



June 22, 2023
Special Meeting
7:00 PM

Cleveland Heights City Hall
Executive Conference Room
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) Executive Session
 - a. To consider the compensation of a public employee(s).
 - b. To consider the appointment of a public official(s).

5) Amendments to the Agenda (if necessary)

6) Communications from the Mayor

7) **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. 114-2023(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 Mayor Seren

Move for Adoption

RESOLUTION NO. 115-2023(AS): First Reading. A Resolution confirming the Mayor's nomination and appointing Jonathan Ciesla 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 Mayor Seren

Move for Adoption

RESOLUTION NO. 116-2023(AS): First Reading. A Resolution appointing Graham Ball 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

Move for Adoption

RESOLUTION NO. 117-2023(AS): First Reading. A Resolution extending the deadline for the Charter Review Commission to provide a report and recommendations to Council, until December 31, 2023; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Vice President Cobb

Move for Adoption

b. Second Readings

RESOLUTION NO. 111-2023(PD): Second 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.

Move for Adoption

RESOLUTION NO. 104-2023(PSH), Second 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.

Move for Adoption

8) Adjournment

NEXT MEETING OF COUNCIL: AUGUST 7, 2023

Proposed: 6/22/2023

RESOLUTION NO. 114-2023(AS): *First Reading*

By Mayor Seren

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.

WHEREAS, Article XV of the Charter of the City of Cleveland Heights provides that at least once during each ten-year period, by ordinance or resolution, Council shall determine whether to appoint a Charter Review Commission; and

WHEREAS, Council last appointed a Charter Review Commission in 2017; and

WHEREAS, on December 16, 2022 City Council adopted Resolution No. 176-2022 establishing a Charter Review Commission and determining the number of members and method of appointment and charging said Commission; and

WHEREAS, pursuant to Resolution 176-2022 it is necessary for City Council to appoint six (6) electors of the City to the Charter Review Commission, and for the Mayor to nominate three (3) electors for Council's confirmation and appointment to the Charter Review Commission; and

WHEREAS, the Mayor has reviewed the applications submitted by electors interested in serving on the Charter Review Commission and has nominated Stephanie Morris for Council's confirmation and appointment to the Charter Review Commission.

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

SECTION 1. That the Council of the City of Cleveland Heights, Ohio confirms the Mayor's nomination of Stephanie Morris to the Charter Review Commission and hereby appoints Stephanie Morris to serve as a member of the Charter Review Commission being convened in 2023.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

RESOLUTION NO. 114-2023(AS)

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 appoint members to the Charter Review Commission in order that it can begin its work at the earliest possible time. 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

Proposed: 6/22/2023

RESOLUTION NO. 115-2023(AS): *First Reading*

By Mayor Seren

A Resolution confirming the Mayor's nomination and appointing Jonathan Ciesla 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.

WHEREAS, Article XV of the Charter of the City of Cleveland Heights provides that at least once during each ten-year period, by ordinance or resolution, Council shall determine whether to appoint a Charter Review Commission; and

WHEREAS, Council last appointed a Charter Review Commission in 2017; and

WHEREAS, on December 16, 2022 City Council adopted Resolution No. 176-2022 establishing a Charter Review Commission and determining the number of members and method of appointment and charging said Commission; and

WHEREAS, pursuant to Resolution 176-2022 it is necessary for City Council to appoint six (6) electors of the City to the Charter Review Commission, and for the Mayor to nominate three (3) electors for Council's confirmation and appointment to the Charter Review Commission; and

WHEREAS, the Mayor has reviewed the applications submitted by electors interested in serving on the Charter Review Commission and has nominated Jonathan Ciesla for Council's confirmation and appointment to the Charter Review Commission.

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

SECTION 1. That the Council of the City of Cleveland Heights, Ohio confirms the Mayor's nomination of Jonathan Ciesla to the Charter Review Commission and hereby appoints Jonathan Ciesla to serve as a member of the Charter Review Commission being convened in 2023.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

RESOLUTION NO. 115-2023(AS)

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 appoint members to the Charter Review Commission in order that it can begin its work at the earliest possible time. 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

Proposed: 6/22/2023

RESOLUTION NO. 116-2023(AS): *First Reading*

By Vice President Cobb

A Resolution appointing Graham Ball 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.

WHEREAS, Article XV of the Charter of the City of Cleveland Heights provides that at least once during each ten-year period, by ordinance or resolution, Council shall determine whether to appoint a Charter Review Commission; and

WHEREAS, Council last appointed a Charter Review Commission in 2017; and

WHEREAS, on December 16, 2022 City Council adopted Ordinance No. 176-2022 establishing a Charter Review Commission and determining the number of members and method of appointment and charging said Commission; and

WHEREAS, pursuant to Ordinance No. 176-2022 it is necessary for City Council to appoint six (6) electors of the City to the Charter Review Commission, and for the Mayor to nominate three (3) electors for Council's confirmation and appointment to the Charter Review Commission; and

WHEREAS, Council has reviewed and considered applications submitted by electors interested in serving on the Charter Review Commission and wishes to appoint Graham Ball to the Charter Review Commission at this time.

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

SECTION 1. That the Council of the City of Cleveland Heights, Ohio does hereby appoint Graham Ball to serve as a member of the Charter Review Commission which is being convened in 2023.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including 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.

RESOLUTION NO. 116-2023(AS)

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 appoint members to the Charter Review Commission in order that it can begin its work at the earliest possible time. 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

Proposed: 6/22/2023

RESOLUTION NO. 117-2023(AS), *First Reading*

By Council Vice President Cobb

A Resolution extending the deadline for the Charter Review Commission to provide a report and recommendations to Council, until December 31, 2023; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, on December 5, 2022, this Council adopted Resolution No. 176-2022, establishing a 9-member Charter Review Commission (CRC) and providing a deadline of June 30, 2023 for that Commission to provide to Council a report of its review and recommendations as to the City's Charter, subject to further action of Council extending the time for the CRC to provide its report and recommendations; and

WHEREAS, the CRC has not been fully constituted as of June 20, 2023, and this Council believes it would be in the best interest of the City and its residents to extend the time for the CRC to provide its report and recommendations to Council, and desires to do so.

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

SECTION 1. Notwithstanding any contrary language found in Section 2 of Resolution 176-2022, the current Charter Review Commission is charged with reviewing the City's Charter as described in Resolution 176-2022, and providing a report and recommendations for such amendments to the Charter, if any, as the CRC shall find to be in the best interests of the City, by December 31, 2023.

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 health, safety and welfare of the inhabitants of the City of Cleveland Heights, such emergency being the need to adjust the time for the Charter Review Commission to perform its work as soon as possible in order to avoid any interruptions in such work once commenced. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 117-2023(AS)

MELODY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor:

Approved:

KAHLIL SEREN
Mayor

Proposed: 6/20/2023

RESOLUTION NO. 111-2023(PD), *Second 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.

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Exhibit A: Aerial of Stramp Location



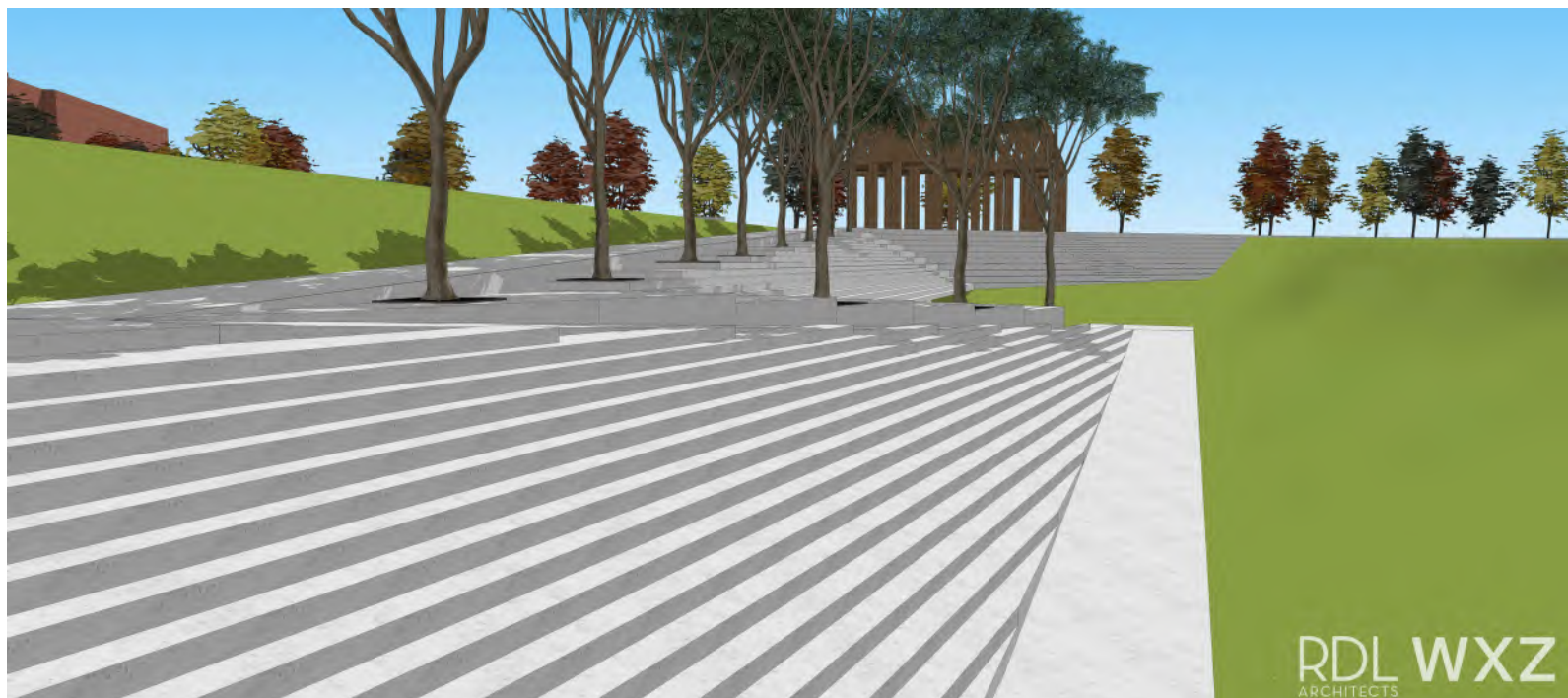
Exhibit B: Focused Aerial of Stramp Location



Proposed Stramp Location

Exhibit C: Cain Park Village Site Plan With Stramp Highlighted





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

info@wxzinc.com

Proposed: 06/20/2023

ORDINANCE NO. 104-2023(PSH), *Second Reading as Amended*

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 or in Cuyahoga County; 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 complaints 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 removed the reference to the \$100 registration fee in Section 1351.34(c) because it was duplicative of the \$100 registration fee set forth in Section 1369.16(c), which applied to an out-of-county owner of a "dwelling" structure under Section 1369.16(a); 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, since December 2020 the City of Cleveland Heights has continued to collect the \$100 registration fee from out-of-county property owners in the business of leasing dwelling structures in the City; 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 dwellingbusiness 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 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.

MELODY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor:

Approved:

KAHLIL SEREN
Mayor