of this chapter, the Commissioner or a designee may control such nuisance. The costs and expense of controlling the nuisance by the Commissioner or designee under this chapter may be recovered as provided in RC 715.261, including certifying the costs and expense to the County Auditor, to be placed on the property as a lien to be collected as other taxes and returned to the City.

(d) The authority described in division (c) to control such nuisance includes the authority to order the owner or manager to relocate the occupants of a residential unit, day-care facility, or school, until the property passes a clearance examination, if the Commissioner determines that the health of the occupants may be at risk during the lead hazard control work. The Commissioner may relocate the occupants until the residential unit, child day-care facility, or school passes a clearance examination. The costs and expense of the relocation may be recovered by certifying those costs to the County Auditor, to be placed on the property as a lien to be collected as other taxes and returned to the City.

(e) In the event of an actual or threatened violation of this chapter, or in an emergency situation, the Director of Law, in addition to other remedies provided by law, may institute a proper suit in equity or at law to prevent, terminate or otherwise remedy the violation.

(f) In addition to all other penalties and remedies provided by law, any person damaged by a nuisance caused by a violation of this chapter may institute a proper action in equity or at law to prevent, terminate or otherwise remedy the violation.

(g) The City has enacted and enforces the provisions of this chapter to promote and preserve the public peace, health, safety and welfare. The City does not assume, nor does it impose on its officers and employees, an obligation the breach of which causes it to be liable in money damages to any person who claims that such breach proximately caused injury. In addition, nothing in this chapter may be interpreted to limit the City's statutory immunity under RC Chapter 2744.

### 522.99 Penalties

(a) Whoever violates division (f) of Section 522.03 is guilty of a minor misdemeanor.

(b) Whoever violates any provision of Chapter 522 for which no other penalty is provided or rule or regulation or order under this chapter is guilty of a misdemeanor of the first degree. Except for a violation of division (f) of Section 522.03, each day during which noncompliance or a violation continues shall constitute a separate offense.

(c) As provided by RC 2901.23 and 2929.31, organizations convicted of an offense are guilty of a misdemeanor of the first degree.

**EDITOR'S NOTE: See Section 501.99 for misdemeanor classifications and penalties.**

## EXHIBIT B

### CHAPTER 1347

#### Certificate of Occupancy and Lead-Safe Certification

##### 1347.01 Definitions.

##### 1347.02 Certificate of occupancy required.

##### 1347.03 Certificate issuance, contents, term and revocation.1347.0

##### Failure to apply for certificate; renewals.

##### 1347.05 Posting and availability of certificate.

##### 1347.06 Fees for original certificate.

##### 1347.07 Changes; new certificate of occupancy; fees.

##### 1347.08 Lead-safe certification required for residential rental units built before January 1, 1978

##### 1347.09 INTERNAL REVIEW

##### 1347.10 IMPACT OF LEAD-SAFE CERTIFICATION REQUIREMENT

##### 1347.11 LEAD-SAFE ADVISORY BOARD

##### 1347.12 RECORDS KEPT BY DEPARTMENT

##### 1347.13 INSPECTIONS, RIGHT OF ENTRY

### CROSS REFERENCES

Certificate of compliance required - see BLDG. 1311.02

### 1347.01 DEFINITIONS

For purposes of this chapter:

(a) "Clearance examination" means an examination, performed by a clearance technician, lead inspector, or lead risk assessor, to determine whether lead hazards in a residential unit have been sufficiently controlled. A clearance examination includes a visual assessment, collection and analysis of environmental samples.

(b) "Clearance technician" means a person, other than a licensed lead inspector or lead risk assessor, who is licensed under RC Chapter 3742 to perform a clearance examination.

2

(c) "Lead-safe certification" means that the owner of a residential rental unit built before January 1, 1978 has provided to the Building Commissioner a clearance examination report or lead risk assessment that indicates that lead hazards are not identified in the unit. A lead-safe certification is valid for two (2) years from the date of the certification.

(d) "Building Commissioner" means the Building Commissioner or designee.

(e) "Landlord" means the owner, lessor, or sublessor of residential premises, his or her agent, or any person authorized by him or her to manage the premises or to receive rent from a tenant under a rental agreement.

(f) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in Rule 3701-32-19 of the Ohio Administrative Code (OAC) as it may be hereafter amended.

(g) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as set forth in OAC Rule 3701-32-19. Lead hazard includes lead-based

## EXHIBIT B

paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.  
(h) "Lead inspector" means any person licensed under Chapter 3742 to conduct a lead  
inspection, provide professional advice regarding a lead inspection, or prepare a report  
explaining the results of a lead inspection.

~~(a)~~

~~(j)(i)~~ "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit including information gathering from the unit, current owner's knowledge regarding the age and painting history of the unit, and occupancy by children under six (6) years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

~~(k)(i)~~ "Lead risk assessor" means a person licensed under RC Chapter 3742 who is responsible for developing a written inspection, risk assessment and analysis plan; conducting inspections for lead hazards in a residential unit; interpreting results of inspections or risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.

(k) "Lead-safe Auditor" means an employee of the City of Cleveland Heights, contracted service, or coalition hired or retained by the City to assist in the administration of the City's lead-safe certification program.

(l) "Owner" means the person, partnership or corporation that holds title to the residential rental unit.

(m) "Permanent" means an expected design life of at least twenty (20) years.

(n) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one (1) of the parties.

(o) "Residential rental unit" means any part of a building being used, designed or intended to be used as an individual's private residence, including a unit occupied by one (1) or more persons regardless of whether the occupant pays rent or provides anything else of value to the titled owner in consideration for occupying the structure. A residential rental unit does not include a unit occupied by the titled owner.

(p) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

#### 1347.02 CERTIFICATE OF OCCUPANCY REQUIRED.

On and after January 1, 1963, no owner, agent or person in charge of any dwelling structure used or designed, or intended to be used, as a two (2) family dwelling, double house or multiple dwelling, and after January 1, 1984, no owner, agent or person in charge of any dwelling structure used or designed or intended to be used as a single-family dwelling shall rent or lease such structure for residential occupancy unless the owner thereof holds a certificate of occupancy issued by the Building Commissioner for such structure, which certificate has not expired, been revoked or otherwise become null and void.

## 1347.03 CERTIFICATE ISSUANCE, CONTENTS, TERM AND REVOCATION.

Application for a certificate of occupancy required by the provisions of this Housing Code shall be made annually by supplying necessary information to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Commissioner. Such information shall include, but need not be limited to, the name, address-telephone number, and email address of the owner of the property, the name, address telephone number, and email address of the agent or person in charge of the property, the address of the property, the number of dwelling units contained in the dwelling structure, and a list of the persons living in each dwelling unit along with their telephone number, email address and the relationship of each person living in such unit. Should any of the required information change during the period for which a certificate is issued, such changes shall be conveyed to the Building Commissioner within thirty (30) days to allow for up- dating of records.

(a) The Building Commissioner may require the submission of a certificate of occupancy stating such information, and he may cause a general inspection of the structure or premises to be made; provided, however, that in the case of a double house or two (2) family house which has all of the separate units occupied by tenants in common, joint tenants, or other co-owners, the Commissioner shall not cause a general interior inspection of the structure other than upon request, complaint or under emergency situations. And further provided that, in situations where one (1) unit of such double house or two (2) family house is owner-occupied, with the remaining unit occupied by those persons identified by Section 1341.15(b) and (c), the Commissioner shall not cause a general interior inspection other than upon request, complaint or under emergency situations.

(b) If a building or other structure is found in compliance with the provisions of this Housing Code, and all other laws, ordinances, rules and regulations applicable thereto, the Building Commissioner shall issue a certificate of occupancy for such building or structure, which shall contain the following information:

(1) The street address or other identifying characteristics of the building or other structure.

(2) The name, address, telephone number, and email address of the owner and, if the owner does not reside on the premises, the name, address, telephone number, and email address of the resident agent in charge of the building or structure, and the name, address, telephone number, and email address of the nonresident agent, if any.

(3) **The exact nature and extent of the use or occupancy authorized.**

(4) The period for which such certificate of occupancy is issued.

(5) The lead-safe certification status, if applicable

Such certificate shall not be valid beyond December 31 of the calendar year in which the certificate is issued.

(c) The Building Commissioner shall have the power to revoke a certificate of occupancy if any false statement is made by the applicant in connection with the issuance of such certificate; for noncompliance of a structure or its use with the requirements of the Housing Code; if the owner, agent or person in charge of a structure refuses to comply with any applicable provisions of this Housing Code; or if the structure is being maintained or

## EXHIBIT B

used in such a manner as to constitute a public nuisance. In the event the Building Commissioner determines to revoke a certificate of occupancy for the reason that the structure is being maintained in such a manner as to constitute a public nuisance, the owner of said structure shall have the right to appeal the revocation to the Nuisance Abatement Board of Appeals pursuant to Section 553.08 of the Codified Ordinances and the Notice of Revocation shall advise the owner of the right of appeal.

(d) An owner of a residential rental unit shall give notification of a change in the name, address, telephone number, and/or email address of a corporation, partnership or person listed on a certificate of occupancy to the Building Commissioner within fourteen (14) days after the change occurs. If the owner fails to give written notification as required in this section, the Building Commissioner may revoke the certificate of occupancy until the owner provides in writing the changed name, address, telephone number, and/or email address.

In addition to revocation of the certificate of rental registration, whoever violates this division (e) shall be fined not more than two hundred dollars (\$200.00). Each three (3) month period during which the violation continues is a separate offense.

(f) Notwithstanding any other provisions of this Chapter, no certificate of occupancy shall be issued by the Building Commissioner for any structure used or intended to be used for residential occupancy located on a parcel which:

(1) Has a certified delinquent property tax balance or other unpaid liens that appear on the Cuyahoga County Real Property Tax duplicate unless the property owner, agent, or person in charge of such structure provides documentation of being on a Delinquent Payment Plan in good standing with the Cuyahoga County Treasury; or

(2) Has an unpaid balance for nuisance abatement costs imposed by the City pursuant to Subsection 553.10(e) that has not been placed on the Cuyahoga County Real Property Tax duplicate.

If such structure as described above is determined by the Building Commissioner to be occupied by a tenant, the Building Commissioner shall provide notice to such tenant of the rejection of application for the issuance or renewal of a certificate of occupancy. Notice shall be by mail, hand delivery, or posting on the structure. Notwithstanding the requirement of notice provided herein, failure of the Building Commissioner to notify a tenant shall not preclude the enforcement of any provision of this Chapter.

### 1347.04 FAILURE TO APPLY FOR CERTIFICATE; RENEWALS.

(a) The owner of a dwelling structure which subsequently is completed and becomes available for occupancy shall apply for such certificate as soon as practicable, but in no event shall the structure be occupied in whole or in part until such certificate of occupancy has been issued. Failure to so apply shall be deemed to be a violation of this Housing Code and shall subject the owner of the structure to the legal action and penalty prescribed herein.

(b) For each twelve (12) month period beginning January 1, 1995, and for each year thereafter, the owner of a dwelling structure requiring a certificate of occupancy shall

## EXHIBIT B

apply for such certificate on or before December 15 of the year immediately preceding the year in which the certificate is to be issued.

### 1347.05 POSTING AND AVAILABILITY OF CERTIFICATE.

(a) The owner, agent or person in charge of every multiple dwelling structure shall cause a certificate of occupancy to be posted conspicuously at all times at the main entrance of such structure. The certificate shall be provided with a protective covering and shall be securely affixed to the wall.

(b) The owner or owner's agent of a dwelling structure, other than a multiple dwelling structure, requiring a certificate of occupancy, shall have such certificate available on the licensed premises, or otherwise readily available, for exhibition to the Building Commissioner or other authorized City personnel.

### 1347.06 FEES FOR ORIGINAL CERTIFICATE.

(a) An application for a certificate of occupancy for any residential property in the City shall be accompanied by a fee of two hundred dollars (\$200.00) for the first dwelling unit in a building plus fifty dollars (\$50.00) for the second dwelling unit in the building and twenty-five dollars (\$25.00) for each additional dwelling unit in the building. The fee for a newly-rented residential property issued after June 30 of any year for the remainder of the calendar year shall be one hundred dollars (\$100.00) for the first dwelling unit in a building, twenty-five dollars (\$25.00) for the second dwelling unit in the building and twelve dollars and fifty cents (\$12.50) for each additional unit in the building. The fee for any one building shall not exceed the sum of one thousand two hundred twenty-five dollars (\$1,225.00) per year. All fees for certificates of occupancy shall be nonrefundable. (Ord. 201-2013. Passed 12-16-13.)

(b) Any renewal application received after January 1 of any year shall incur a late fee of twenty-five dollars (\$25.00) per month for each month or portion thereof that the application and/or fee is delinquent.

### 1347.07 CHANGES; NEW CERTIFICATE OF OCCUPANCY; FEES.

(a) If there is a change in the resident agent or nonresident agent as shown by the certificate of occupancy, the owner shall notify the Building Commissioner in writing within thirty (30) days of such change, giving the name and address of the new resident agent or nonresident agent. Failure to notify the Building Commissioner within the specified time shall constitute a violation of this Housing Code.

(b) If there is a change in ownership of record, the certificate of occupancy issued under the provisions of this Housing Code to the former owner shall become null and void within thirty (30) days of the recorded date of such change of ownership, and a new certificate of occupancy must be obtained by the new owner. Application for such new certificate of occupancy shall be made not more than thirty (30) days after such change of ownership

## EXHIBIT B

has occurred, on forms supplied by the Building Commissioner. A fee of fifty dollars (\$50.00) shall be paid upon application for each new certificate. A new certificate shall expire on the same date as that of the certificate which it replaces.

(c) Any change in the nature or extent of the use or occupancy as specified on the certificate of occupancy shall render the certificate of occupancy null and void upon the happening of such change. No such change is permissible under this Housing Code unless such change has been approved by the proper City authorities pursuant to this Housing Code, and unless a new certificate of occupancy, incorporating such change, has been issued. Any such change, without the approval of the proper City authorities, will subject the owner, operator or agent to the penalty provided in Section 1345.99.

(d) A fee of two dollars (\$2.00) shall be paid upon application for each such new certificate. If such change involves the addition of any dwelling units to the number of dwelling units previously authorized, an additional five dollars (\$5.00) shall be charged for each such additional dwelling unit, regardless of the date authorized. Such new certificate shall expire on the same date as that of the certificate which it replaces.

### 1347.08 LEAD-SAFE CERTIFICATION REQUIRED FOR RESIDENTIAL RENTAL UNITS BUILT BEFORE JANUARY 1, 1978

(a) *Presumption and Policy.* Any residential rental unit originally constructed prior to January 1, 1978 is presumed to have lead-based paint. It is the policy of the City to help prevent the poisoning of children by requiring that the presence of deteriorated lead-based paint on the interior and exterior of residential rental structures built before January 1, 1978 be identified and be correctly addressed by reducing and controlling lead-based paint hazards which may be present, in order to prevent human exposure to these hazards. Therefore, it is the further policy of the City to require all residential rental units in the City constructed prior to January 1, 1978 to have lead-safe certification no later than July 1, ~~2024~~2029.

(b) *Lead-Safe Certification.* Beginning July 1, 202~~34~~<sup>4</sup>, all residential rental units constructed before January 1, 1978 shall have lead-safe certification from the Building Commissioner according to a schedule established by the Building Commissioner, but in no case later than July 1, 202~~4~~<sup>9</sup>.

A lead-safe certification is valid for ~~two~~three (23) years from the date of issuance and will transfer to any subsequent purchaser within the ~~three~~two (32) year period. ~~No earlier than thirty (30) days prior to expiration, an owner shall re-apply for a lead-safe certification by providing the necessary documentation as set forth in this section.~~

(1) To obtain a lead-safe certification, an owner of a residential rental unit constructed prior to January 1, 1978 shall provide to the Building Commissioner a copy of a clearance examination report or lead risk assessment, completed pursuant to applicable Ohio laws and rules, within ninety (90) days prior to the date of submission evidencing that lead hazards were not identified in the unit.

(2) For a structure constructed prior to January 1, 1978 that contains five (5) or more residential rental units to obtain a lead-safe certification, an owner shall provide to the

## EXHIBIT B

Building Commissioner a copy of a report, completed pursuant to applicable law within ninety (90) days prior to the date of submission, that lead hazards were not identified in the minimum number of units tested relative to the total number of units in the structure, according to Federal HUD Guidelines, 2012 edition, as may be amended from time to time.

(3) Clearance examination reports or lead risk assessments conducted after January 1, 2023 shall be considered valid for consideration for lead-safe certification by the Building Commissioner.

(c) *Exemption.* To be exempt from the lead-safe certification requirement set forth in this section, the owner of a residential rental unit originally constructed prior to January 1, 1978 shall submit a copy of a comprehensive lead risk assessment and paint inspection report, issued by a lead risk assessor verifying that the unit has been abated of lead hazards in accordance with 40 CFR 745.227 and applicable state law. The report shall have been completed within twenty (20) years prior to the date of submission to the Building Commissioner.

### 1347.09 INTERNAL REVIEW

The Building Commissioner, through ~~a designated~~ the Lead-Safe Auditor, shall monitor the City lead-safe certification process to ensure efficiency and effectiveness. The Lead-Safe Auditor shall perform such other tasks as required by the Building Commissioner, including maintaining a list of certified inspectors and contractors and coordinating regular monitoring and reporting with the Lead-Safe Advisory Board and other appropriate entities.

### 1347.10 IMPACT OF LEAD-SAFE CERTIFICATION REQUIREMENT

Within one (1) year after implementation and yearly thereafter, the City shall review the impacts of the lead-safe certification requirement to determine if tenants have been unduly displaced and to identify any other negative unintended consequences that may have occurred due to implementation of the lead-safe certification requirement. If negative impacts are occurring or have occurred, the City will re-evaluate the program and work toward eliminating any negative impacts.

### 1347.11 LEAD-SAFE ADVISORY BOARD; RESPONSIBILITIES

(a) There is hereby established a Lead-Safe Advisory Board to consist of seven (7) members: the Mayor or their designee, and a member of Council appointed by Council (Ex Officio Members); and five (5) members appointed by the Mayor with approval of Council (Appointed Members). Of the Appointed Members, at least one (1) shall be a Tenant of a Residential Rental Unit within the City, and at least one (1) shall be a Landlord of a Residential Rental Unit within the City. Of the original Appointed Members, two (2) shall be appointed for terms of two (2) years and three (3) shall be appointed for terms of three (3) years. Thereafter, the terms shall be four (4) years. None of the Appointed Members shall be current employees of the City. The Lead-Safe Advisory Board shall meet as often as a majority of its members deems necessary, but at least quarterly in each calendar year. The Board shall establish its own rules.

(b) The responsibilities of the Lead-Safe Advisory Board shall be as follows: to provide recommendations for improvements to the City's lead-safe policies and procedures; to report, on a quarterly basis, progress and status of the City's Lead-

## EXHIBIT B

Safe Certification requirement and other lead poisoning prevention related efforts to the Council.

### 1347.12 RECORDS KEPT BY DEPARTMENT

Copies of all applications, certificates of occupancy, and documents submitted for lead-safe certification are a public record and shall be kept on file by the Building Commissioner as required by applicable law.

### 1347.13 INSPECTIONS; RIGHT OF ENTRY

(a) All residential rental units shall be subject to inspection for the purpose of determining compliance with the provisions of this Housing Code, Chapter 521, and all other applicable laws, ordinances, rules and regulations. Inspections shall be conducted in accordance with the residential rental unit inspection schedule established by the Building Commissioner, or as may be necessary in the Building Commissioner's discretion pursuant to specific complaint received under this Code.

(b) The Building Commissioner and the Building Commissioner's duly authorized agents or inspectors may enter at reasonable times any residential rental unit registered under this Chapter in accordance with the right of entry defined in Chapter 1345.

Proposed 6/20/2023

RESOLUTION NO. 112-2023(CRR), *First Reading*

By Mayor Seren

A Resolution proclaiming July 2023 to be National Parks and Recreation Month in the City of Cleveland Heights; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the City of Cleveland Heights; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of Cleveland Heights is honored to take part in the annual observance of National Parks and Recreation Month to distinguish Cleveland Heights as an attractive and desirable community to live, work, play, and visit.

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

RESOLUTION NO. 112-2023(CRR)

SECTION 1. This Council hereby proclaims July 2023 to be National Parks and Recreation Month in the City of Cleveland Heights and encourages residents to take advantage of the many opportunities to participate in parks and recreation programs and to enjoy the over 140 acres of parkland, multiuse paths, trails and playgrounds available throughout the City.

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 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 recognize National Parks and Recreation Month on a timely basis. Wherefore, provided it receives the 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

Proposed: 6/20/2023

RESOLUTION NO. 113-2023(COTW), *First Reading*

By: Council President Melody Joy Hart

A Resolution proclaiming July, 2023 to be a month of recess for City Council and cancelling the July 3, 2023 and July 17, 2023 regular council meetings of the City Council of the City of Cleveland Heights, Ohio; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the Council of the City of Cleveland Heights, Ohio holds its regular meetings on the first and third Mondays of every month pursuant to Section 111.01 of the Codified Ordinances, which further authorizes Council to change its regular meeting schedule; and

WHEREAS, many city councils take a recess during one or more months of the year; and

WHEREAS, City Council has determined that cancellation of the regular meeting dates of July 3, 2023 and July 17, 2023 will not have an undue impact on the City's ability to do business during this time or on the City's residents; and

WHEREAS, City Council for many years has taken a summer recess from regular meetings during the month of July and this Council wishes to do so in 2023 as well; and

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

SECTION 1. The regular Council meetings of July 3, 2023 and July 17, 2023 are cancelled and Council is recessed during July 2023.

SECTION 2. It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

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

SECTION 4. 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 for the efficient operation of the City and public awareness of the schedule of Council's regular meetings. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall

RESOLUTION NO. 113-2023(COTW)

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