



CLEVELAND HEIGHTS

COUNCIL UPDATE

August 11, 2021

MEETINGS & REMINDERS

Monday, August 16	6:30 p.m.	Council Committee of the Whole City Hall – Executive Conference Room
Monday, August 16	7:30 p.m.	City Council Meeting City Hall – Council Chambers
Tuesday, August 17	6:00 p.m.	Parks and Recreation Advisory Board Community Center
	7:00 p.m.	Architectural Board of Review City Hall – Council Chambers
	7:00 p.m.	Citizens Advisory Committee Public Hearing Community Center
Wednesday, August 18	7:00 p.m.	Board of Zoning Appeals City Hall – Council Chambers
Thursday, August 19	6:00-8:00 p.m.	Meet Your Police City Hall – Lower Level
	7:00 p.m.	Special Planning Commission City Hall – Council Chambers

LEGISLATION

- **3424 Beechwood Avenue Transfer.** An Ordinance adopting procedures for the transfer of 3424 Beechwood Avenue, received through the City of Cleveland Heights Land Reutilization Program, to FutureHeights, Inc.; declaring the property no longer needed for a public purpose

- **Taylor Tudor.** A Resolution authorizing the City Manager to enter into a Pass-Through Sale-Purchase Agreement with the Cuyahoga County Land Reutilization Corporation for the acquisition of certain real property;
- **Amato Homes.** A Resolution authorizing the City Manager to sign a non-binding Memorandum of Understanding with Amato Homes I, LLC for the redevelopment of vacant residential lots owned or controlled by the City with new single family homes
- **Opioid Settlement.** An Ordinance accepting the material terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understand and consistent with the terms of the July 21, 2021 National Opioid Settlement Agreement;
- **Transportation and Environmental Sustainability Committee.** An Ordinance repealing Chapter 150, “Transportation Advisory Committee,” of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 150, “Transportation and Environmental Sustainability Committee.”
- **Paid Parental and Childbirth Leave.** An Ordinance repealing Section 139.19 “Maternity Leave” of the Codified Ordinances of the City of Cleveland Heights and enacting a new Section 139.13 “Paid Parental and Childbirth Leave” to provide paid parental leave benefits for full-time, permanent employees
- **Appropriations.** An ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021
- **Severance Ring Road Improvement Refunding Bonds.** An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,725,000 for the purpose of refunding for debt charges savings certain of the City’s outstanding Severance Ring Road Improvement Refunding Bonds, Series 2014, dated July 2, 2014, which were issued for the purpose of refunding for debt charges savings certain of the City’s then-outstanding Severance Ring Road Improvement General Obligation Bonds, Series 2004, dated September 1, 2004, which were issued for the purpose of paying the property owners’ portion, in anticipation of the collection of special assessments heretofore levied, and the City’s portion of the cost of improving Ring Road, including its access roads to Mayfield and Taylor Roads, located as Severance Town Center and all appurtenances thereto, by reconstructing the roadway and installing sidewalks, curbs, water lines, storm sewers, traffic signals, retaining walls, lighting and streetscape, together with all appurtenances thereto,

- **Vision Zero.** A Resolution adopting and supporting the ideals, principles, and concepts of Vision Zero for the City of Cleveland Heights

CITY MANAGER'S REPORT

- There is one block party this weekend- West Saint James between Fairmount and Demington on Saturday August 14th.
- Each Director and Chief has been asked to provide detailed information in their memos about the work/responsibilities of their staff. In particular, a support paragraph for the legislation that is involved with their department. As we are all aware, there are staff vacancies and budget constraints this year that make it challenging. However, this is a dedicated group getting the job done.
- During the COW meeting myself and staff will be available to discuss in depth any questions regarding legislation.
- The Shaker Lakes/Horseshoe Lake video of the August 9th meeting is online.
- The following projects/requests are being implemented by staff:
 - Staff from Public properties, Public Works and Police are removing and relocating materials from the old Dairy building with the goal to completely vacate the building;
 - Staff is working on the request of residents in the area of Sunset Park to improve the lot;
 - The tree relocation at Mayfield Road is being implemented;
 - A review of all Boards and Commissions is going on regarding vacancies, term limits and the need for reappointments/appointments;
 - Staff is keeping a close eye on covid/variant issues to determine when City Hall should be opened.



Law Department

TO: Members of Council

FROM: William R. Hanna, Director of Law
Alix Nouredine, Assistant Director of Law

CC: Susanna Niermann O'Neil, City Manager

RE: Partial Vacation of Andrews Road

DATE: August 11, 2021

The Law Department has prepared an Ordinance that authorizes the partial vacation of a portion of Andrews Road that involves a very short, dead-end stretch of the road that runs in front of 1737 Andrews Road, along with an agreement accomplishing the same, as further described below. If desired, the Ordinance can be included for Council's consideration at its next regular Council meeting.

The Law Department has been in longstanding discussions with former and current owners of 1737 Andrews Road regarding this potential vacation. The matter was originally negotiated with a Mr. Michael Levin, potentially sometime in 2016, who has since sold his property, and no longer has an interest in the property.

Most recently, the Law Department has participated in discussions with counsel for the current owner of 1737 Andrews Road, the Timothy C. Beyer Trust ("Mr. Beyer"), who has been in contact with the neighboring property owners. The Law Department has received waivers of notice from all interested property owners who would have an interest in the vacated portion of the road, which vitiates the need to publish notice of the intent to vacate the road that is otherwise required by the Ohio Revised Code.

Typically, the law provides that when a road is vacated, the portion of the vacated road would revert from the center line of the road to each abutting property owner. Here, however, Mr. Beyer wishes to obtain complete interest in the proposed to-be-vacated portion of the road, and the other abutting owner has agreed to the same. Toward that end, the administration proposes entering into an agreement with the abutting property owners that memorializes this intent and wherein Mr. Beyer agrees to assume full responsibility for the vacated portion of the road.

The Department of Public Works supports this proposed vacation.



MEMORANDUM

To: City Council

cc: Susanna Niermann O'Neil, City Manager
William Hanna, Law Director

From: Eric Zamft, Planning Director

Date: August 10, 2021

Subject: Request by Landmark Commission for Owner Consent with Regards to Landmarking the City-Owned Bradford Cinder Path

Background

The public right-of-way known as the "Bradford Cinder Path" runs east-west from South Taylor Road to Canterbury School. The Cinder Path connects students to Canterbury School, the "royal streets" to each other, and serves as a park for hikers, dog-walkers, stroller-pushers, and bikers. Defined by handsome WPA-built columns at each street entrance, the path gives the neighborhood a unique identity.

Recently, residents along the Cinder Path have submitted an application to the Landmark Commission to landmark the path, which is attached. The Landmark Commission has reviewed the application and support the residents' efforts. The first step in the landmark process is to gain owner consent. Once owner consent is obtained, the Landmark Commission submits a report and recommendation to the Planning Commission for approval. Following that approval, a public hearing is held and barring any objections, then the property is landmarked.

The Cinder Path is a public right-of-way owned by the City of Cleveland Heights. Therefore, the Landmark Commission respectfully requests City Council's consent to begin the landmark designation process. Council can provide owner consent via a **motion**.

Attached is the landmark application submitted by Cleveland Heights residents, as a well as a draft outline of the designation process outlined in the ordinance.

July 16, 2021

Cleveland Heights City Council
40 Severance Circle
Cleveland Heights, OH 44118

Dear Council Members,

The public right of way known as the Bradford Cinder Path runs east/west from Taylor Road to Canterbury School. The Cinder Path connects students to Canterbury school, the "royal streets" to each other and serves as a park for hikers, dog-walkers, stroller-pushers and bikers. Defined by handsome WPA-built columns at each street entrance, the path gives the neighborhood a unique identity.

Recently, residents along the Cinder Path have submitted an application to landmark the path. Their application is included with this letter. The Landmark Commission has reviewed the application and support the residents' efforts. The first step in the landmark process is to gain owner consent. Once owner consent is obtained, the Landmark Commission submits a report and recommendation to the Planning Commission for approval. Following that approval, a public hearing is held and barring any objections, then the property is landmarked.

The Cinder Path is a public right-of-way owned by the City of Cleveland Heights. Therefore, the Landmark Commission respectfully requests City Council's consent to begin the landmark designation process.

Attached is the landmark application submitted by Cleveland Heights residents as a well as a draft outline of the designation process outlined in the ordinance.

Thank you for your consideration.

Sincerely,

Mazie Adams
Chair, City of Cleveland Heights Landmark Commission



Mazie Adams, Chair

James M. Edmonson

Kenneth Goldberg

Margaret Lann

J. Mark Souther

Thomas E. Veider



Landmark Review No. _____

LANDMARK NOMINATION FORM

DIRECTIONS: Please provide the information requested in this nomination form to the fullest extent possible. Include copies of supporting information, e.g., deeds, drawings, newspaper articles, reprints from magazines or books, photographs, historical documents, etc.

Be sure to submit at least one recent photograph of the building, place, or work of art being nominated for landmark designation with this form.

BACKGROUND INFORMATION

1. Address/Location: _____
2. This is a (choose one):
☐ House
☐ Other building (please describe): _____
(school, church, synagogue, commercial building, etc.)
☐ Place (please describe): _____
☐ Work of Art (please describe): _____
3. Briefly, state why this house, building, place or work of art should be designated a Cleveland Heights Landmark. (What is the architectural, historical, social or cultural significance of this house, building, place or work of art?): _____

NOMINATOR/OWNER INFORMATION

1. Nominated by (name): _____
2. Person making nomination is: ☐ Owner ☐ Commission Member
3. Owner's name (if not nominated by owner): _____
4. Owner's address (if different from above): _____
5. Owner's telephone number: _____(day) _____(evening)

HISTORICAL/ARCHITECTURAL INFORMATION

1. Historic name of property (in the case of homes, the property usually is identified with the full name or last name of the original owner, e.g., The Adella Prentiss Hughes House, The Schroeder House, etc.):

2. Date(s) of construction (creation) or additions/alteration; please include source of information (deed, building permit, title abstract, blueprints, book, etc.):

3. Architect(s)/designer(s) or artist (include source of information):

4. Are archival photographs of this property available? ☐ Yes ☐ No

If so, where?

5. Please include additional background information pertinent to this nomination, including, but not limited to, former owners, people, events, organizations, activities and anecdotal material. Try to include sources of information. (Use additional paper, if necessary.)



CONSENT OF OWNER(S) FOR LANDMARK DESIGNATION

Pursuant to Chapter 143 of the Codified Ordinances of the City of Cleveland Heights, the undersigned owner(s) of the property, place or work of art identified in this nomination form consent to the designation of the property, place or work of art – upon approval of the Landmark Commission and recommendation by the Planning Commission – as a Cleveland Heights Landmark.

Owner

Date

Owner

Date

Attachments to Landmark Nomination

2. Dates of Construction. The city bought properties from 1922 to 1925 (documentation attached) to extend Bradford Road east of South Taylor to the University Heights border. Randolph Road, a continuation of the proposed roadway from Canterbury to the city line, was re-named Bradford, and the whole stretch was scheduled for curbing and paving in 1926. Initial efforts, however, were stymied when neighbors objected, possibly because almost all of the cost would have been assessed against their adjoining properties. The vacant lots had probably become a pedestrian path by 1927 when Canterbury School was completed, and by 1933, this was already referred to as “the cinder path.” (See archival photo.)

In 1936, plans for paving the path resurfaced. This time the federal government would pay: specifically, the Works Progress Administration (WPA), designed to put Americans back to work on useful public projects in the depths of the Depression. There would be no cost to Cleveland Heights residents. Yet in lively City Council meetings, neighbors objected again, this time because a paved roadway would create noise and dangerous automobile traffic. In 1938, the city requested WPA money, but only for landscaping the path. Consequently, although the WPA paved and improved dozens of Cleveland Heights streets, this remained a pedestrian pathway, not a road. Although it was eventually resurfaced, it is still called “the cinder path.”

3. Architects: It is possible that the 14 stone columns that mark the entrances to the pathway on Queenston, Kingston, Princeton, and Canterbury were part of the 1938 landscaping. However, the WPA did not complete similar stone work on Forest Hill and Cain Parks until 1940, so the path’s columns may have been finished then. In any case, these public works remain as visible reminders of a community’s efforts to meet the great challenges of the Depression.

4. Photos. Attached are recent photos of the path taken by resident Peggy Spaeth and two archival photos from Clevelandmemory.org, dated ca. 1933 and 1936-37, that refer to “the cinder path.”

5. Additional information.

The path is already famous.

Today the path is used by school children, dog walkers, and bicycle commuters as a safe and pleasant journey.

Realtors mention it in ads for homes in the adjoining neighborhoods. Here are two examples.

” New listing in a popular neighborhood!! Located by Canterbury School and the Cinder Path.”

“The house is conveniently close to the cinder path leading to Canterbury School and is a short walk from Gigi's Wine Bar, On The Rise Bakery, Yoga Roots and more. We're looking forward to your visit!”

There is a website to get you to the path on public transportation:

https://moovitapp.com/index/en/public_transit-The_Cinder_Path-Cleveland_OH-street_15980630-1362

The cinder path in memory.

The path is referred to nostalgically in this recollection by a Heights High School graduate, class of 1968, of her departed classmate: “... There was a well-worn path from my house, down the cinder path, to her house, and I still walk it when I am in Cleveland. “

And here it is in the *Plain Dealer*.

“In an oral history compiled by the city, longtime neighbor Anita Rogoff describes the cinder path as a hub of the Heights. Four chapter titles mention it, including ‘Major mayhem on the cinder path’ and ‘Love on the cinder path.’

Rogoff recalls fights, snatchings and trysts there. She once leaned out her window at 2 a.m. to shush a pair of young lovers.

‘Yes, ma'am,’ the boy replied. Then the sweethearts fled.”¹

And thanks to author Alix Kates Shulman, the path even has gotten national attention.

Shulman’s family moved to Ashurst Rd. in 1937 when she entered kindergarten at Canterbury School. Years later, when she had become famous as an author and feminist activist, she recalled these important things about growing up in Cleveland: “my immigrant grandparents’ seders, the Public Library, the #32 Heights Express that whizzed us down Carnegie and Euclid, the Terminal Tower... the cinder path whose traces remain under the skin of my knees.”²

The cinder path looking forward:

Bradford Road residents on the Lee Road to South Taylor block have created a pollinator path in their front yards to improve habitat. In September 2019 they received a \$1,000 grant from Future Heights to extend their volunteer efforts to the Cinder Path. Phase One of the four-block project focuses on the South Taylor to Queenston path. The project includes repairing the historic stone columns, replacing invasive weeds and shrubs with native trees and wildflowers, and collaborating with the city on a plan for continued maintenance.

A landmark designation would recognize the unique Bradford Cinder Path’s past, present, and future importance to this neighborhood and the city.

¹ *Plain Dealer (PD)*, November 19, 2007: B1. Updated, *PD*, March 28, 2019.

² Alix Kates Shulman. *Good Roots: Writers Reflect on Growing Up in Ohio*, edited by Lisa Watts (Ohio University Press, 2001), 49.

Local Landmark Designation Process

“The Landmark Commission may adopt a resolution designating a site, building, structure, work of art or similar object in the City of Cleveland Heights as a Landmark” -143.08

“The Landmark Commission may act on its own initiative or pursuant to a request by an individual, group of individuals, or organization.”-143.08

- **1) CONDUCT PUBLIC MEETING WITH PROPERTY OWNER/INTERESTED PARTIES**
 - Explain why LC believes designation is a good idea, what would be referred for review, distribute design guidelines book, also educate on process
 - Notification required: Provide written notice at least 10 days prior to interested parties, property owners, and adjacent property owners-143.06(b)
- **2) OWNER CONSENT:** Property owner consent is required to designate a Landmark.-143.08(c)
- **3) REPORT AND RECOMMENDATION:** Landmark Commission prepares a report and recommendation as to the property proposed to be designated as a Landmark, including an explanation of the significance of the property in relation to the designation criteria, a description of the property with a list of contributing and non-contributing structures and sites, a history of the property, photographic documentation, and a map or site plan showing the boundaries of the proposed Landmark.- 143.08(d)
- **4) PLANNING COMMISSION RECOMMENDATION:** The Landmark Commission submits the report and recommendation to designate the Historic District to the Planning Commission and secures a Planning Commission recommendation on the proposed designation, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendations as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection, or modification of the proposed designation.-143.08(e)
 - Planning Commission approval is not required to continue with designation
- **5) PUBLIC HEARING:** Within forty-five (45) days after receiving the Planning Commission’s recommendation, the Landmark Commission shall schedule a public hearing on the proposed designation. The public hearing shall include a summary of the property’s history, the Commission’s rationale for designation, and an explanation of the effect of designation. Commission will provide opportunity for all interested parties to express their opinions.- 143.08(f)
 - Provide at least ten (10) days prior written notice to all relevant parties. -143.06(b)
- **6) DESIGNATION:** Within sixty (60) days after the public hearing, the Landmark Commission shall then determine whether or not to designate the proposed Historic District. The designation of a Landmark becomes in full force and effect from the date the Landmark Commission adopts the resolution.-143.08(g)
- **7) NOTIFICATION:** 143.08(h)



To: Susanna Niermann O'Neil, City Manager

From: Mary Trupo, Director of Communications and Public Engagement

Date: August 11, 2021

Subject: Communications and Public Engagement Update

- Planning and coordination of Horseshoe Lake public meeting
- Collected and coordinated responses to resident questions on Horseshoe Lake that were submitted in advance
- Prepared VP Seren's remarks for public meeting
- Coordinated and staffed Centennial celebration at the Annual Safety Night
- Interviewed by CH 5 on CH Centennial
- Assisting/coordinating media interviews about Monday night shooting incident
- Continued coordination on weekly News Update



ECONOMIC DEVELOPMENT REPORT – August 11, 2021:

CEDAR-LEE-MEADOWBROOK:

- Staff continues to be in negotiations with the Development Agreement with our Development Partner Flaherty & Collins at this time;
- Traffic & Parking: WSP and Desman consulting have been contracted with to assist with the traffic and parking analysis associated with this project;
- Public engagement meetings are being held – the first was held on August 5, with another scheduled for August 11;

NEIGHBORHOOD REDEVELOPMENT PROGRAM (NRP) INFILL HOUSING CONSTRUCTION:

- Given the approval of the MOU Agreement for the Caledonia Neighborhood infill housing project, the staff is now engaged in negotiating the Development Agreement with Start Right CDC;
- The MOU Agreement with Amato Homes (Desota Avenue) is scheduled to come to City Council for consideration at the August 16 meeting;

TAYLOR TUDOR PLAZA:

- An RFQ/RFP for redevelopment/rehab of these three buildings is scheduled for consideration by Council at their August 16 meeting;

TOP OF THE HILL:

- Construction on the project continues, with the completion date anticipated to be July of 2022;

Memo

To: Susanna Niermann-O'Neil, City Manager

From: Amy Himmelein, Finance Director

Date: August 9, 2021

Re: June 2021 Financial Statements

Attached are the June 2021 Unencumbered Balances Statement for All Funds and the Review of General Fund Statement. The review below encompasses activity from January through June 2021.

Review of General Fund

Revenue

- Municipal Income Tax increased 23.54%. June 2021 revenue is from May 2021 collections by RITA. The increase is mainly in the collections of individual income tax.
- State Levied/Shared Taxes increased 23% because more has been received in local government funds from the County and the State.
- Intergovernmental Grants & Contracts decreased 61.7% from 2020 due to a worker's comp refund of approximately \$750,000 being received in April 2020.
- Charges for Services decreased 26.9% due to a large decrease in landfill/refuse fees collection. These collections have decreased 20% from the same time in 2020.
- Fees, Licenses, Permits decreased 23% because the City had received the building permit for Top of the Hill by this time last year.
- Interest Earnings decreased 89.7% from this time in 2020 due to the decline in interest rates from the pandemic.
- Fines and Forfeitures increased 19% due to the Court collecting more in fines and court costs.
- All Other Revenue increased 637.9% due to the timing of recording administrative fees owed from foreclosure bonds. The revenue recorded in January was for 2021 administrative fees. The additional revenue recorded in February was the proportional amount charged for bonds received during 2020. Going forward the Building department will charge the admin fee at the beginning of the year and whenever a bond is received. The City also received the retainage refund from RITA for 2020 in the amount of \$421,000.

Expenditures

- Personal Services overall has decreased 10.4% because there was one more pay as of this time in 2020.
- Public Health Administration Other decreased 95.3% due to the timing of the payment to the Board of Health.
- Overall, Parks and Recreation has decreased 14.1% due to the closure of the community center as a result of COVID-19.
- Finance Department Other decreased 42.7% as a result of not needing an interim Finance Director in 2021.

- Police Administration Other increased 36.1% due to an encumbrance to pay for a full year's lease of the body cameras plus payments for crossing guards.
- Fire Administration Other increased 35% due to encumbering uniforms for fire personnel and some repairs to vehicles.
- Joint Dispatch increased 34.4% due to encumbering the full year's anticipated payments to HHCC.
- Building Department Other decreased 63.8% as a result of less being owed to SafeBuilt. The City pays a percentage of building permit revenue to SafeBuilt and as noted above the City has received less in building permit revenue in 2021 compared to 2020.
- Refuse Collection Other increased 80.8% due to new costs associated with recycling and landfill.
- Vehicle Maintenance Other increased 18.9% due to the purchase of gasoline and encumbering expected gasoline purchases.
- Street Maintenance Other decreased 21.2% due to less salt purchases in 2021 compared to 2020.
- General Operations Personal Services increased 188% due to encumbering larger unemployment fees from COVID-19 unemployment claims and higher payment of worker's compensation fees.
- General Operations Other increased 15.2% due to the payment for liability insurance which Council approved at the end of December 2020.
- Law Department Other increased 56.3% due to higher than average use of legal counsel.
- Special Improvement Districts increased 81.3% due to encumbering the entire estimated payment to the SID's at the beginning of 2021 instead of encumbering them later in the year as was done in 2020.
- Transfers and Advances increased due to the advance to the Financed Capital Projects fund to pre-fund refuse capital purchases.

Review of All Funds

Overall, the negative unencumbered fund balances mean the City has not received enough revenue to cover the expenditures plus encumbrances currently incurred. These negative balances will be corrected by year end, unless they are related to grants or another revenue source that has yet to be received.

- Financed Capital Projects fund balance increased due to receiving the advance from the General Fund to pre-fund refuse capital purchases.
- The Water fund increased and the Sewer fund decreased due to moving revenue from the Sewer fund to the Water fund that was misclassified to the Sewer fund in 2020.

UNENCUMBERED BALANCES FOR ALL FUNDS
AS OF JUNE 30, 2021

FUND NUMBER	FUND NAME	UNENCUMBERED BALANCE AS OF 1/1/21	YTD REVENUE	YTD EXPENDITURES + ENCUMBRANCES	12/31/2020 ENCUMBRANCES	UNENCUMBERED BALANCE AS OF 6/30/2021
101	GENERAL	\$18,147,004	\$25,830,113.59	\$26,995,896	\$660,671	\$17,641,893
102	BUDGET STABILIZATION ACCOUNT	\$100,000	\$0	\$0	\$0	\$100,000
201	STREET CONSTRUCTION	\$1,301,343	\$1,026,053	\$916,093	\$366,338	\$1,777,641
202	FOUNDATION GRANTS	(\$50,138)	\$0	\$210,625	\$0	(\$260,763)
203	FIRST SUBURBS CONSORTIUM	\$2,501	\$0	\$0	\$0	\$2,501
204	COMMUNICATION SYSTEMS OPERATION	(\$73,642)	\$0	\$0	\$0	(\$73,642)
205	PUBLIC WORKS FACILITY IMPROVEMENT	\$423	\$0	\$0	\$0	\$423
206	LAW ENFORCEMENT TRUST	\$161,775	\$19,685	\$40,574	\$11,858	\$152,744
207	DRUG LAW ENFORCEMENT TRUST	\$107,575	\$140,280	\$76,385	\$463	\$171,932
208	CDBG RESOURCE	(\$671,920)	\$1,496,484	\$1,108,287	\$111,901	(\$171,823)
210	EPA BROWNFIELD GRANT	\$0	\$0	\$0	\$0	\$0
211	HOME PROGRAM	\$246,352	\$80,582	\$102,155	\$350	\$225,129
212	FEMA	\$159,866	\$0	\$44,372	\$19,375	\$134,869
213	POLICE FACILITY IMPROVEMENT	\$3,533	\$140	\$13,837	\$10,303	\$139
214	LOCAL TV PROGRAMMING	\$953,085	\$214,377	\$479,538	\$2,856	\$690,781
215	CAIN PARK	\$5,080	\$65,812	\$110,293	\$0	(\$39,401)
216	RECREATION FACILITY IMPROVEMENT	\$494,921	\$354,389	\$530,445	\$33,371	\$352,237
217	PUBLIC RIGHT OF WAY	\$164,932	\$0	\$0	\$0	\$164,932
221	INDIGENT DUI TREATMENT	\$271,196	\$11,402	\$0	\$0	\$282,599
222	MUNICIPAL COURT COMPUTERIZATION	\$56,017	\$30,574	\$7,658	\$0	\$78,934
223	DUI - ENFORCEMENT/EDUCATION	\$121,432	\$2,427	\$0	\$0	\$123,859
225	MUNI COURT - SPECIAL PROJECTS	\$2,130,836	\$51,112	\$6,644	\$1,241	\$2,176,545
226	LEAD SAFE PROGRAM - CUYAHOGA CNTY	(\$111,820)	\$170,332	\$50,970	\$0	\$7,542
227	NEIGHBORHOOD STABILIZATION PRGM	\$123,584	\$0	\$0	\$0	\$123,584
228	CDBG-COVID	(\$165,286)	\$106,829	\$363,760	\$15,000	(\$407,217)
230	STREET LIGHTING	\$1,301,403	\$524,824	\$430,899	\$0	\$1,395,327
231	TREE FUND	\$529,493	\$640,032	\$564,908	\$73,622	\$678,238
232	POLICE PENSION	\$143,750	\$132,697	\$537,742	\$0	(\$261,295)
233	FIRE PENSION	\$43,893	\$132,697	\$776,539	\$0	(\$599,949)
234	EARNED BENEFITS	\$476,987	\$2,163	\$323,984	\$0	\$155,165
237	FIRST SUBURBS DEVELOPMENT COUNCIL	\$57,754	\$0	\$0	\$0	\$57,754
238	CORONAVIRUS RELIEF FUND	\$26,659	\$40,286	\$448,820	\$458,264	\$76,390
239	REFUSE GRANT FUND	\$0	\$0	\$0	\$0	\$0
240	FEDERAL MISCELLANEOUS GRANTS	\$0	\$0	\$25,060	\$0	(\$25,060)
241	LOCAL FISCAL RECOVERY	\$0	\$19,408,531	\$0	\$0	\$19,408,531
301	G.O. BOND RETIREMENT	\$558,728	\$2,248,573	\$2,085,081	\$0	\$722,220
402	FINANCED CAPITAL PROJECTS	\$914,836	\$4,400,000	\$3,675,894	\$0	\$1,638,942
411	ECONOMIC DEVELOPMENT	\$1,095,857	\$8,087	\$150,262	\$125,725	\$1,079,408
412	CITY HALL MAINTENANCE AND REPAIR	\$100,949	\$12,765	\$14,922	\$0	\$98,792
415	SEVERANCE RING ROAD RECONSTRUCTION	\$35,045	\$0	\$0	\$0	\$35,045
416	REFUSE CAPITAL FUND	\$0	\$0	\$0	\$0	\$0
601	WATER	\$705,213	\$969,442	\$1,270,467	\$76,506	\$480,694
602	SEWER	\$4,669,776	\$1,927,102	\$3,824,377	\$664,055	\$3,436,556
603	PARKING	\$218,194	\$197,944	\$394,562	\$11,521	\$33,097
606	AMBULANCE SERVICES	\$1,321,006	\$451,946	\$498,840	\$21,710	\$1,295,822
701	HOSPITALIZATION	\$1,568,362	\$3,499,685	\$3,499,685	\$0	\$1,568,362
703	WORKERS COMPENSATION	\$204,767	\$0	\$0	\$0	\$204,767
804	OFFICE ON AGING	\$14,311	\$1,785	\$721	\$0	\$15,376
808	YOUTH RECREATION SCHOLARSHIP	\$59,826	\$0	\$0	\$0	\$59,826
809	POLICE MEMORIAL TRUST FUND	\$11,808	\$0	\$0	\$0	\$11,808
810	YOUTH ADVISORY COMMISSION	\$71	\$0	\$0	\$0	\$71
811	JUVENILE DIVERSION PROGRAM	\$6,903	\$3,858	\$0	\$0	\$10,760
857	SALES TAX	\$535	\$161	\$193	\$0	\$503
858	MISCELLANEOUS AGENCY	\$2,020,412	\$170,400	\$387,229	\$0	\$1,803,584
864	NEORS	\$214	\$0	(\$63)	\$0	\$278
TOTALS		\$39,565,401	\$64,373,570	\$49,967,653	\$2,665,132	\$56,636,450

**CITY OF CLEVELAND HEIGHTS
REVIEW OF GENERAL FUND
AS OF JUNE 30, 2021**

REVENUES:	6/30/2020 Actual	2021 Budget	6/30/2021 Actual	Percentage 2021 Budget	Difference 2021 vs 2020
Property Taxes	\$3,908,005	\$7,175,859	\$4,008,671	56%	\$100,666
Municipal Income Tax	\$12,879,015	\$28,000,000	\$15,910,719	57%	\$3,031,704
Other Local Taxes	\$12,169	\$50,000	\$0	0%	(\$12,169)
State Levied/Shared Taxes	\$773,086	\$1,554,900	\$950,515	61%	\$177,429
Intergovernmental Grants & Contracts	\$1,406,623	\$910,000	\$538,191	59%	(\$868,432)
Charges For Services	\$1,686,606	\$3,100,000	\$1,233,438	40%	(\$453,168)
Fees, Licenses, Permits	\$2,105,572	\$2,295,000	\$1,621,818	71%	(\$483,753)
Interest Earnings	\$189,211	\$200,000	\$19,453	10%	(\$169,758)
Fines and Forfeitures	\$641,777	\$1,720,000	\$763,784	44%	\$122,007
All Other Revenue	\$104,702	\$786,500	\$772,624	98%	\$667,922
Sale of Assets	\$100	\$0	\$10,900	0%	\$10,800
Total Revenues	\$23,706,866	\$45,792,259	\$25,830,114	56%	\$2,123,247

EXPENDITURES:	6/30/2020 Expenditures + Encumbrances	2021 Budget Amended	6/30/2021 Expenditures + Encumbrances	Percentage 2021 Budget	Difference 2021 vs 2020
Community Services					
Commission on Aging	\$0	\$0	\$0	0%	\$0
Community Relations Personal Services	\$20,405	\$106,386	\$0	0%	(\$20,405)
Community Relations Other	\$2,688	\$12,550	\$647	5%	(\$2,041)
Public Relations Personal Services	\$113,695	\$175,358	\$81,549	47%	(\$32,146)
Public Relations Other	\$28,769	\$117,000	\$17,684	15%	(\$11,085)
Community Services Admin Personal Services	\$105,108	\$0	\$0	0%	(\$105,108)
Community Services Administration Other	\$330	\$6,600	\$0	0%	(\$330)
Public Health Administration	\$127,465	\$245,950	\$5,950	2%	(\$121,515)
Total Community Services	\$398,461	\$663,845	\$105,831	16%	(\$292,630)

Parks and Recreation

Public Properties & Park Maint Personal Services	\$533,617	\$1,169,812	\$544,239	47%	\$10,622
Public Properties & Park Maintenance Other	\$699,667	\$1,091,432	\$644,664	59%	(\$55,003)
Parks & Recreation Admin Personal Services	\$121,479	\$317,547	\$147,541	46%	\$26,062
Parks & Recreation Administration Other	\$5,745	\$37,388	\$8,400	22%	\$2,655
Swimming Pools Personal Services	\$12,832	\$273,629	\$18,276	7%	\$5,444
Swimming Pools Other	\$2,019	\$131,450	\$40,105	31%	\$38,085
Cain Park (Transfer)	\$0	\$0	\$0	0%	\$0
Ice Programs Personal Services	\$98,842	\$250,987	\$30,421	12%	(\$68,420)
Ice Programs Other	\$7,904	\$19,928	\$4,228	21%	(\$3,676)
General Recreation Programs Personal Services	\$33,472	\$144,222	\$26,732	19%	(\$6,740)
General Recreation Programs Other	\$12,766	\$34,300	\$9,723	28%	(\$3,043)
Sports Programs Personal Services	\$30,540	\$126,995	\$13,200	10%	(\$17,340)
Sports Programs Other	\$24,408	\$105,100	\$18,528	18%	(\$5,880)
Community Center Personal Services	\$253,834	\$645,335	\$174,869	27%	(\$78,965)
Community Center Other	\$229,045	\$496,258	\$121,627	25%	(\$107,418)
Office on Aging Personal Services	\$67,790	\$169,838	\$48,220	28%	(\$19,570)
Office on Aging Other	\$30,621	\$34,300	\$7,846	23%	(\$22,775)
Total Parks and Recreation	\$2,164,581	\$5,048,522	\$1,858,619	37%	(\$305,961)

Finance Department

Finance Department Personal Services	\$164,141	\$440,679	\$194,158	44%	\$30,017
Finance Department Other	\$152,937	\$194,300	\$87,595	45%	(\$65,343)
Income Tax	\$514,760	\$1,015,000	\$527,518	52%	\$12,758
Total Finance Department	\$831,838	\$1,649,979	\$809,271	49%	(\$22,567)

Planning & Development

Landmark Commission	\$11	\$16,100	\$0	0%	(\$11)
Planning Department Personal Services	\$121,860	\$521,991	\$168,059	32%	\$46,199
Planning Department Other	\$4,921	\$33,000	\$16,585	50%	\$11,664
Planning Commission Personal Services	\$1,260	\$8,138	\$2,035	25%	\$775
Planning Commission Other	\$2,446	\$3,900	\$1,194	31%	(\$1,252)
Architectural Board of Review Personal Services	\$2,616	\$11,492	\$2,616	23%	(\$0)
Architectural Board of Review Other	\$145	\$500	\$0	0%	(\$145)
Board of Zoning Appeals Personal Services	\$1,260	\$5,813	\$2,132	37%	\$872
Board of Zoning Appeals Other	\$1,276	\$2,975	\$1,133	38%	(\$143)
Total Planning & Development	\$135,794	\$603,910	\$193,752	32%	\$57,958

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CITY OF CLEVELAND HEIGHTS
REVIEW OF GENERAL FUND
AS OF JUNE 30, 2021

	6/30/2020 Expenditures + Encumbrances	2021 Budget Amended	6/30/2021 Expenditures + Encumbrances	Percentage 2021 Budget	Difference 2021 vs 2020
Public Safety					
Traffic Signs & Signals Personal Services	\$29,423	\$61,039	\$27,833	46%	(\$1,590)
Traffic Signs & Signals Other	\$107,527	\$146,450	\$105,630	72%	(\$1,897)
Police Administration Personal Services	\$4,004,383	\$8,983,659	\$3,592,042	40%	(\$412,341)
Police Administration Other	\$338,632	\$1,131,929	\$460,868	41%	\$122,236
Police Academy Personal Services	\$107	\$0	\$0	0%	(\$107)
Police Academy Other	\$50,225	\$41,796	\$35,060	84%	(\$15,165)
Police Vehicle Maintenance Personal Services	\$0	\$0	\$0	0%	\$0
Police Vehicle Maintenance Other	\$0	\$0	\$0	0%	\$0
Fire Administration Personal Services	\$3,338,972	\$6,800,509	\$3,061,402	45%	(\$277,570)
Fire Administration Other	\$164,730	\$289,820	\$222,413	77%	\$57,683
Joint Dispatch (Transfer)	\$0	\$0	\$0	0%	\$0
Joint Dispatch	\$1,116,323	\$1,500,000	\$1,500,000	100%	\$383,677
Fire Prevention Personal Services	\$51,919	\$106,500	\$47,345	44%	(\$4,573)
Fire Prevention Other	\$225	\$6,200	\$265	4%	\$39
Building Department Personal Services	\$0	\$0	\$0	0%	\$0
Building Department Other	\$951,911	\$545,700	\$344,411	63%	(\$607,500)
Housing Inspections Personal Services	\$205,718	\$517,536	\$177,763	34%	(\$27,955)
Housing Inspections Other	\$46,827	\$130,800	\$76,961	59%	\$30,134
Street Lighting (Transfer)	\$0	\$0	\$0	0%	\$0
Animal Control Personal Services	\$35,010	\$73,634	\$34,429	47%	(\$582)
Animal Control Other	\$25,000	\$33,934	\$26,934	79%	\$1,934
Total Public Safety	\$10,466,933	\$20,369,506	\$9,713,356	48%	(\$753,577)

Public Works

Service Administration Personal Services	\$81,888	\$272,380	\$103,278	38%	\$21,390
Service Administration Other	\$1,894	\$8,992	\$1,544	17%	(\$350)
Capital Projects Administration Personal Services	\$0	\$0	\$0	0%	\$0
Capital Projects Administration Other	\$21,000	\$23,000	\$23,000	100%	\$2,000
Refuse Collection Personal Services	\$788,205	\$1,876,340	\$720,055	38%	(\$68,150)
Refuse Collection Other	\$354,047	\$1,006,847	\$640,030	64%	\$285,983
Vehicle Maintenance Personal Services	\$423,647	\$909,845	\$353,862	39%	(\$69,785)
Vehicle Maintenance Other	\$854,318	\$1,571,615	\$1,015,653	65%	\$161,335
Street Maintenance Personal Services	\$588,537	\$1,318,930	\$472,002	36%	(\$116,535)
Street Maintenance Other	\$298,721	\$345,818	\$235,297	68%	(\$63,424)
Forestry (Transfer)	\$0	\$0	\$0	0%	\$0
Total Public Works	\$3,412,256	\$7,333,768	\$3,564,721	49%	\$152,465

General Government

City Council Personal Services	\$35,052	\$77,884	\$33,065	42%	(\$1,988)
City Council Other	\$4,576	\$9,563	\$5,737	60%	\$1,161
City Manager Personal Services	\$226,059	\$564,445	\$196,269	35%	(\$29,790)
City Manager Other	\$12,634	\$20,112	\$12,635	63%	\$2
Civil Service Commission Personal Services	\$194	\$2,381	\$1,744	73%	\$1,550
Civil Service Commission Other	\$805	\$46,300	\$24,552	53%	\$23,747
General Operations Personal Services	\$108,114	\$412,202	\$311,326	76%	\$203,212
General Operations Other	\$1,004,287	\$1,459,451	\$1,157,007	79%	\$152,720
Management Information Systems Personal Services	\$135,053	\$338,715	\$132,834	39%	(\$2,219)
Management Information Systems Other	\$83,013	\$248,261	\$88,477	36%	\$5,464
County Fiscal Officer Deductions	\$103,314	\$215,000	\$88,827	41%	(\$14,488)
Law Department Personal Services	\$269,517	\$601,065	\$255,417	42%	(\$14,100)
Law Department Other	\$289,846	\$525,518	\$453,067	86%	\$163,221
Special Improvement Districts	\$217,881	\$396,591	\$394,973	100%	\$177,092
Municipal Court Personal Services	\$481,004	\$1,018,710	\$432,502	42%	(\$48,502)
Municipal Court Other	\$64,779	\$192,043	\$112,427	59%	\$47,648
Total General Government	\$3,036,127	\$6,128,241	\$3,700,858	60%	\$664,731

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CITY OF CLEVELAND HEIGHTS
REVIEW OF GENERAL FUND
AS OF JUNE 30, 2021

Other	6/30/2020	2021	6/30/2021	Percentage	Difference
	Expenditures + Encumbrances	Budget Amended	Expenditures + Encumbrances	2021 Budget	2021 vs 2020
Transfers & Advances	\$0	\$9,450,000	\$4,400,000	47%	\$4,400,000
Hospitalization	\$2,519,193	\$6,838,953	\$2,649,488	39%	\$130,295
Total Other	\$2,519,193	\$16,288,953	\$7,049,488	43%	\$4,530,295
TOTAL GENERAL FUND EXPENDITURES	\$22,965,182	\$58,086,723	\$26,995,896	46%	\$4,030,714
Excess Revenue Over/(Under) Expenses	\$741,684		(\$1,165,782)		
Unencumbered Balance Beginning of Year	\$10,436,981		\$18,147,004		
Add: Prior Year Encumbrances	\$1,266		\$660,671		
Estimated Unencumbered Balance	\$11,179,931		\$17,641,893		



To: Susanna Niermann O'Neil, City Manager
From: Chief Dave Freeman, Cleveland Heights Fire Department
Subject: Fire Department Update
Date: August 11, 2021

Fire Department Update:

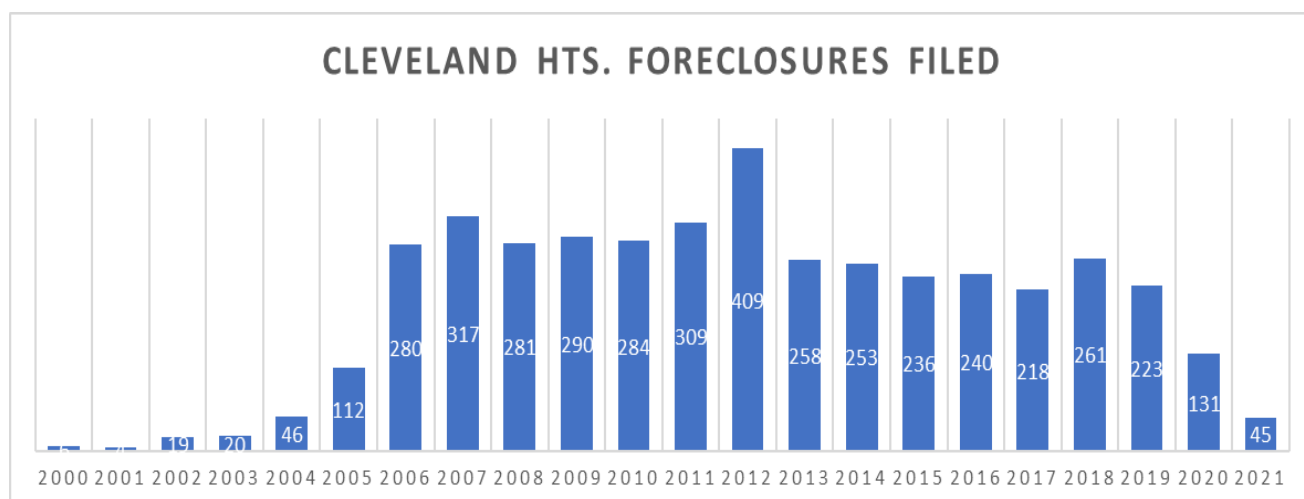
- Doing walkthroughs of the new Jewish school with all crews to learn the layout and fire systems
- Continuing preplan inspections of all businesses.
- Checking prices to replace Ladder Truck with the cracked frame which is permanently out of service.
- Interviews for new hires to replace two retirees will be on 8/17 and 8/18.



Memorandum

To: Susanna Niermann-Oneil - City Manager
From: Allan Butler- Housing Programs Director
Date: August 11, 2021
Re: Housing Update/Foreclosures and Bonds with additional information requested.

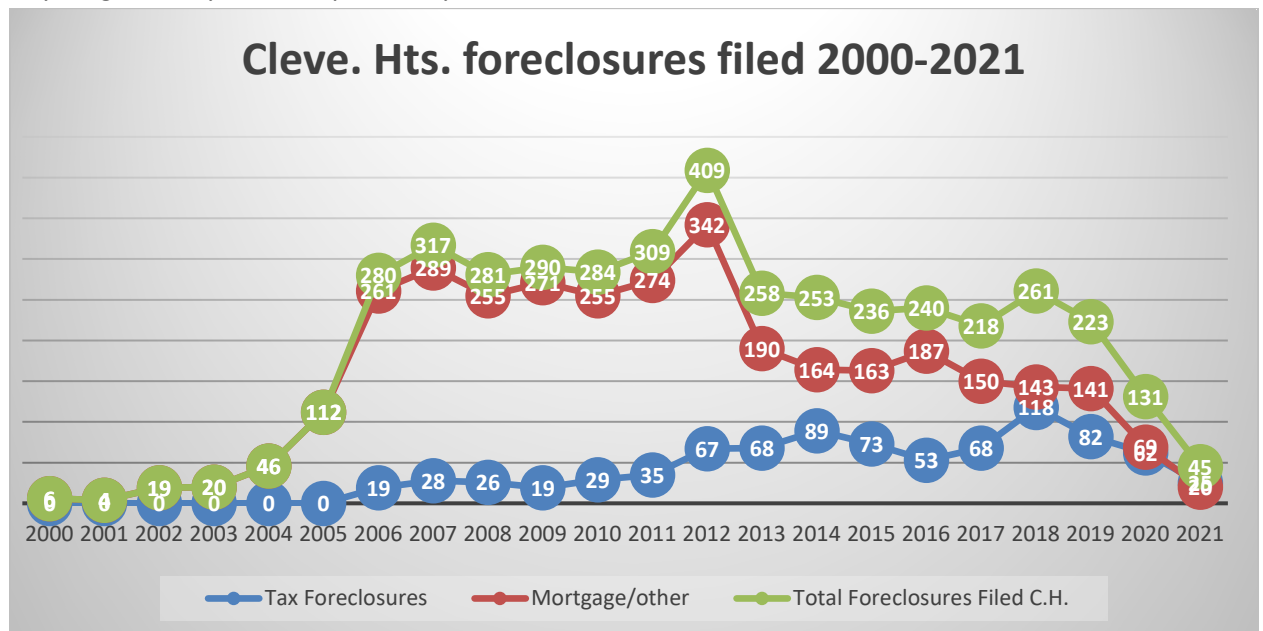
There have been 45 foreclosures filed with the Cuyahoga County Clerk of Courts for properties in Cleveland Heights this year to date. This projects out to be 70 for the year which would be significantly lower than last year's 131 even with two months of no filings due to Covid-19. Historically these numbers are the lowest since 2004 had 46 filings and considerably less than the peak of 409 foreclosures filed in 2012.



Of the 45 foreclosures filed in Cleveland Heights this year to date, 25 were tax foreclosures, 18 were mortgage foreclosures and 2 were other types. Out of the 18 mortgage foreclosures filed in 2021, 7 were identified as vacant and we have received bonds on 4 of them. The Housing Department received 113 Foreclosure Bonds total YTD, including 9 in 2021, 32 in 2020, 63 in 2019, and 2 in 2018. The Housing Dept. has collected \$1,690,000 in total bond deposits and charged \$259,725 in administration fees. There have been 58 bonds released back to the issuer at their request due compliance with the requirements of the bond ordinance. The Housing Department has charged only \$1,500 from properties that have submitted bond for other charges including nuisance items. The department is preparing legal action on problematic cases for non-compliance with the bond ordinance.

The Housing Dept has received 269 Vacant Property Registrations in 2021 with a revenue of \$49,700 and 858 Out-of-County Registrations with a revenue of \$86,700.

- The Housing Dept. conducts monthly reviews of all active mortgage foreclosure cases to determine if they are vacant which would meet the requirement of our foreclosure bond ordinance. Our recent lists have contained about 40-60 properties and throughout the last 5 months there are only about 3-5 new vacancies from each review. The number of vacant properties in these surveys have remained fairly consistent throughout the years. Properties may become vacant throughout the foreclosure proceedings however the majority remain occupied until the property is sold at sheriff's sale and the buyer files and eviction proceeding with the court.
- Tax foreclosure filings have been increasing throughout the last few years as mortgage foreclosure filings have been decreasing. The Housing Dept. reviews and researches all tax delinquent properties and makes requests to the Cuyahoga County Treasurer through the Cuyahoga County Land Bank to initiate tax foreclosure proceedings. Properties are selected by amount of delinquency, vacancy status, and condition of property including outstanding violations. Tax foreclosed properties that are not sold at sheriff's sale or are abandoned per the Board of Revisions can be obtained by the City of Cleveland Heights Land Reutilization Program or the Cuyahoga County Land Bank. Below is a graph identifying tax foreclosure filings in Cuyahoga County over the past few years.





CLEVELAND HEIGHTS

Memorandum

To: Susanna Niermann O'Neil, City Manager
From: Ryan Prosser, IT Director
Subject: IT Department Update
Date: August 10, 2021

The IT Department continues the strengthening of the cyber security program as more services from higher levels of government are leveraged. Updates this week include adding organizational contacts to receive communications directly from the Center for Internet Security including malware and situational awareness reports, cyber alerts, and threat information.

Also, malicious domain blocking has been instituted which prevents connection to known threats associated with malware, phishing, and ransomware.

Thanks to their cyber security awareness, City employees were able to thwart a recent phishing campaign in which the scammer purported to be a City supervisor requesting an urgent response. Spam filtering has been adjusted to add content filtering and external blacklist matching from non-profit organization Spamhaus.

In addition to cyber security the IT Department remains busy with personnel changes and funding requests, department and network equipment moves, and the analysis of telephone, email, and utility billing upgrade options.



MEMORANDUM

To: Susanna Niermann O'Neil, City Manager

From: Eric Zamft, Planning Director

Date: August 11, 2021

Subject: Bi-Weekly Planning Department Update

HIGHLIGHTS OF PLANNING INITIATIVES

HISTORIC PRESERVATION DESIGN GUIDELINES

Staff is working closely with consultant Naylor Wellman, the Landmark Commission, and Architectural Board of Review (ABR) on the preparation of Historic Preservation Design Guidelines. There have been a number of meetings, including a public presentation and meeting on July 13, 2021 and, most recently, a third stakeholder meeting with the Landmark Commission and ABR on August 4, 2021. Naylor Wellman is revising the document to be able to present a final draft at a public meeting on September 1, 2021 at 6 PM. Details regarding the meeting will be shared in the next bi-weekly Director's Report. The public is encouraged to participate and comment. More information, including the presentations and the most recent draft of the guidelines, can be found here: <https://www.clevelandheights.com/1435/Historic-Preservation-Design-Guidelines>

CEDAR-LEE-MEADOWBROOK REDEVELOPMENT

Community and stakeholder engagement are key to the evaluation of any redevelopment of Cedar-Lee-Meadowbrook. To that end, Planning staff has developed a clear framework of meetings to occur, reflective of both early engagement and the formal City review and approval process. This framework has been posted to the project webpage: <https://www.clevelandheights.com/1154/Cedar-Lee-Meadowbrook>, has been posted in the Library locations, and has been included in the weekly Cleveland Heights news email. A community conversation on parking and traffic was held on August 5th at 6:00 PM at the Lee Road Library and was well-attended. Materials from that workshop have been posted on the project webpage. An open house on gathering spaces and community connectivity was held on August 11th at 6 PM in the City Hall atrium. Further details will be provided in the next bi-weekly Director's Report. Staff is looking for ways to increase community participation, particularly

within communities of color. Staff has had conversations with FutureHeights Community Engagement Committee and is open for further suggestions.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME ADMINISTRATION

The open application period for Year 48 CDBG funding began on June 3rd and ended on July 15th. The Citizens Advisory Committee (CAC) reviewed the applications and held its first public hearing on August 10th at 7 PM at the Community Center (the agenda can be found here: <https://www.clevelandheights.com/DocumentCenter/View/9571>). The second public hearing will be August 17th at 7 PM at the Community Center (the agenda can be found here: <https://www.clevelandheights.com/DocumentCenter/View/9572>).

CDBG Coordinator, Brian Iorio was recently elected President of the Ohio Conference of Community Development, a 170+ member organization of community and economic development professionals from across the State of Ohio. Brian has previously served as the organization's Vice-President and Treasurer.

The Cuyahoga County Department of Development accepted applications for HOME funded Affordable Housing Loans through August 6, 2021, some of which may be requesting City HOME funds. Projects must be ready to commence construction within 12 months or less. Loans can be up to a maximum of \$450,000 and must maintain one HOME unit for every \$125,000 loaned.

PLACEMAKING & PARK PLANNING

Planning is helping to guide a number of placemaking activities, working collaboratively with the Manager's Office and other departments. The Planning Department, Parks and Recreation Department, and GIS are working together to identify open space and recreation opportunities, develop recommended inquiry process and policies, and understand budgetary and staffing impacts to provide recommendations to the City Manager. These recommendations will be shared by the internal Vacant Lots working group, who is developing a process to present to the City Manager and eventually Council regarding the disposition of vacant City-owned lots.

With assistance from the Department of Public Works, a temporary parklet was installed on Cedar Road. Staff is working with the permittees of the parklet to improve ADA accessibility and fire access. Staff is working with FutureHeights on next steps with regards to the Cedar-Lee Mini Park. Other placemaking activities include:

- Community gardens
- Additional opportunities for passive and active spaces

ZONING

On June 7, 2021 during Committee of the Whole, the Planning Director presented proposed legislation to amend the Zoning Code with regards to garages and other ancillary changes. Council referred the matter to the Planning Commission that evening for review and

recommendation. The Planning Commission discussed the matter at a special meeting on June 29th, which will be continued to August 19th. Should the Planning Commission provide a recommendation, the next step would for Council to schedule and hold a public meeting. The public is encouraged to participate and comment. More information, including the most recent draft of the proposed zoning amendments, can be found here: <https://www.clevelandheights.com/183/Planning-Department>

Planning staff is also working with the Law Department on proposed legislation that would clarify the regulations related to rain gardens/rain barrels. Staff is closely coordinating with First Suburbs on their Single-Family Housing Zoning project, which is led by the County Planning Commission. A meeting between staff and the County is anticipated to occur on August 20th. Finally, staff continues to work with the Planning Commission to identify, discuss, and, ultimately, propose additional changes to the Zoning Code.

TRANSPORTATION

At the August 2nd Council meeting, Council approved changes to the City's Traffic Code to allow for shared micro-mobility within the City – including e-scooters and e-bicycles. Council also approved the Manager to sign a MOU with the County that would allow the regional shared micro-mobility network to be deployed in the City. The County is working with municipalities on the implementation, with a target date of around Labor Day.

The Transportation Advisory Committee (TAC) recommended to Council adoption of Vision Zero as a City policy. An ordinance was on for First Reading on June 28, 2021 and returns to Council for Second Reading and hopeful adoption on August 16th. Staff is also working with the Manager's Office and other City departments on sidewalks and other matters referred to Council by the TAC. Planning staff is working closely with the Department of Public Works on reviewing the Complete and Green Street Checklist drafted by the TAC.

Staff is working on the implementation of the Compton Road Greenway study. As a result of conversations with the City of Cleveland and their Franklin Boulevard traffic calming project, the next step is for the City to retain an engineer to provide a preliminary design of the Greenway elements, which would allow for further engagement with the community. Staff is coordinating with the Boulevard Neighbors neighborhood group on an event in September that could highlight the future possibilities of the Greenway.

Other transportation activities include:

- South of Cedar Parking and Traffic Study Implementation
- Mayfield Road Corridor Multimodal Plan Implementation / Streetscape Improvements
- Taylor Road Study Implementation

REDEVELOPMENT OPPORTUNITIES

The Boulevard Neighbors neighborhood group has been discussing the future of the privately-owned Park Synagogue on Mayfield Road. Planning staff has attended meetings with the group, along with FutureHeights and others. The building is a local landmark. In general, there is a desire to conserve the existing natural features on the property and preserve the building, which has led to some broader discussions of open spaces, conservation, and natural resources in the City. At this point, both the City and the neighbors await the next steps from the synagogue. Staff has been coordinating with FutureHeights and their Severance Town Center working group, as well as Community Engagement Committee. Recently, FutureHeights hosted a Common Ground event focused on Severance Town Center that was well-attended and fruitful in its discussions.

SUSTAINABILITY

Staff sits on the Doan Brook Watershed Partnership (DBWP) Board and is Vice President of the Executive Committee; Councilwoman Dunbar is City Council liaison and sits on the Board. The TAC is discussing the merits of expanding its mission to include Environmental Sustainability, which may appear on an upcoming agenda for Council's consideration.

ADMINISTRATIVE APPROVALS

Beyond support to City development boards and commissions, per the Zoning Code and other City ordinances, the Planning Department provides administrative approvals for a number of permitted activities. These include: fence permits, Temporary Expansion Area (TEA) permits, mini-split air conditioning systems, and chicken coops, among others.

COMMERCIAL AND MIXED-USE DISTRICT DESIGN STANDARDS / WINDOW TRANSPARENCY

The community, especially the business community, is reminded that in 2017 and 2018 the City adopted design standards for commercial and mixed-use districts, such as Lee Road, to ensure that such commercial spaces were inviting and interacted positively with the public sidewalk and public realm. The standards are attached to this report and staff will be working with the Economic Development Department to provide a flyer to such commercial uses.

COORDINATION WITH ECONOMIC DEVELOPMENT DEPARTMENT INITIATIVES

- *Neighborhood Redevelopment Program (NRP), Phase 1* – Planning staff continues to provide support to Economic Development with the selected developers and implementation, as necessary. Start Right CDC has appeared before the Architectural Board of Review (ABR) for a preliminary review of a proposed model home to be constructed on 961 Nelaview Road. They are anticipated to come to a future ABR meeting for approval. Staff will help to coordinate any community engagement and

review of the Liberty/Amato phase in the Desota area, subject to Council approving a Memorandum of Understanding (MOU).

- *Cedar-Lee-Meadowbrook Redevelopment* – See above.
- *Unitarian Church Redevelopment* – Planning staff has been participating in discussions regarding the potential redevelopment of the Unitarian Church site and adjacent properties, including the potential implications with regards to public parking and the zoning of the redevelopment site. A third-party parking consultant will be engaged to assist with the potential availability and impacts to public parking.
- *Other Economic Development Initiatives* – Planning staff provides input and support on other initiatives, including additional NRP phases, the Taylor-Tudor Plaza properties, the Storefront program, solid waste needs for businesses, other redevelopment opportunities, etc.

BOARDS AND COMMISSIONS

The Department of Planning assists the activities of the Architectural Board of Review (ABR), Board of Control, Board of Zoning Appeals (BZA), Landmark Commission, and Planning Commission, and provides staff assistance to the Citizens Advisory Committee (CAC), Racial Justice Task Force, Transportation Advisory Committee (TAC), and City Council (when needed). Below are tables of both active and recently approved applications managed by the Department.

Note that there are a number of vacancies on the City's boards and commissions. Residents are encouraged to volunteer for these very important civic bodies. See <https://www.clevelandheights.com/1169/Boards-and-Commissions-Application> for more information.

ARCHITECTURAL BOARD OF REVIEW (ABR) – 1st and 3rd Tuesday

At the August 4, 2021 ABR meeting, the following applications were discussed and approved:

Address	Case #	Project Description
13263 Cedar Road (High School)	ABR 2021-175	Request to alter cellular antennas and related equipment on monopole
2727 Lancashire Road	ABR 2021-176	Request to alter cellular antennas and related equipment on building
2235 Overlook Road	ABR 2021-177	Request to renovate two apartment units and convert a 3-bay garage into an apartment
2530 Canterbury Road	ABR 2021-179	Request to install new windows

1293 Ardoon Avenue	ABR 2021-180	Request to install new windows
3003 Edgehill Road	ABR 2021-181	Request to install new windows
3044 Essex Road	ABR 2021-182	Request to install an addition on the home
3031 Berkshire Road	ABR 2021-184	Request to alter front porch steps
3030 Edgehill Road	ABR 2021-185	Request to enclose an existing rear porch
1782 Coventry Road	ABR 2021-187	Request to alter the storefront and construct a new building in the rear
1570 South Taylor Road	ABR 2021-188	Request to install a deck in the rear yard

No action was taken on the following applications (due to the absence of the applicant):

Address	Case #	Project Description
1370 Inglewood Drive	ABR 2021-183	Request to install new windows and stairs
3144 Coleridge Road	ABR 2021-186	Request to install new windows

The following application was withdrawn by the applicant:

Address	Case #	Project Description
1009 Englewood Road	ABR 2021-178	Request to alter the front porch

The next ABR meeting will be held on August 17, 2021. A link to the agenda is provided as follows: <https://www.clevelandheights.com/DocumentCenter/View/9593>. A summary of the meeting will be provided in the next bi-weekly Planning Department report.

BOARD OF CONTROL (As needed for the S-1 District)

There was no recent activity involving the Board of Control.

BOARD OF ZONING APPEALS (BZA) – 3rd Wednesday

The next BZA meeting will be held on August 18, 2021. A link to the agenda is provided as follows: <https://www.clevelandheights.com/DocumentCenter/View/9598>. A summary of the meeting will be provided in the next bi-weekly Planning Department report.

LANDMARK COMMISSION – 1st Tuesday of Odd Numbered Months

The Landmark Commission is considering landmarking the Cider Path, which is City-owned. The first step in the process is to receive owner-consent, which is the City. As a result, a request from the Landmark Commission regarding owner-consent of landmarking the Cinder Path is included

for Council's consideration on August 16th. The Landmark Commission has been discussing a number of other initiatives with City staff.

A special meeting of the Landmark Commission is being scheduled and an update will be provided in the next bi-weekly Director's Report. The next regularly scheduled Landmark Commission meeting will be held on September 14, 2021. A link to the agenda will be provided prior to the meeting date.

PLANNING COMMISSION – 2nd Wednesday

A special Planning Commission meeting will be held on August 19, 2021 at 7 PM. Among the agenda items will be to discuss again Project No. 21-06, the Proposed Zoning Text Amendments regarding private parking garages and ancillary changes (Ord. 70-2021), which was referred by Council to the Commission for review and recommendation. Staff provided suggested changes based upon comments from the Commission, public, and other City departments, with the potential for the Commission to provide a recommendation to Council on the proposed amendments. A link to the agenda and a summary of the meeting will be provided in the next bi-weekly Planning Department report.

CITIZENS ADVISORY COMMITTEE (CAC) – 3rd Tuesday

The CAC held the first Year 48 CDBG public hearing on August 10th. The second public hearing will occur on August 10th and August 17th at 7 PM at the Community Center. Agendas for these meetings were included above. More information on the August CAC/CDBG public hearings will be provided in the next bi-weekly Planning Department report.

TRANSPORTATION ADVISORY COMMITTEE (TAC) – 4th Wednesday

Staff is working closely with the TAC members on the implementation of the City's Green and Complete Streets Policy, including preparing a checklist for City departments to utilize. The next TAC meeting will be held on August 25, 2021. The agenda will be posted and a link will be included in the next bi-weekly Director's Report.

RACIAL JUSTICE TASK FORCE

The Racial Justice Task Force met on July 28th in Council Chambers. The task force passed By-Laws, began developing a work plan and created three subcommittees: Public Safety; Health, Wellness & Education; and Housing & Economic Opportunity. The next meeting of the full Racial Justice Task Force will take place on August 25th at 7 PM in Council Chambers.



COMMERCIAL BUILDINGS 1131.075(a) & 1131.076 WINDOW TRANSPARENCY 1163 WINDOW SIGNS

All windows in all commercial buildings shall provide views to allow people to see and be seen for passive security and to encourage pedestrian activity and district vitality.

Window tint

Windows must be constructed of clear or lightly tinted glass. Reflective glass and tinting above twenty percent (20%) is prohibited.*

Window coverings

Curtains, blinds, or other window coverings may not cover the windows except when necessary to block sunlight for comfort or to avoid damage to items susceptible to heat or intense sunlight. Window coverings shall remain in the open position at all times, whether or not the business is open because this allows the City's safety forces to help keep your property secure. Paper is not permitted on windows.

Request for exemption

To make a case for your need to cover your business' windows, please provide a detailed written explanation to the Zoning Administrator, including:

- Photographs of the outside of your business
- Photographs, drawing and/or manufacturer's specifications of proposed window covering/tint
- Description of your business
- Explain the need to cover your windows
- State the hours you propose to cover your windows
- Explain which windows you wish to cover

The Zoning Administrator will review your request with the Police Chief. The adequacy and necessity of such visibility is subject to approval by the Zoning Administrator.

Window signage

Permanent or temporary window signs may not obscure views. Permanent window signs generally may not exceed 10% of each window panel. Temporary window signs along with permanent windows signs together shall not exceed 20% of the total window area or more than 30% of any one window panel. All window signs must comply with Code sections 1163.03, 1163.04 & 1163.06.

Prior to ordering new windows, applying tint or mirroring, or installing window coverings or signs, please contact the Zoning Administrator, City of Cleveland Heights Planning Department, 40 Severance Circle, Cleveland Heights, 216-291-4878.

*20% tint means that 80% of light penetrates the window and it is easily seen through.



To: Susanna Niermann-O'Neil, City Manager

From: Annette M. Mecklenburg, Chief of Police

Date: August 10, 2021

Subject: Police Department Update

On Sunday, August 8, 2021, at 6:28 pm a robbery was reported in Denison Park. Preliminary investigation indicates that the victim was at the basketball courts when he observed several males and females walk onto the courts and assault another male. The victim attempted intervene and stop the assault when one of the assailants brandished a firearm. As the victim walked away from the courts, he was assaulted by several people who had been involved in the altercation. Several items were stolen from the victim including his cell phone and keys. The suspects are reported to range in age from 14 to 20 years old and they left the park in two vehicles. Detectives are investigating.

On Monday, August 9, 2021, at 6:22 pm Officers responded to 820 Woodview Road on a report of a male shot. Upon arrival Officers discovered 13-year old London Hill had been shot at least once. Officers immediately began rendering aid until the arrival of Paramedics. However, due to the severity of the injuries, the victim succumbed to his injuries. Preliminary investigation indicates that the victim was in the kitchen when two shots were fired into the back of the home. It appears that the shots came from the rear yard three houses away. The victim and his mother are visiting from Wisconsin and staying with relatives on Woodview. There were several other people inside the house at the time of the shooting. No one else was injured. Detectives are investigating.

On August 3, 2021, Safety Forces Night Out was held and once again there was a great turnout from our Cleveland Heights residents. We truly appreciate all the support in making this event such a success, especially all the assistance we received from Parks and Rec in setting up. Members from the Fire and Police Departments had a great time meeting and showing off all their equipment to the kids. A wonderful time was had by all.

We are working on scheduling additional community events over the next several months and here are a couple already scheduled events for everyone to attend:

September 3, 2021 10 am – 12 pm Donut Drink & Drive at 2294 Lee Road, Bryan's
Marathon

October 6, 2021 10 am – 12 pm Coffee With a Cop at the Police Academy, 2595 Noble Road.



CLEVELAND HEIGHTS POLICE



DONUT DRINK & DRIVE



Sept 3rd, 2021 - 10 AM-12 PM

Bryan's Marathon at 2294 Lee Road



Join the Cleveland Heights Police Department and Investigator Allen at Bryan's Marathon to gather information and to sign a pledge to not drink and drive! Grab a donut and show your commitment to practicing safety on the roads. This will be a drive-in event and we hope many of our Cleveland Heights residents will participate!

Free donuts for all participants





Date: August 10, 2021

To: Susanna Niermann-O'Neil, City Manager

From: Collette Clinkscale, Director of Public Works

Subject: Public Works Update

Sanitary Sewer Evaluation Survey

There is no update on the SSES. The City has submitted the IOMCP plan by the due date. On August 9, 2021, the USEPA submitted comments to provide additional information to the Capacity Assessment Report previously submitted by the City. Wade Trim, Inc. and Louis McMahon will be working with the City to provide responses.

#20-06 – Delamere Drive Basement Flooding Relief

All manhole and catch basin castings have been set. Concrete curb pouring has been complete. The base course has been installed on Nottingham and Delamere. See below photos of current progress.

Nottingham Lane



Delamere Drive



#21-01 – Shannon Road Resurfacing & Waterline Replacement

The trench repair is completed and the contractor is working on topsoil grading and seeding. Pavement grinding and intermediate course paving are expected to begin next week, weather permitting. Manhole and catch basin adjustments and ADA curb ramps will immediately follow. See below photo of current progress



Refuse Automation Update

1. We are currently working with the Recycling Partnership on public information/media that will accompany each cart.
2. We have completed accepting requests for smaller cart selections made by seniors.
3. We have completed accepting orders for an extra 96-gallon cart by residential customers.
4. We are working to develop the final count for the cart order. There are no anticipated delays in cart manufacturing.
5. We are working with the cart vendor to coordinate the delivery schedule. We have pushed the schedule out to November for the cart delivery because the trucks are projected to be delivered in December.
6. There have been delays in truck manufacturing with the new Front Load collection vehicles attributed to supply shortages and delays being experienced globally in the production of raw materials, i.e., steel and rubber. We are working with the vendors involved to try to keep the project as much on track as possible.
7. At this time, we continue to project December for implementation.
8. We will continue to release updates on the website and in the Focus Magazine.



CLEVELAND HEIGHTS

Committee of the Whole

August 16, 2021

6:30 p.m.

Agenda

1. Legislation Overview
2. Partial Vacation of Andrews Road
3. Council Vacancy Charter Amendment
4. Executive Session
 - a. To consider the terms of purchase of real property for public purposes*
 - b. To consider the sale or lease of City-owned real property*



CLEVELAND HEIGHTS

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

Monday, August 16, 2021
Regular Meeting
7:30 p.m.

Cleveland Heights City Hall
40 Severance Circle
Cleveland Heights, Ohio

- 1) Meeting called to order by Council President**
- 2) Roll Call of Council Members**
- 3) Excuse absent members**
- 4) Personal communications from citizens**
- 5) Report of the City Manager**
- 6) Report of the Clerk of Council**

Notify Council of a supplemental Fiscal Officer's Certificate for the purpose of refunding certain of the City's Severance Ring Road Improvement Refunding Bonds, Series 2014, dated July 2, 2014

Matter of Record

- 7) Committee Reports**

a.) PLANNING AND DEVELOPMENT COMMITTEE

ORDINANCE NO. 101-2021 (PD), *Second Reading*. An Ordinance adopting procedures for the transfer of 3424 Beechwood Avenue, received through the City of Cleveland Heights Land Reutilization Program, to FutureHeights, Inc.; declaring the property no longer needed for a public purpose

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

RESOLUTION NO. 108-2021 (PD). A Resolution authorizing the City Manager to enter into a Pass-Through Sale-Purchase Agreement with the Cuyahoga County Land Reutilization Corporation for the acquisition of certain real property

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

RESOLUTION NO. 109-2021 (PD). A Resolution authorizing the City Manager to sign a non-binding Memorandum of Understanding with Amato Homes I, LLC for the redevelopment of vacant residential lots owned or controlled by the City with new single family homes

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

***MOTION** authorizing the City Manager to issue a Request for Qualifications and Preliminary Development Proposals (RFQ/RFP), for the redevelopment and rehabilitation of the property located at 1932 – 1946 S. Taylor Road, known as the “Taylor Tudor Plaza,” for potential residential or mixed-use redevelopment.

Moved by Council Member _____

Vote _____ _____
 For Against

***MOTION** to consent to the designation of the City-owned Bradford Cinder Path as a Landmark property pursuant to City of Cleveland Heights Codified Ordinance 143.08(c).

Moved by Council Member _____

Vote _____ _____
 For Against

b.) PUBLIC SAFETY AND HEALTH COMMITTEE

ORDINANCE NO. 110-2021 (PSH). An Ordinance accepting the material terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understand and consistent with the terms of the July 21, 2021 National Opioid Settlement Agreement

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

ORDINANCE NO. 111-2021 (PSH). An Ordinance repealing Chapter 150, “Transportation Advisory Committee,” of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 150, “Transportation and Environmental Sustainability Committee”

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

c.) ADMINISTRATIVE SERVICES COMMITTEE

ORDINANCE NO. 112-2021 (AS). An Ordinance repealing Section 139.13 “Maternity Leave” of the Codified Ordinances of the City of Cleveland Heights and enacting a new Section 139.13 “Paid Parental and Childbirth Leave” to provide paid parental leave benefits for full-time, permanent employees

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

d.) COMMUNITY RELATIONS AND RECREATION COMMITTEE

e.) FINANCE COMMITTEE

ORDINANCE NO. 113-2021 (F). An Ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending

ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

ORDINANCE NO. 114-2021 (F). An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,725,000 for the purpose of refunding for debt charges savings certain of the City’s outstanding Severance Ring Road Improvement Refunding Bonds, Series 2014, dated July 2, 2014

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

f.) MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 96-2021 (MS), *Second Reading.* A Resolution adopting and supporting the ideals, principles, and concepts of Vision Zero for the City of Cleveland Heights, and affirming that the acceptable number of annual traffic deaths is zero

Introduced by Council Member _____

Vote _____ _____ _____
 For Against No. Reading

8) Council President’s Report

9) Adjournment

NEXT MEETING OF COUNCIL: TUESDAY, SEPTEMBER 7, 2021



MEMORANDUM

To: City Council

cc: Susanna Niermann O'Neil, City Manager
William Hanna, Law Director

From: Eric Zamft, Planning Director

Date: August 8, 2021

Subject: Legislation Adopting and Supporting the Ideals, Principles, and Concepts of Vision Zero for the City of Cleveland Heights – Resolution No. 96-2021, Second Reading

Background

Despite far less travel due to the COVID-19 pandemic in 2020, an estimated 42,060 traffic deaths occurred – an 8% increase over 2019. At Council's June 28, 2021 meeting, legislation was introduced for First Reading by Council Member Dunbar adopting and supporting the ideals, principles, and concepts of Vision Zero for the City of Cleveland Heights. This legislation was drafted and requested by the City's dedicated Transportation Advisory Committee (TAC).

Vision Zero has been adopted by communities throughout the world – with the overarching goals that the acceptable number of annual traffic deaths is zero. In Ohio, Cleveland, Columbus, Toledo, and Cincinnati have all committed to Vision Zero. In fact, on July 27, 2021 a resolution was introduced in Congress to commit to Vision Zero set a national goal of zero traffic deaths by 2050.

Given the City of Cleveland Heights' long history as a walkable, bikeable community and the City's award-winning Complete and Green Streets Policy, local adoption of Vision Zero is appropriate and attainable. In practice, adoption of Vision Zero would be implemented through the City's various Departments to prioritize the goal of zero traffic fatalities in future projects.

Staff Recommendation

City staff, based upon the request of the TAC, recommends that Council adopts Resolution No. 96-2021 upon Second Reading.

Proposed: 6/28/2021

RESOLUTION NO. 96-2021 (MS), *Second Reading*

By Council Member Dunbar

A Resolution adopting and supporting the ideals, principles, and concepts of Vision Zero for the City of Cleveland Heights, and affirming that the acceptable number of annual traffic deaths is zero.

WHEREAS, Cleveland Heights prides itself on being a walkable city with sidewalks on almost all City streets; and

WHEREAS, Cleveland Heights is also a Bicycle Friendly Community with many sharrows and bike lanes around the City; and

WHEREAS, Cleveland Heights also has transit service provided by the Regional Transit Authority (RTA) and University Circle (UCI); and

WHEREAS, all users of Cleveland Heights roadways are vulnerable to accidents; and

WHEREAS, “roadway” includes streets, roads, lanes, courts, alleys, trails, bikeways, sidewalks, multipurpose paths, bicycle lanes, pedestrian crossings, or other improvements, structures, infrastructures, appurtenances, or improvements within or adjacent to the public right of way; and

WHEREAS, the overarching goal of the Vision Zero movement is that the acceptable number of annual traffic deaths is zero, and this Council believes that such a goal is appropriate and attainable, as has been demonstrated in other cities around the globe; and

WHEREAS, Cleveland Heights’s award-winning Complete and Green Streets Policy is compatible with Vision Zero; and

WHEREAS, studies and history show that traffic crashes and collisions are often the result human error and that many such traffic crashes and collisions might be avoided, mitigated, or ameliorated by the application of roadway design and engineering practices recognizing human error as such a cause; and

WHEREAS, the City, through its various Departments, can prioritize the goal of zero traffic fatalities in the planning of future projects, facilities, or operations where there is a foreseeable potential of one or more traffic-related fatalities by implementing the roadway design plans and engineering practices that underlie Vision Zero.

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

RESOLUTION 96-2021 (MS), *Second Reading*

SECTION 1. This Council hereby adopts Vision Zero for the City of Cleveland Heights, with the goal of achieving zero annual traffic fatalities in the City.

SECTION 2. This Council authorizes and directs the City Manager to have City Departments cooperate and coordinate to prioritize the goal of zero traffic fatalities in the planning of future projects, facilities, or operations where there is a foreseeable potential of one or more traffic-related fatalities by using the roadway design and engineering practices underlying Vision Zero.

SECTION 3. Nothing in this Resolution shall be so interpreted or construed as to create any liability or strict liability upon the City where none has previously existed, nor shall any person be entitled to pursue any case in law or equity seeking to impose such a liability where none has heretofore existed.

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

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

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:



Memorandum

To: Susanna Niermann-O'Neil-City Manager
From: Allan Butler- Housing Programs Director
Date: August 12, 2021
Re: 3424 Beechwood transfer-with additional property condition and history.

The attached legislation authorizes the title transfer of the real properties at 3424 Beechwood Ave. PPN(684-29-120) from the City of Cleveland Heights Land Reutilization Program (CHLRP) to Future Heights Inc. for the purpose of renovation by means of their Future Homes Program.

The City of Cleveland Heights, per Resolution No. 24-2021 has entered into First Extension of Development Services Agreement and Project Approval with Future Heights to perform services as a community development corporation for the City. City Council members have indicated that they desire to see Future Heights Inc. complete renovation projects in the Noble Rd. neighborhood and Taylor Rd/Desota Ave. areas. The current request for the transfer of 3424 Beechwood Ave. from the City's Land Bank to Future Heights supplies Future Heights with a property in this identified target area. The Cuyahoga County Land Bank through the Housing Dept. directive has also prepared Pass-Through Agreements to Future Heights for vacant State Forfeiture properties at 832 Woodview Rd., 3868 Monticello Blvd., 1040 Elbon Rd., and 3406 Cummings Rd. which will provide Future Heights additional properties within the target areas identified by Council.

The vacant property at 3424 Beechwood was deeded to the City Land Bank on 11/3/2020 through the tax foreclosure process which was initially filed on this parcel on 8/29/2018 and had a had a total unpaid tax balance of \$67,148.

- A City inspection of the two-family dwelling at 3424 Beechwood has indicated \$62,500 of escrow required and all but \$4,000 of the total was for violations on the interior of the dwelling. The Future Heights CDC has also performed a preliminary scope of work for the property and have indicated that repair costs submitted by contractors were in the range of \$170,000. The property was victim to a fire in 2000 and the property was not insured. The former owner, Marvin Moskowitz began fire renovation efforts on the property in 2008 which included a new roof, windows, vinyl siding, interior framing, rough plumbing and rough electric work however the interior work was never completed. Completion of the interior renovations remain the majority of the required repairs.

Proposed: 8/2/2021

ORDINANCE NO. 101-2021 (PD), *Second Reading*

By Council Member Ungar

An Ordinance adopting procedures for the transfer of 3424 Beechwood Avenue, received through the City of Cleveland Heights Land Reutilization Program, to FutureHeights, Inc.; declaring the property no longer needed for a public purpose; and declaring an emergency.

WHEREAS, pursuant to Ordinance No. 33-2009, this Council adopted and implemented the procedures set forth in Chapter 5722 of the Ohio Revised Code for a Land Reutilization Program, known as the Cleveland Heights Land Reutilization Program; and

WHEREAS, the City of Cleveland Heights (“City”) currently owns certain real property located at 3424 Beechwood Avenue, Permanent Parcel No. 684-29-120 (“Property”); and

WHEREAS, the City obtained the Property through its Land Reutilization Program; and

WHEREAS, the City has determined that it has no need for the Property and therefore the Property does not serve a public purpose; and

WHEREAS, FutureHeights, Inc. (“FutureHeights”) is a non-profit corporation, which promotes a vibrant and sustainable future for Cleveland Heights through innovative ideas and civic engagement; and

WHEREAS, pursuant to Resolution No. 97-2018, the City and FutureHeights entered into a Development Services Agreement with FutureHeights to perform services as a community development corporation for the City; and

WHEREAS, pursuant to Resolution No. 24-2021, the City and FutureHeights entered into a First Extension of Development Services Agreement and Project Approval to continue performing such services; and

WHEREAS, Resolution No. 24-2021 and the corresponding Agreement identified certain primary priority areas for project approvals, including the area in which the Property is located; and

WHEREAS, pursuant to the City’s agreement with FutureHeights, transfer of the Property would be in the best interests of the City and its residents; and

WHEREAS, Section 110.04 of the Cleveland Heights Codified Ordinances authorizes Council to enact an ordinance to adopt procedures for the conveyance of real property not needed for public purpose.

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

SECTION 1. This Council hereby determines that the City-owned real property located at 3424 Beechwood Avenue, Permanent Parcel No. 684-29-120 ("Property"), is not needed for a public purpose.

SECTION 2. Pursuant to the authority of City Council set forth in Section 110.04 of the Codified Ordinances of the City of Cleveland Heights, this Council hereby authorizes the City Manager to transfer the Property to FutureHeights, Inc. upon receipt of necessary approvals, forms, terms, and conditions deemed appropriate by the City Manager.

SECTION 3. Documents implementing the above transaction shall be approved as to form by and subject to the final approval of the Director of Law.

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

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to transfer the property to begin rehabilitation work at the earliest time permitted by law. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:



ECONOMIC DEVELOPMENT MEMO – August 10, 2021:

Taylor Tudor Plaza – Authorization to issue a Request for Qualifications and Preliminary Redevelopment Proposals (RFQ/RFP) for Buildings #1, #2, and #3:

The Administration seeks to issue a Request for Qualifications and Preliminary Redevelopment Proposals (RFQ/RFP), for the redevelopment and rehabilitation of the buildings known as the “Taylor Tudor Plaza”, consisting of three buildings currently owned or controlled by the City on S. Taylor Road. The purpose of the project would be to attract a qualified development partner to redevelop the property as residential and/or mixed-use redevelopment. A DRAFT of the anticipated RFQ/RFP is included in this Council packet.

Proposed: 8/16/2021

RESOLUTION NO. 108-2021 (PD)

By Council Member

A Resolution authorizing the City Manager to enter into a Pass-Through Sale-Purchase Agreement with the Cuyahoga County Land Reutilization Corporation for the acquisition of certain real property; and declaring an emergency.

WHEREAS, Cuyahoga County Land Reutilization Corporation (“CCLRC”) is an Ohio community improvement corporation authorized to receive property; and

WHEREAS, certain real property located at 1908 South Taylor Road, Permanent Parcel Number 684-26-011, and 1912-1926 South Taylor Road, Permanent Parcel Number 684-26-012, known as “Taylor Tudor,” has been forfeited to the State of Ohio as a result of Cuyahoga County Board of Revision case number CV-17-881181; and

WHEREAS, Taylor Tudor is eligible for acquisition by the CCLRC pursuant to Section 5723.04 of the Ohio Revised Code; and

WHEREAS, to facilitate the reclamation, rehabilitation, and reutilization of Taylor Tudor, CCLRC is willing to acquire the same and transfer it to the City; and

WHEREAS, the City desires to acquire Taylor Tudor for those purposes.

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

SECTION 1. The City Manager be, and she is hereby, authorized to execute a Pass-Through Sale-Purchase Agreement and any related documents with Cuyahoga County Land Reutilization Corporation for the acquisition of certain real property located at 1908 South Taylor Road, Permanent Parcel Number 684-26-011, and 1912-1926 South Taylor Road, Permanent Parcel Number 684-26-012. The purchase price for the properties, including all buildings on the properties, shall be Two Hundred Dollars (\$200.00). The City shall pay all closing costs and costs of transfer.

SECTION 2. Documents implementing the above transaction shall be approved as to form by and subject to the final approval of the Director of Law.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants

RESOLUTION NO. 108-2021 (PD)

of the City of Cleveland Heights, such emergency being the need to acquire the above-referenced properties in order to begin their rehabilitation and redevelopment at the earliest time 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 upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:



CLEVELAND HEIGHTS

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

For the **Taylor Tudor Plaza – Building #1, #2, & #3**

Rehabilitation/Redevelopment Project

in the City of Cleveland Heights, Ohio

RFQ/RFP Issued: **August 23, 2021**

Response Deadline: **October 15, 2021 (4:00 pm EST)**

DRAFT 8/10/2021

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I. INTRODUCTION

A. RFQ/RFP OVERVIEW

The City of Cleveland Heights, Ohio seeks to identify a qualified developer or development team with whom the City can work collaboratively, to plan, rehabilitate and, ultimately, redevelop the property located at 1932 – 1946 S. Taylor Road. This currently vacant building is owned by the City and is known as the “**Taylor Tudor Plaza – Buildings #1, #2, & #3**” site (the “Site”). The Site is roughly bounded by S. Taylor Road to the east, and Superior Park Drive to the north, with private residential development on the west, and the Taylor Road Synagogue property to the south. The Site consists of Cuyahoga County parcel numbers 684-27-001, 684-26-011, and 684-26-012, and is within easy walking distance to businesses along S. Taylor Road, as well as Cain Park, which is a recreational jewel in the City and home to the City-owned arts and entertainment complex.

The buildings are currently vacant, 3-story structures located in the Stadium Square National Register of Historic Places Historic District:

- Building #1: 5,500 square feet of ground floor commercial space, currently divided in 8 commercial spaces, and 16 upper floor residential units;
- Building #2: 7,289 square feet of ground floor commercial space, currently divided into 7 commercial spaces, and 16 upper floor residential units;
- Building #3: 5,867 square feet of ground floor commercial space, currently divided into 6 commercial spaces, and 12 upper floor residential units.

This Request for Qualifications and Preliminary Redevelopment Proposals (“RFQ/RFP”) provides details about the Site and surrounding areas, establishes the rehabilitation and redevelopment goals of the City, and outlines the information required from interested development partners, as well as the process by which a development partner will be selected. **Qualifications and supporting materials must be received by October 15, 2021 at 4:00 pm EST.**

The City intends to provide interested Development Teams with an in-person tour of the interior of the Buildings and exterior by appointment. A Pre-Proposal meeting will also be held at a time and date to be determined prior to the proposal due date in order for the City to provide responses to inquiries for additional information about Taylor Tudor Plaza - Building #1, #2, & #3 to interested Development Teams.

In the interest of efficiency, rather than undertaking separate Request for Qualifications (“RFQ”) and Request for Proposals (“RFP”) processes, the City wishes to use this single process, which is

a hybrid between a true RFQ and an RFP, to understand each developer's or team's qualifications as well as their preliminary redevelopment concept(s) for the Site. Through this process, the City seeks to identify and select a development partner to work collaboratively with to plan for, refine, and, ultimately, implement the rehabilitation and redevelopment of the Site. As the public partner, the City has a commitment to a high degree of input from City staff and the public to help shape the final development plan for this Site. The City will require that conceptual plans, drawings, and renderings be submitted as part of the response to this RFQ/RFP. At the conclusion of the evaluation process, the City anticipates entering into a Memorandum of Understanding (MOU), followed by a Development Agreement with the selected development partner that will outline the roles and responsibilities of each party and establish timelines for completing the project. As part of the Development Agreement discussions, the City envisions consideration of several site control options such as selling the Site to the selected developer, entering into a long-term ground lease, or other arrangements to be negotiated with the developer.

B. CURRENT CITY OF CLEVELAND HEIGHTS REHABILITATION AND REDEVELOPMENT GOALS FOR THE SITE

The City seeks to plan for, rehabilitate, and, ultimately, redevelop the Site in a way that, at a minimum:

1. Creates a rehabilitated and revitalized building consistent with the architectural integrity of this contributing building and the Stadium Square Historic District within which it is located;
2. Offers space occupiable by active ground floor uses, such as: office, commercial, retail, restaurant uses, with upper floors available for residential purposes, resulting in a successful mixed-use development that leverages the placemaking opportunities of the Site;
3. Dovetails with the architecture and aesthetics of the surrounding area;
4. Complements and is harmonious with adjacent residential neighborhoods;
5. Creates positive economic and fiscal benefits for the neighborhood and the City;
6. Incorporates thoughtful landscaping into the design and redevelopment;
7. Effectively incorporates public input into the plans and design;
8. Strongly encourages efforts to achieve inclusion of minority-owned and female-owned business enterprises in the construction of the development, as well as strongly encourage efforts to ensure that laborers and mechanics employed on the project shall be paid at a prevailing wage rate to an extent reasonably practicable;
9. Achieves the goal of local worker participation by having a majority of workers participating in the construction of this project being residents of Northeast Ohio and, if possible, the City of Cleveland Heights; and

10. Strives to implement sustainability best practices through LEED “Silver” certification or substantially equivalent rating system as determined by the City;
11. Strengthens and revitalizes the South Taylor Road commercial corridor;
12. Considers the transportation recommendations of the Taylor Road Corridor Study.

C. USES

The City welcomes and encourages highly creative ideas and approaches regarding the rehabilitation and redevelopment of the Site. Proposed uses should be consistent with the City’s development goals and Master Plan. The City believes this is an excellent opportunity to think creatively about the Site so as to revitalize and add to the unique character of the surrounding South Taylor Road corridor and the City.

D. SURROUNDING AREA

Cleveland Heights is a diverse, progressive, inner-ring suburb of Cleveland, Ohio, with approximately 46,000 residents. The City’s homes have architectural styles ranging from Craftsman bungalows and front porch Colonial Revival homes to historic mansions, new townhouses and condominiums. The City has a thriving arts community that includes galleries, theatre and dance companies, and Cain Park, a municipally owned arts and entertainment complex. The City is home to 11 commercial districts, including the Cain Park Village District. These commercial districts are made up of over 500 small businesses, with more than 50 of these businesses located in the Cain Park Village District. The Site is located in the heart of the South Taylor Road corridor.

Transportation of all types provides patrons with easy access to this Site. A Cleveland Regional Transit Authority (RTA) bus stop is located at the intersection of South Taylor and Cedar Roads to the south as well as at Severance Town Center to the north. Nearby businesses include a variety of small businesses primarily serving the local retail market and the Orthodox Jewish community. The Cain Park Village/South Taylor Road area is a focal point of the Orthodox Jewish community in Northeast Ohio, with significant investment and interest in both the commercial and residential real estate in the district in recent years. The Site is located approximately three (3) miles from University Circle, a world class center of education, medical, arts and cultural institutions including the Cleveland Clinic, Case Western Reserve University, University Hospitals Case Medical Center, the world-renowned Cleveland Orchestra, the Cleveland Museum of Art, and many more institutions and employers.

II. SITE INFORMATION

A. SITE DESCRIPTION

As indicated on below, the Site is located on South Taylor situated between Mayfield Road and Cedar Road. The Site is approximately 0.783-acres and consists of parcel numbers: 684-27-001, 684-26-011, and 684-26-012. These 3-story buildings include approximately 18,500 square feet of ground-floor space, currently divided into 21 commercial spaces, and 44 upper-floor residential units – all currently vacant. Recent and historical photographs of the Site and surrounding neighborhood are provided below. The Site and surrounding parcels are within the C-2 Local Retail District.



Zoning Map



ZONING DISTRICTS	
	AA SINGLE-FAMILY
	A SINGLE-FAMILY
	B TWO-FAMILY
	MF1 MULTIPLE-FAMILY
	MF2 MULTIPLE-FAMILY
	MF3 MULTIPLE-FAMILY
	C1 OFFICE
	C2 LOCAL RETAIL
	C2X MULTIPLE-USE
	C3 GENERAL COMMERCIAL
	P PARK
	S1 MIXED-USE
	S2 MIXED-USE
	OVERLAY

Current and Historical Photos of Property

Building 1



Building 1



Building 1



Building 1 Rear



Building 2



Building 3



Current and Historical Photos of Property

Building 2



Building 2-3 Rear



Ca. 1930



Ca. 1930



Development Adjacent to Property

Berkowitz-Kuman-Bookatz Funeral Home



Additional Taylor Tudor Buildings (not included in RFQ)



Retail Plaza Across Street



Taylor Road Synagogue



Cain Park



Adjacent Apartment Buildings



B. DEVELOPMENT HISTORY

Buildings #1, #2, & #3 comprise the Taylor Tudor Plaza development, and were constructed in 1928. The buildings are part of the Stadium Square National Register Historic District, which extends westward along Superior Park Drive incorporating the residential uses on both sides of the street.

C. ADDITIONAL INFORMATION

Links to additional information about the Site can be found in “Section VII. Additional Resources” at the end of this document. Additional information includes the following:

City of Cleveland Heights Master Plan – Land Use Plan: The Master Plan calls for the area where the Taylor Tudor Plaza is located to develop as a mixed-use project consisting of commercial and retail uses, with attached or multi-family development. This would include commercial and retail uses in walkable buildings with upper floor residential or office uses. Multi-family uses could include a range of high-density options including townhouses and apartment buildings.

Taylor Road Corridor Study: Cleveland Heights, along with the City of University Heights, obtained a Transportation for Livable Communities (TLCI) planning grant from NOACA to identify ways to make Taylor Road safer and more desirable for people biking and walking. Recommendations from the study include bicycle facilities, road diet, midblock crossing improvements, walkable zoning and streetscape standards. More information can be found here: <https://www.clevelandheights.com/1431/Taylor-Road-Corridor-Study>

Zoning: The Site is zoned “C-2” Local Retail that includes dwellings above first-floor commercial uses.

Incentives: The Site is eligible for **tax abatement** under the City’s “**Grow Program**” (**Community Reinvestment Area (CRA) Tax Abatement**). Remodeling activities for mixed-use projects, such as those contemplated by this RFQ/RFP, are eligible for up to 100% tax abatement on the increased value of the Site as a result of rehabilitation activities, including up to a 12-year term, subject to school district approval as evidenced by a negotiated agreement. Additional information on the City’s CRA program can be found on the City website at <https://www.clevelandheights.com/1075/Community-Reinvestment-Area-CRA> .

As a contributing building(s) in the Stadium Square National Register Historic District, the Site is eligible for application to the **State of Ohio for State Historic Tax Credits (HTC)**. Please refer

to the following link for more information on the State's HTC program:

https://development.ohio.gov/cs/cs_ohptc.htm

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

III. SUBMISSION REQUIREMENTS

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

A. DEVELOPMENT TEAM INFORMATION

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

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

B. RELEVANT DEVELOPMENT EXPERIENCE

Describe at least three (3) recent redevelopment projects that your company has successfully completed or that are currently underway. Include a project summary, location, project cost, funding sources, development challenges and solutions, and municipal references. List development team members and their role in each project.

C. FINANCIAL CAPACITY

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

D. PROPOSED DEVELOPMENT VISION(S) AND PRELIMINARY REDEVELOPMENT CONCEPT(S)

An understanding of the objectives, intent, and the form of the proposed redevelopment and process will lead to a successful redevelopment of the Site. To that end, and in order to properly

review submitted proposals, the City is requesting that a development team provide both a proposed development vision and preliminary redevelopment concepts.

Narrative of Proposed Development Vision(s)

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

- Estimated capital investment;
- Description and evidence of how the vision(s) addresses existing market conditions;
- An indication of the level of quality of the materials to be used and the amenities to be provided in this rehabilitation of the buildings;
- Proposed ownership structure of the buildings;
- Design approach and discussion of its compatibility with surrounding neighborhoods, activities, uses, architecture, and aesthetics;
- Plan for any new parking and traffic needs created by the redevelopment of this Site, and the potential impact of the proposed development on the existing and surrounding neighborhoods; and
- Discussion of the Development Team’s understanding of the significance of this site to the City and adjacent commercial district and neighborhoods;

Preliminary Development Concept(s)

Words are never enough to depict planning and design intent. In order to better understand the vision for the Site and be able to evaluate the design capabilities of each proposing team, the City is requiring the following that would depict the preliminary proposed development concept(s), understanding that they are preliminary and would evolve over time: one (1) conceptual site plan for the Site showing any changes to the buildings, parking modifications, access and egress, open or gathering spaces, and areas of landscaping; representative example or preliminary floor plans for the ground-floor and upper-floors; a conceptual rendering of the building(s) from South Taylor Road. All drawings should be 11 x 17 and included in the submission

Potential for Added Property

A proposing team may also have a vision that includes property in the vicinity of the Site (“Added Property”). The City is open to such proposals; however, the proposing team should indicate generally what types of mechanisms, such as easements or leases, that would be necessary to include such Added Property.

E. COMMUNITY ENGAGEMENT

Engagement with our community residents is essential to the City of Cleveland Heights, as they have unique experience and abilities that can and should support redevelopment. The development process must be inclusive and involve input not only from the City administration and City Council, but adjacent residents, property and business owners, as well as the greater Cleveland Heights community. Please describe your approach to effective early community engagement for this project and your experience successfully navigating this process with previous projects.

F. PROPOSED PROCESS AND TIMELINES

Having the Site reach its full development potential quickly is a primary goal of the City. Please describe the anticipated specific timelines and critical path for fully redeveloping the Site, specifically identifying dates for completing an MOU, Site due diligence, entering into a Development Agreement, commencement, and completion of key project activities including, but not limited to:

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

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

G. ECONOMIC IMPACTS

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

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

- Discussion of how the project could catalyze additional nearby development and revitalize the South Taylor Road corridor.

H. RESOURCES REQUIRED FROM THE CITY AND OR OTHERS

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

I. MINORITY AND FEMALE BUSINESS ENTERPRISES INCLUSION; PREVAILING WAGE, AND LOCAL HIRING

The City strongly encourages efforts to achieve inclusion of minority-owned and female-owned business enterprises in the construction of the development, as well as strongly encourage efforts to ensure that laborers and mechanics employed on the project shall be paid at a prevailing wage rate to an extent reasonably practicable;

The Developer is strongly encouraged to achieve the goal of local worker participation by having a majority of workers participating in the construction of this project being residents of Northeast Ohio; Please describe any efforts you have made on past projects to include minority-owned and female-owned businesses and any steps you intend to take to include minority-owned and female-owned businesses for this project.

The Developer shall agree to share with the City, and its agents, including but not limited to the Regional Income Tax Authority, all information necessary to facilitate tracking of project construction workers on a monthly basis to assure payment of the appropriate income taxes due to the City from such employment. All reporting requirements associated with the project will be subject to the conditions negotiated in a final project development agreement.

J. DEVELOPMENT AND USE AGREEMENT

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

require. Please indicate whether or not there is any objection to providing a Personal Guaranty of Completion or equivalent guaranty or surety or similar approach that would protect the City from the potential of default and/or an incomplete project.

K. PROJECT SUMMARY

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

Company Information	
Founded	
Employees	
Headquarters	
Development Partner(s)	
Timeline	
Phases	
Time from groundbreaking to completion	
Financing	
Equity source	
Personal guarantee of debt financing from the firm's principal(s)	
Tax Increment Financing (TIF) required for current concept?	
Guarantee of public infrastructure financing – can a corporate and personal guaranty be provided by the developer?	
Tax abatement required?	
Development contingent on availability of any County, State, Federal funding sources outside of City control?	
MBE and FBE Inclusion	
MBE and FBE Inclusion	
Project Team	
Development Partner	
Architect	
MBE and FBE participation	
Public finance	
Construction	
Site work	
For-sale housing development partner?	

Residential sales or rentals?	
Parking	
Parking study to be completed?	
Project Examples	
Example	
Example	
Example	

IV. Evaluation Criteria

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

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

Developer Qualifications

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

Development Concept

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

Development Approach

- Maximization of the Site for residential (projected number of new residents), office and or retail/commercial uses;
- New job and payroll creation;
- Strategy for soliciting and incorporating neighborhood/stakeholder input; and
- Inclusion of minority-owned and female-owned business enterprises.

Economic and Fiscal Impact

- Synergy with neighborhood businesses;

- Benefit to residents and/or employees and all users of the Site (convenience, amenities, accessibility and similar Site design considerations);
- Capital investment;
- Potential to generate City income and property tax;
- Potential to build property value and generate property tax both on and off the Site; and
- Generation of other City revenue streams (fees, taxes, and other similar revenue streams).

Projected Timeline / Critical Path to Accomplish the Following Milestones

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

V. EVALUATION PROCESS AND TIMELINE

It is expected that the developers or development teams whose submissions best meet the evaluation criteria established above will be selected for an interview with the review team. Following the review team interviews, some or all of the developers or development teams may be invited to present their qualifications and preliminary development proposals to City Council. City Council will make the final selection of a developer. The following is the anticipated schedule for the evaluation and selection of a development team.

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

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

Confidentiality

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

Rights Reserved by the City

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

VI. SUBMISSION INSTRUCTIONS

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

ttpbuildings@clvhts.com

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

Development teams shall submit an electronic copy of their submission via email (attachment or file-sharing link) to ttpbuildings@clvhts.com or have a flash drive containing the submission delivered to the address below. As part of the review process, development teams may be asked to provide up to 15 hard copies of the submission. Packages must be clearly labeled **"Developer Qualifications for the City of Cleveland Heights Taylor Tudor Plaza Site."** Any portions of a submittal containing confidential financial or trade secrets should be clearly labeled as such. The City will endeavor to maintain but cannot guarantee the confidentiality of these documents.

Qualifications packages and supporting materials must be received by **October 15, 2021 at 4:00 pm EST** to be considered. Packages should be addressed to:

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

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

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

VII. ADDITIONAL RESOURCES

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

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

Relevant Websites

- www.clevelandheights.com

The City intends to provide interested Development Teams with an in-person tour of the interior of the Buildings and exterior by appointment. A Pre-Proposal meeting will also be held at a time and date to be determined prior to the proposal due date in order for the City to provide responses to inquiries for additional information about Taylor Tudor Plaza - Building #1, #2, & #3 to interested Development Teams.

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ECONOMIC DEVELOPMENT MEMO – August 10, 2021:

Neighborhood Redevelopment Program (NRP) Phase I – Memorandum of Understanding (MOU) with Amato Homes – Construction of Infill Housing on Desota Avenue:

The City issued a Request for Qualifications and Preliminary Development Proposals (RFQ/RFP) in October of 2020 for the City's Neighborhood Redevelopment Program (NRP) Phase I, to attract a qualified development partner to construct new infill housing on City owned or controlled vacant lots.

In December of 2020, Liberty Development / Amato Homes responded with a proposal to construct such housing along Desota Avenue. The Administration has since negotiated an MOU Agreement to be entered into by Amato homes to construct single-family, owner-occupied houses on up to 18 vacant lots on Desota Avenue.

The Administration requests authorization from Council at this time for the City Manager to enter into this agreement. This will enable negotiations to commence on a Development Agreement for the project and ultimately, the construction of new housing in the City along Desota Avenue.

Proposed: 8/16/2021

RESOLUTION NO. 109-2021 (PD)

By Council Member

A Resolution authorizing the City Manager to sign a non-binding Memorandum of Understanding with Amato Homes I, LLC for the redevelopment of vacant residential lots owned or controlled by the City with new single family homes; and declaring an emergency.

WHEREAS, the City issued an RFQ/RFP in October, 2020 for proposals for the collaborative development of new construction, single-family, owner-occupied infill housing on lots that are currently vacant and owned or controlled by the City, known as the Phase I Neighborhood Redevelopment Program; and

WHEREAS, in December 2020, Amato Homes I, LLC (“Amato Homes”) timely submitted its proposal for the development of approximately ten (10) single family homes pursuant to the RFQ/RFP ; and

WHEREAS, on March 15, 2021, this Council authorized the City Manager to negotiate with Amato Homes on the terms of a non-binding Memorandum of Understanding pursuant to the RFQ/RFP and Amato Homes’s response; and

WHEREAS this Council hereby determines that it is in the City’s best interest to authorize the non-binding Memorandum of Understanding which has been negotiated with Amato Homes for the Phase I Neighborhood Redevelopment Program.

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

SECTION 1. The City Manager be, and she is hereby, authorized to sign a non-binding Memorandum of Understanding (MOU) with Amato Homes I, LLC, concerning the redevelopment of approximately eighteen (18) vacant, City-owned residential lots with newly constructed single family homes. The terms of the MOU shall be substantially similar to those contained in the MOU attached hereto as Exhibit A. The MOU shall be subject to the approval of the Director of Law.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to negotiate a development agreement with Amato Homes I, LLC in a time frame that will allow construction to begin during the 2021 construction season. Wherefore, provided it receives the affirmative vote of five (5) or more of

RESOLUTION NO. 109-2021 (PD)

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

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

MEMORANDUM OF UNDERSTANDING**Neighborhood Redevelopment Program (NRP) – Infill Housing Construction along Desota Avenue - in Cleveland Heights, Ohio**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into by and between the CITY OF CLEVELAND HEIGHTS, OHIO, a municipal corporation and political subdivision duly organized and existing under the laws of the State of Ohio (the “City”) and AMATO HOMES (“AMATO”), (the “Developer”) effective as of the last date set forth below their respective signatures hereto (the “Effective Date”) and sets forth the primary business terms pursuant to which the Developer proposes to build infill single-family, owner-occupied houses on City-owned and/or controlled vacant residential lots located along Desota Avenue in the City (the “Project Site”).

The Project Site includes residential lots owned or controlled by the City that is currently vacant land, as generally described in Exhibit D attached hereto. The following terms and conditions are subject to the execution of a formal development agreement (the “Development Agreement”) which will contain the primary terms and conditions herein, among other essential terms and conditions to be agreed to by the parties. The City and the Developer agree to negotiate diligently and in good faith during the period following the Effective Date in order to draft and execute the Development Agreement and all related documentation as is necessary or appropriate to implement the development project outlined in this MOU, all of which documentation shall be in form and substance acceptable to the Developer and the City and their respective counsel, and subject to approval of City Council, in their respective sole discretion. The good faith negotiation period shall be 90 days beginning on the Effective Date and the parties agree that they shall execute the Development Agreement and all related documentation by the end of the good faith negotiation period, as further described in Section 4 below.

Except as otherwise provided in Section 17 of this MOU and the Access Agreement described in Section 6 and attached as to form as Exhibit C if and when fully executed and effective, no party shall have any liability or obligation, one to the other, unless or until the Development Agreement is executed.

1. The Project

The “Project” referred to in this MOU includes the development contemplated by the Request for Qualifications and Preliminary Development Proposals issued by the City on October 8, 2020 (the “RFQ/RFP”), which are incorporated herein by reference, including vacant City-owned and/or controlled residential lots described in the proposal dated December 11, 2020 in response to the RFQ/RFP (the “Proposal”), both of which are attached hereto as Exhibit A. The development of the Project Site is described in more detail in the Project Summary which is attached hereto as Exhibit B. For purposes of this MOU and the Development Agreement, the Project shall include the Project Site.

2. Vision/Development Goals

The Developer and the City seek to collaboratively create new single-family, owner-occupied infill housing on lots that are currently vacant City-owned and/or controlled. The City’s

goal is that the development of the Project Site shall be completed in a manner which, at a minimum:

1. Results in housing designs and types that complement and are harmonious with the other houses on these streets and the adjacent residential neighborhoods;
2. Creates positive economic and fiscal benefits for the neighborhood and the City;
3. Incorporates greenspace, and basic landscaping, into the design and construction of infill housing on each lot;
4. Effectively incorporates community feedback into the design;
5. Strongly encourages efforts to achieve inclusion of minority-owned and female-owned business enterprises in the construction of the development, as well as strongly encourage efforts to ensure that laborers and mechanics employed on the project shall be paid at a prevailing wage rate to an extent reasonably practicable at an acceptable aggregate level to be negotiated;
6. Developer is strongly encouraged to achieve the goal of local worker participation by having a majority of workers participating in the construction of this project being residents of Northeast Ohio;
7. Strives to achieve LEED SILVER or similar / comparable rating system certification and, at a minimum, implements sustainability best practices; and
8. The City strongly desires to pursue, and will likely require, the redevelopment of the lots along Desota Avenue with new owner-occupied single-family detached dwelling unit infill housing, subject to the conditions negotiated in a final project development agreement.

3. Proposed Scope

Subject to development of further conceptual designs, community feedback and further market studies and economic feasibility analysis, the Project Site will include up to approximately 18 City-owned/controlled vacant residential lots located along Desota Avenue. The total project cost is currently expected to be in excess of \$2,500,000. The Project is expected to be developed in one phase of construction. The anticipated sales price of each home will likely exceed approximately \$220,000 (subject to increase due to escalating prices of materials).

4. Development Agreement

The City and the Developer will negotiate diligently and in good faith with the goal of entering into a Development Agreement within 90 days of the Effective Date, setting forth the essential terms upon which the development will proceed on the Project Site. At the request of Developer or City, the parties shall have an additional 90 days (within 180 days of the Effective Date) to enter into a mutually agreeable Development Agreement. The Development Agreement will include such terms as the City and the Developer deem necessary to implement the development as currently envisioned, including, at a minimum to the extent reasonably able to be determined upon execution of the Development Agreement, the following:

- a. Detailed descriptions and designs of the proposed new houses / improvements to be constructed on the Project Site;
- b. An overview of the general plan of finance with respect to the Project, including Developer sources and uses of funds necessary to complete the Project, including the terms and conditions of any construction loan financing from conventional lenders or Letter of Credit that will be used to finance the Project. Confidentiality of Developer financing shall be granted for information determined to be proprietary in, or of a trade secret, nature;
- c. Detailed timelines/schedules/deadlines for the development of Phase I acceptable to the City and the Developer, including timelines and deadlines relating to community engagement, planning, diligence, financial underwriting, architectural design and review, City approvals, construction bidding and construction, and an agreement by the Developer to proceed in accordance with the agreed-upon schedule;
- d. The terms and conditions of a Reverter Clause outlining the agreed upon timeframes and schedules associated with construction, obtaining occupancy certification, and sale to an owner-occupant, that if not achieved, will result in a lot or lots reverting back to City ownership;
- e. The City shall provide details relating to the City's process of zoning and planning approval and City assistance with providing tax abatement incentives for the Project using the City's Community Reinvestment Area (CRA) incentives pursuant to Section 4. (a.) of City Ordinance 77-2018, all as further described in Section 12 of this MOU;
- f. An expected timeline relating to City review and approval of preliminary and final house designs, plans and specifications and any modifications to such designs, plans and specifications as required by the City's zoning and plan approval process, building plan review and approval process, and City review and approval of preliminary and final architectural plans and drawings and any modification of such plans and drawings as required by the City's zoning, building and plan approval process;
- g. The terms and conditions under which the City may provide funding for the planting of street trees and repair of sidewalks pertaining to the associated lots in the Project;
- h. Terms and conditions upon which the City will sell the lots in the Project Site to the Developer, as provided in Section 5 below;
- i. A requirement that the Developer provide the City with a general construction budget including sources and uses of all funds or Letter of Credit relating to the Project. Confidentiality of Developer financing shall be granted for information determined to be proprietary in, or of a trade secret, nature;
- j. A requirement that the Developer be strongly encouraged to achieve MBE/FBE participation goals in connection with the Project as detailed in the Proposal;
- k. A detailed plan relating to security and avoidance of nuisances on the Project Site during construction;
- l. A requirement for delivery to the City of bonds issued by an acceptable surety, each in a form reasonably satisfactory to the City, as applicable, at the time of contractor registration;

- m. Detailed provisions requiring the Developer to maintain insurance in form and amount reasonably required by the City and to provide the City customary indemnity with respect to the Project; and
- n. An agreement by the Developer that it will pay all costs and expenses in connection with the development of the Project, including, but not limited to, all costs and expenses for title searches and title insurance, environmental studies and reports, feasibility studies, appraisals, surveys and plats, architectural and construction costs, financing costs, and all legal fees incurred by Developer.

5. Sale of Lots in the Project Site to Developer

The City shall sell the lots to the Developer in their “as is, where is” condition for an amount of \$100.00 per lot. The City agrees to cooperate with the Developer to enable Developer to obtain financing necessary to construct and complete the Project, including the following:

- a. Improvements are to be owned by the Developer until sold to an owner-occupant; and
- b. Casualty and condemnation proceeds shall be disbursed in accordance with the loan documents.

If necessary for the financing of the Project, the Developer and the City shall negotiate diligently and in good faith to structure the purchase agreement of the lots in the Project Site from the City to the Developer as a direct real estate transaction.

6. Due Diligence

The Developer or its designee shall have a period of time commencing on the date of full execution of this MOU and continuing for sixty (60) days thereafter (the “Due Diligence Period”) to conduct inspections of the Project Site. At the request of the Developer or City, the Due Diligence period may be extended for an additional period of thirty (30) days. The Developer and its agents, representatives and contractors shall be granted full access to the land comprising the Project Site pursuant to an Access Agreement in a form substantially similar to the form attached to this MOU as Exhibit C for purposes of conducting such physical and environmental inspections, tests and surveys, including without limitation a Phase I environmental survey (Developer shall be obligated to conduct a Phase I environmental assessment), soil borings, geotechnical testing, surveys and title searches (collectively, the “Inspections”) of the Project Site as the Developer deems necessary, in the Developer’s sole discretion, to determine the feasibility, costs and physical and other impediments to development of the Project, but prior to conducting any physical testing of the Project Site for environmental matters such as test/monitoring wells and soil sampling, the Developer must share with the City its Phase I environmental assessment and obtain the City’s written consent to such testing.

The Developer shall provide copies to the City of any and all test results and reports relating to Inspection Work performed at the Project Site. The Developer shall be responsible for any damage to the Project Site caused by the Developer or the Developer’s inspectors or contractors during such Inspections, shall repair and restore the Project Site to its condition immediately prior to said

Inspections, and shall indemnify and hold the City harmless from and against any and all costs, claims and liabilities arising therefrom except arising out of pre-existing conditions.

Additionally, the City shall furnish or make available to the Developer upon the Effective Date, all available information with respect to the history and physical and environmental condition of the lots located in Phase I of the Project Site which is in the City's possession or control, including without limitation any environmental or geotechnical studies or tests, surveys, plats and title reports. The City shall provide due diligence information on these lots including any known environmental reports, geotechnical information, and documentation the City may have regarding demolition and backfill activities on said lots conducted by the City, as well as other conditions and the location of utility disconnects, but the City shall not in any way be deemed to representing or warranting the accuracy or completeness of the form and content of the information, reports, and documentation which it provides or delivers to the Developer.

In the event that the Developer is dissatisfied with the results of the Inspections for any reason whatsoever, the Developer may give written notice to the City to such effect prior to the end of the Due Diligence Period (as it may be extended as provided above) and thereafter shall have no obligation or liability with respect to the Project other than the obligation of the Developer to deliver to the City the results of all Inspections and any studies conducted by Developer relating to the Project or the Project Site, and all work product relating to those Inspections or studies, at no cost to the City. Alternatively, the Developer may propose changes to the nature and scope (as set forth in the Development Agreement) of the proposed Project. If such changes are rejected by the City, the Developer may likewise give written notice to the City and thereafter shall have no obligation or liability with respect to the Project other than the obligation of the Developer to deliver to the City the results of all Inspections and any studies conducted by Developer relating to the Project or the Project Site, and all work product relating to those Inspections and studies, at no cost to the City.

7. Community Engagement

The Developer acknowledges that the City considers community engagement to be a critical component of the development process for the Project, and the Developer agrees to cooperate with the City to gather input concerning the Project from residents and businesses in the Desota Avenue Neighborhood and the greater Cleveland Heights community.

The Developer agrees that it shall meet personally with representatives of stakeholders as mutually agreed upon by the parties, to review the proposed design elements of the houses to be constructed in the Project. The Developer agrees to participate in community engagement events prior to the final approval of the Development Agreement.

The Developer agrees that as part of its Project review process it will make itself reasonably available to meet at convenient times and places upon reasonable request in City Council meetings, public briefings and information sessions that are open to all interested parties. Developer agrees that, to the extent commercially reasonable, it will endeavor to incorporate into the Project, if and where appropriate, design suggestions made during the foregoing.

8. Communications/Coordination

The Development Agreement will include a mutually acceptable plan for communication and coordination between Developer and the City during the pre-construction planning period and the construction period for the Project. The plan will include, at a minimum, designated representatives of the Developer and the City, a schedule of coordination/update/project status meetings between the Developer and the City and a plan for communicating development plans and project updates to stakeholders in the community.

9. Design and Construction of Improvements

The development of the Project shall create, to the extent commercially feasible, new single-family owner-occupied detached dwelling units built consistent with the City “B” Two Family zoning district requirements. The Project shall be completed using new, quality materials in accordance with the agreed-upon plans and specifications approved by the Architectural Board of Review and in compliance with the City’s existing guidelines and standards established for the Project. The Developer agrees to construct or cause construction to be completed in accordance with all applicable laws, ordinances, rules and regulations and safety standards.

Following the parties’ execution of the Development Agreement, the Developer shall, at its sole cost and expense, prepare and submit to the City preliminary plans prepared by an Ohio licensed architect for the exterior configuration, appearance, orientation, size, interior features and fixtures, and permitted use of the improvements to be constructed as part of the Project, upon which final construction plans will be based.

The Preliminary Plans and all final construction plans shall be subject to the City’s zoning and planning approval process for residential development.

10. Permitted Use

After the Developer has purchased the lots in the Project, they shall be entitled to design, construct and sell new owner-occupied single-family homes along Desota Avenue in accordance with the codified ordinance of the City of Cleveland Heights, Part 11 – Zoning Code, and in particular Chapter 1121 of said code pertaining to the “B” Two Family zoning requirements established therein. The Developer shall not be permitted to lease or enter into a land contract or similar conditional sales contract for the new single-family homes to any party whatsoever except with the written consent of the City, which consent the City may withhold in its sole and absolute discretion.

11. City Cooperation

The City intends to work collaboratively with the Developer to refine the Project and to assist the Developer as much as possible with streamlining City zoning, permitting and design review and approval processes.

The City will cooperate with the Developer in connection with the execution of reciprocal easement agreements or similar instruments with respect to the Project which are reasonably

necessary to facilitate ingress, egress, access to utilities and access and to other public improvements.

12. Financing

The City will cooperate with the Developer and the buyers / owners of the new houses constructed by the Developer in the review and processing of applications for CRA tax abatement, and take such actions and execute and deliver such documents as may be reasonably required to enable said tax abatement.

The City acknowledges that the Developer expects to create a multi-tiered plan of finance for the Project and that the Developer shall have the right, upon approval by the City of the Developer's financing plans as described in Section 4(b) above, to grant a security interest, mortgage or other encumbrance (in any event, an "Encumbrance") to secure debt related thereto. The City shall have the right to review all financing of the Project or Letter of Credit that will be used to finance the Project. Confidentiality of Developer financing shall be granted for information determined to be proprietary in, or of a trade secret, nature;

13. Taxes and Impositions

After title to a lot in the Project have been transferred to the Developer, the Developer shall pay all real property taxes and assessments (prorated as of the closing date) with respect to the Project Site directly to the taxing authority before the same become overdue. The City will cooperate with the Developer to cause all bills and statements for taxes and assessments to be delivered directly to the Developer and shall promptly deliver to the Developer any such bills and statements which the City receives. Except as otherwise provided in the Development Agreement, the Developer shall be permitted to contest any real property taxes or assessments with respect to the Project in accordance with applicable law and procedures. The Developer may apply for and receive any and all other incentives available and applicable to the Project from any and all federal, state and local governmental authorities and the City will cooperate with the Developer to apply for such incentives.

Developer shall direct its general contractor to make all income tax payments to the City through the Regional Income Tax Authority (RITA) associated with such work during construction of the Project and to direct its subcontractors to do the same.

14. No Contingencies; Economic Feasibility

The Developer acknowledges that its obligation to proceed in accordance with this MOU and to negotiate and implement the Development Agreement as contemplated herein is not subject to or contingent upon receipt of any award of new markets tax credits or historic tax credits. The City and the Developer acknowledge that (i) the economic feasibility of the Project requires additional market studies and analysis that will be completed, to the extent possible, during the Due Diligence Period described in Section 6 hereof, and (ii) the scope of the Project as currently contemplated may need to be adjusted pursuant to discussions between the Developer and the City to the extent one or more components of the Project as currently contemplated are determined by the Developer as a result of such market studies or analysis to not be economically feasible for the Project Site.

15. Exclusivity

In consideration of the expenses that the Developer has incurred and will incur in connection with the Project, the City agrees that until such time as this MOU has terminated in accordance with the provisions of Section 16, the City will not solicit or accept bids from any other party and will not furnish information with respect to the Project Site to any other party.

16. Termination

This MOU will automatically terminate and be of no further force and effect (except as provided in Section 17 and Section 18 below) upon the earlier of (i) the execution of the Development Agreement, (ii) mutual written agreement of the City and the Developer, and (iii) the failure of the City and Developer to execute a mutually agreeable Development Agreement within the time period stated in Section 4 of this MOU.

17. Indemnification

Developer agrees to defend, indemnify and hold harmless the City from and against any actions, suits, claims, losses, costs, demands, judgments, liabilities and damages asserted against the City to the extent such actions, suits, claims, losses, costs, demands, judgments, liabilities or damages are a result of or arise from the acts of Developer or its agents, employees, contractors, licensees, invitees or anyone else acting at Developer's request in connection with the Project. In the event this MOU terminates for any reason prior to the execution of the Development Agreement, Developer's obligation under Section 6 and this Section 17 shall survive such termination.

18. Press Releases

The Developer agrees not to issue any press releases or make other public announcements with respect to the Project without first notifying the City.

19. Governing Law

This MOU and the Development Agreement shall each be governed by and construed in accordance with the laws of the State of Ohio. The Developer agrees that it will comply with all applicable federal, state and local laws with regard to housing opportunities and fair employment practices and will not discriminate on the basis of the protected classes identified in Section 749.01 of the Cleveland Heights Codified Ordinances (age, race, color, religion, sex, familial status, national origin, disability, sexual orientation, or gender identity or expression) in connection with the construction or sale of housing or otherwise pursuant to this MOU or a subsequent Development Agreement concerning the same subject matter.

It is expressly acknowledged and agreed by the parties hereto that, except as provided in the Sections entitled "Fees and Expenses" and "Indemnification", this Memorandum of Understanding is not intended, nor shall this Memorandum of Understanding be deemed, to be a binding or enforceable agreement of the parties to enter into a Development Agreement with respect to the Project Site and that this Memorandum of Understanding does not purport to be inclusive of all of the material terms and conditions relating to such Development Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

CITY OF CLEVELAND HEIGHTS, OHIO

By: _____
Name: _____
Title: _____

Date: _____, 2021

The legal form and correctness of this
instrument is approved:

AMATO HOMES

By: _____
Name: _____
Title: _____

Date: _____, 2021

By: _____
Name: _____
Title: _____

Date: _____, 2021

EXHIBIT A

CITY RFQ/RFP AND DEVELOPER PROPOSAL

(See Attached)



CLEVELAND HEIGHTS

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

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

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

RFQ/RFP Issued: **Thursday, October 8, 2020**

Response Deadline: **Friday, December 11, 2020, by 5:00 P.M. (EST)**

October 8, 2020

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I. INTRODUCTION

A. RFQ/RFP OVERVIEW

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

The lots available for redevelopment are located on Nelaview Road (10 Lots), Greyton Road (9 lots), Dresden Road (3 Lots), Hanover Drive (1 Lot), and Desota Avenue (19 Lots). A listing of all 42 lots available is provided below, with zoning, lot size, and tax abatement incentive levels for each parcel noted.

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

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

This Request for Qualifications and Preliminary Development Proposals (“RFQ/RFP”) provides details about these lots and the surrounding neighborhoods, establishes the redevelopment goals of the City, and outlines the information required from interested development partners, as well as the process by which a development partner will be selected. **Qualifications and supporting materials must be received no later than Friday, December 11, 2020, by 4:00 pm EST.**

In the interest of efficiency, rather than undertaking separate Request for Qualifications (“RFQ”) and Request for Proposals (“RFP”) processes, the City wishes to use this single process, which is a hybrid between a true RFQ and an RFP, to understand each developer’s or team’s qualifications as well as their proposed vision(s) for in-fill housing and redevelopment potential in the neighborhoods noted above. Through this process, the City seeks to identify and select a developer with whom to work collaboratively with to select housing types and designs, and establish development standards / guidelines, for each street and implement the final redevelopment concept. As input from the City and the public is

crucial to, and expected to shape, the final development plan, the City does not require that conceptual drawings or renderings be submitted at this time. However, such drawings and/or renderings of proposed housing types and designs will be accepted and considered as part of this RFQ/RFP process.

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

B. DEVELOPMENT GOALS

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

1. Results in housing designs and types that complement and are harmonious with the other houses on these streets and the adjacent residential neighborhoods;
2. Creates positive economic and fiscal benefits for the neighborhood and the City;
3. Incorporates greenspace, and/or a strong landscaping plan into the design and construction of the development;
4. Effectively incorporates community feedback into the design;
5. Strongly encourages the use of commercially reasonable efforts to achieve inclusion of minority-owned and female-owned business enterprises in the construction of the development, as well as the use of commercially reasonable efforts to ensure that laborers and mechanics employed on the project shall be paid at a prevailing wage rate to an extent reasonably practicable at an acceptable aggregate level to be negotiated;
6. Developer shall use commercially reasonable efforts to achieve the goal of local worker participation by having a majority of workers participating in the construction of this project being residents of Northeast Ohio;
7. Strives to achieve LEED or similar / comparable rating system certification and, at a minimum, implements sustainability best practices; and
8. The City strongly desires to pursue, and will likely require, the redevelopment of these neighborhoods with new owner-occupied single-family detached dwelling unit infill housing development, subject to the conditions negotiated in a final project development agreement.

C. USES

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

D. SURROUNDING AREA

Cleveland Heights is a diverse, progressive, inner-ring suburb of Cleveland, Ohio, with approximately 46,000 residents. The City's homes have architectural styles ranging from Craftsman bungalows and front porch Colonial Revival homes to historic mansions, new townhouses and condominiums. The City has a thriving arts community that includes galleries, theatre and dance companies, and Cain Park, a municipally owned arts and entertainment complex. The City is home to eleven (11) commercial districts and over 500 small businesses.

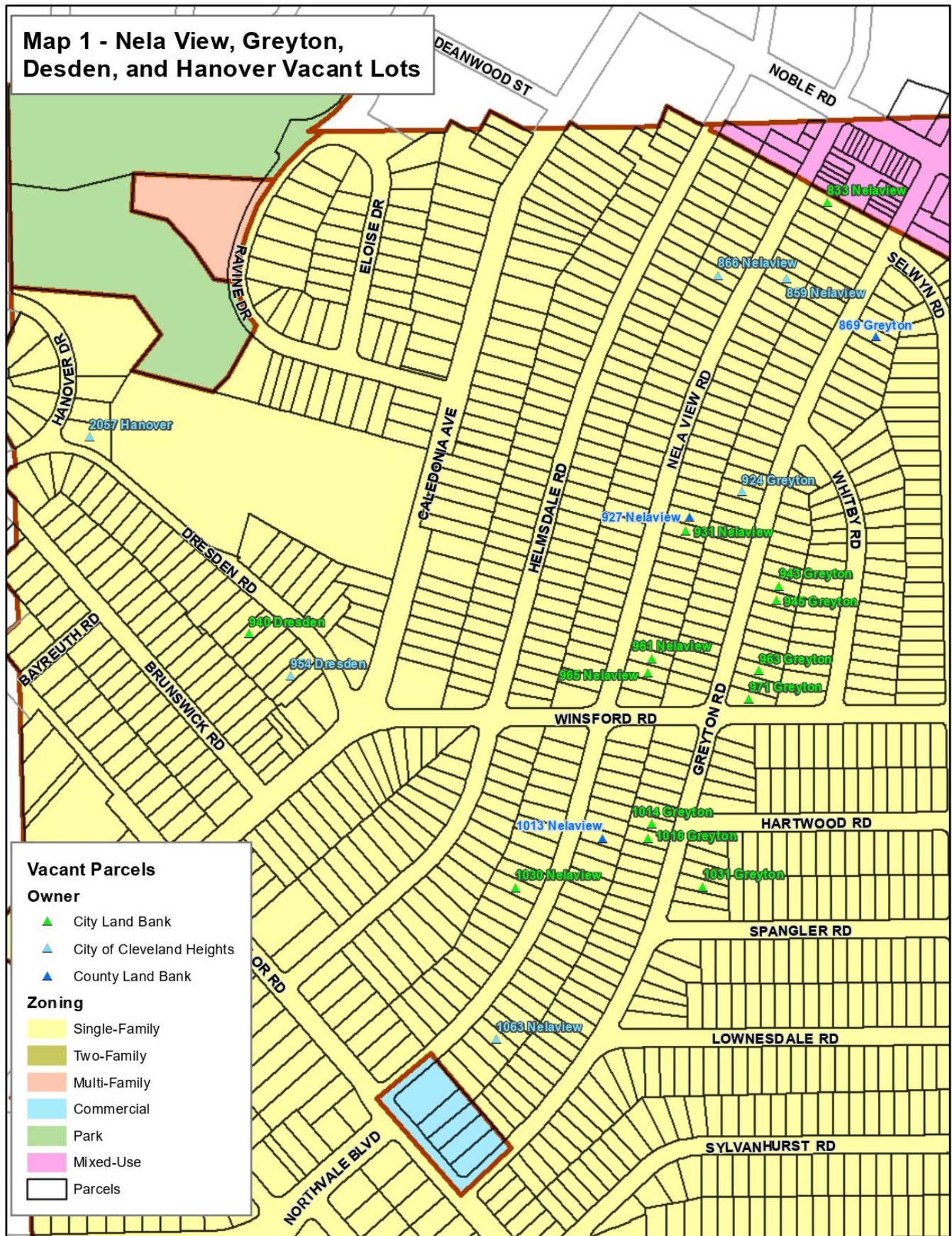
The streets and neighborhoods within this project are located less than three miles from University Circle, a world class center of education, medical, arts and cultural institutions including the Cleveland Clinic, Case Western Reserve University, University Hospitals Case Medical Center, the world-renowned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

II. SITE INFORMATION

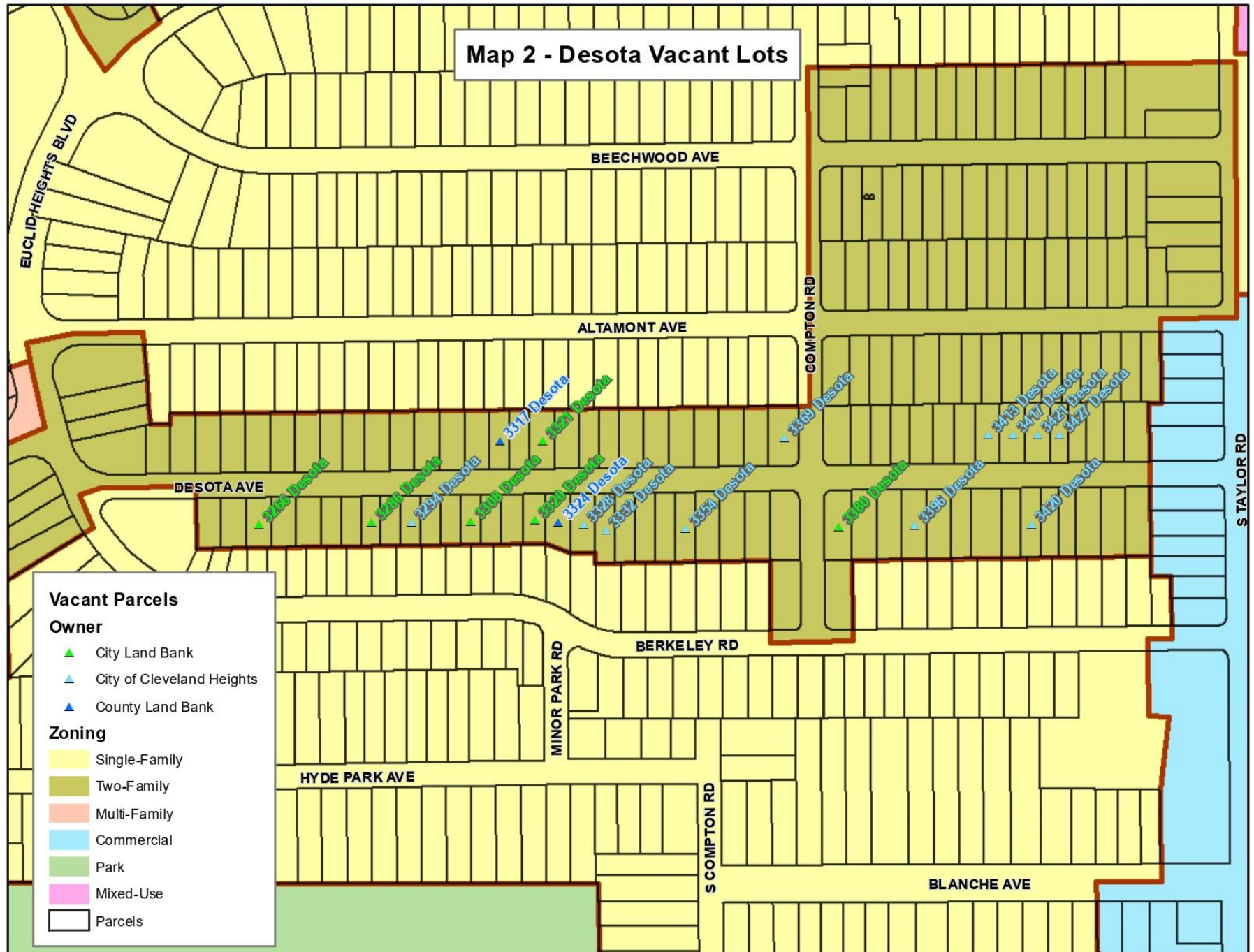
A. SITE DESCRIPTION

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

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



Map 2 - Desota Vacant Lots



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



833 Nelaview



859 Nelaview



866 Nelaview



927 & 931 Nelaview



961 & 965 Nelaview



1013 Nelaview



1030 Nelaview



1063 Nelaview

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



869 Greyton Road



924 Greyton



943 & 945 Greyton



963 Greyton



971 Greyton



1014 & 1016 Greyton



1031 Greyton



920 Dresden

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



940 Dresden



954 Dresden



2057 Hanover

Current Photos of the Desota Redevelopment Area:



3266 Desota



3286 Desota



3294 Desota



3308 Desota



3317 Desota



3320, 3324, 3328, 3332 Desota



3321 Desota



3354 Desota

Current Photos of the Desota Redevelopment Area:



3369 Desota



3380 Desota



3396 Desota



3413, 3417, 3421, 3427 Desota



3420 Desota

B. ADDITIONAL INFORMATION

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

City of Cleveland Heights Master Plan – Land Use Plan:

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

Zoning:

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

The City strongly desires to pursue, and will likely require, the redevelopment of these neighborhoods with new owner-occupied single-family detached dwelling unit infill housing development, subject to the conditions negotiated in a final project development agreement.

Incentives:

The **Nelaview, Greyton, Dresden, Hanover and Desota neighborhoods** are currently located within an existing tax abatement incentive area, which is the City-wide Community Reinvestment Area (CRA), known as the “Cleveland Heights Grow Program”. This incentive allows for an exemption from property taxes on the increased value created by new construction or remodeling of residential or commercial improvements. For new single-family residential building construction of owner-occupied dwelling units, attaining sustainability requirement certification and located in these neighborhoods, tax abatement levels with a term of 15 years and a rate of 100% is available.

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

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

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

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

III. SUBMISSION REQUIREMENTS

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

A. DEVELOPMENT TEAM INFORMATION

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

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

B. RELEVANT DEVELOPMENT EXPERIENCE

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

C. FINANCIAL CAPACITY

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

D. PROPOSED DEVELOPMENT VISION(S)

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

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

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

E. COMMUNITY ENGAGEMENT

The development process must be inclusive and involve input not only from the City administration and City Council, but adjacent residents, property and business owners, as well as the greater Cleveland Heights community. Please describe your approach to effective community engagement for this project and your experience successfully navigating this process with previous projects. The City strongly encourages collaboration between the Development Team selected and our City Community Development Corporation FutureHeights on this project.

F. PROPOSED PROCESS AND TIMELINES

Constructing the infill housing in these neighborhoods as quickly as possible is a primary goal of the City. Please describe the anticipated timelines and critical path for fully developing these lots, specifically identifying dates for commencement and completion of key project activities including, but not limited to:

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

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

G. ECONOMIC IMPACTS

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

- Projected capital investment;

- Number of proposed residential units, square footage and related property and income tax creation projected;
- Projected new employment and payroll anticipated to result from the project; and
- Discussion of how the project could catalyze additional nearby neighborhoods.

H. RESOURCES REQUIRED FROM THE CITY AND OR OTHERS

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

I. MINORITY AND FEMALE BUSINESS ENTERPRISES INCLUSION; PREVAILING WAGE, & LOCAL HIRING

The City strongly encourages the participation of minority-owned and female-owned business enterprises in the development of the Site. Please describe any efforts you have made on past projects to include minority-owned and female-owned businesses and any steps you intend to take to include minority-owned and female-owned businesses for this project. The City strongly encourages the use of commercially reasonable efforts to achieve inclusion of minority-owned and female-owned business enterprises in the construction of the development, as well as the use of commercially reasonable efforts to ensure that laborers and mechanics employed on the project shall be paid at a prevailing wage rate to an extent reasonably practicable at an acceptable aggregate level to be negotiated;

Developer shall use commercially reasonable efforts to achieve the goal of local worker participation by having a majority of workers participating in the construction of this project being residents of Northeast Ohio. In furtherance of this goal, the Developer will ensure that a suitable number of worker outreach events be held in Cleveland Heights to promote local worker participation in the project. The Developer shall agree to share with the City, and its agents, including but not limited to the Regional Income Tax Authority, all information necessary to facilitate tracking of project construction workers on a monthly basis to assure payment of the appropriate income taxes due to the City from such employment. All reporting requirements associated with the project will be subject to the conditions negotiated in a final project development agreement.

J. DEVELOPMENT AND USE AGREEMENT

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

K. PROJECT SUMMARY

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

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

Site work	
For-sale housing development partner	
Residential sales	
Parking	
Parking study to be completed?	
Project Examples	
Examples (3)	

IV. Evaluation Criteria

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

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

Developer Qualifications

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

Development Concept

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

- Sustainability; and
- Ability for the project to “stand the test of time” and age well in the future.

Development Approach

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

Economic & Fiscal Impact

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

Development Schedule

Projected timeline / critical path to accomplish the following milestones:

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

V. EVALUATION PROCESS AND TIMELINE

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

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

Milestone	Date (2020 & 2021)
RFQ/RFP available	October 8, 2020
Deadline for submissions	December 11, 2020
Interviews with selected development teams	January, 2021

City Council presentations by finalists	February, 2021
Begin contract negotiations with selected development team	March, 2021

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

Confidentiality

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

Rights Reserved by the City

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

VI. SUBMISSION INSTRUCTIONS

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

nrpphase1@clvhts.com

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

Development teams shall submit an electronic copy of their submission via email (attachment or file-sharing link) to **nrpphase1@clvhts.com** or have a flash drive containing

the submission delivered to the address below. As part of the review process, development teams may be asked to provide up to 15 hard copies of the submission. Packages must be clearly labeled **“Developer Qualifications for the City of Cleveland Heights Neighborhood Redevelopment Program (NRP) – Phase I.”** Documents containing confidential financial or trade secrets should be submitted in a sealed envelope clearly labeled **“CONFIDENTIAL-TRADE SECRETS.”** The City will endeavor to maintain but cannot guarantee confidentiality of these documents.

Qualifications packages and supporting materials must be received by **Friday, December 11, 2020 by 4:00 pm EST** to be considered. Packages should be addressed to:

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

**P 216-291-4857
nrpphase1@clvhts.com**

VII. ADDITIONAL RESOURCES

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

www.clevelandheights.com/NeighborhoodRedevelopment .

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

Relevant Websites

- **www.clevelandheights.com**

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December 11th, 2020

Timothy M. Boland
Director of Economic Development
City of Cleveland Heights
Via e-mail: nrpphase1@clvhts.com

RE: Developer Qualifications for the Neighborhood Redevelopment Program – Phase I

Dear Mr. Boland-

Please find included here Liberty Development Company and Amato Home's collaborative proposal and qualifications for the Neighborhood Redevelopment Program (NRP).

As you will see from the outline of our experience, our proposed approach and the concept designs for these homes, we have a market viable and neighborhood appropriate strategy to help lead housing reinvestment in the Desota Avenue neighborhood in 2021.

We appreciate the opportunity to be part of Cleveland Heights' continued residential evolution and look forward to having a chance to discuss a partnership with the City in more detail soon.

Please feel free to contact us if you have any questions or require additional information from our team.

Sincerely,

Dru Siley

Dru Siley
Vice President Development
Liberty Development Company
ds@liberty-development.com
216-258-3113

Frank Amato

Frank Amato
President
Amato Homes
franka@myamatohomes.com
330-590-2516

A. Development Team Information

Liberty Development Company was founded in 1996 is a full-service real estate development, management, and construction company with a diverse portfolio of commercial, retail, residential, industrial, and master land-use projects. As one of Northeast Ohio's most active and respected real estate developers, we've built a reputation for tackling complex issues with experience, creativity and vision, while remaining true to our core values of integrity, honesty, and transparency. In real estate development, we create practical, long-term partnerships founded on shared interests and goals.

The lead team member and development lead for our partnership with Cleveland Heights will be Dru Siley, Liberty's VP of Development. Dru's public-sector development experience blends well with cultivating effective public – private partnerships between our company and the communities where we work.

Amato Homes was founded in 2020 by Frank Amato following on more than 25 years of experience as a home builder in Northeast Ohio. Prior to launching his company, Frank worked for K. Hovanian Homes for nearly 16 years most recently as the Director of Construction Services. Currently, Amato Homes has projects in Vermillion, Middleburg Heights and has just broken ground on a group of landbank lots in partnership with the City of Euclid.

Frank's attention to detail and commitment to quality is also rooted in his 20 years of service as a Warrant Officer in the United States Army. Working with teams, successfully coordinating the complex logistics of managing home construction and creating value in the communities are the core competencies of Amato Homes.

This partnership will create an LLC to function as the operational entity during development and construction. The proposed homes would be for sale, owner occupied single-family houses.

B. Relevant Development Experience

As mentioned in the previous section, Amato homes is currently under construction in Vermillion, Middleburg Heights and Euclid creating new single-family homes in those communities. Vermillion and Middleburg Heights are the completion of the last phase of existing subdivisions and Euclid is 3 new homes on City land bank lots.

Liberty Development's currently has four residential projects under construction in the region, Fairlawn, Bay Village, Westlake and Lakewood. All these projects are redevelopment sites, previously occupied by an obsolete use such as a shuttered bank, furniture store or vacant school, and are all for sale townhome projects.

C. Financial Capacity

Liberty Development and Amato Homes both have the financial capacity to develop and construction the proposed houses. Should we be selected as part of the next round of review we can provide more detailed financial information.

D. Proposed Development Vision

- We are interested in developing the lots on Desota Avenue.
- Home sizes range from approximately 1,546-2,000 square feet, 3-bedroom, 2.5-bath with option to upgrade to 4 or 5 bedrooms.
- Proposed use is single-family, for sale homes.
- Capital investment = approximately \$140 per sf constructed.
- Development standards would focus on more traditional architectural style, four-sided design, quality, low maintenance and in line with the neighborhood market.
- Ownership target is a direct sale to future homeowner.
- The objective is to create a single-family home that has a sale price in the low-mid \$200k range. Much of the existing housing stock is value between \$125-\$150k. However, we feel that new single-family houses in the suggested price range would successful due to the following factors:
 - Neighborhood compatible design
 - Proximity to neighborhood schools, synagogues, churches and retail.
 - Proximity to Cain Park and open space amenities.
 - 15-year, 100% tax abatement on the improved value.
- Related to parking and traffic, the new homes are replacing previously demolished homes so historic traffic volumes will not be impacted. Each home will have a two-car garage and driveway to accommodate parking needs for these residents.
- The design of the new homes will strive to be compatible with the existing neighborhood with respect to walkability and the allowance for on site yard for the enjoyment of the owners. The new homes will also be energy efficient above and

beyond the adjacent 100-year old homes due to the type of construction, insulation, windows and efficient heating and cooling systems.

- We are proposing to compensate the City \$1.00 per lot with a negotiated split on the transaction costs.
- We would consider developing homes on other City and Land Bank lots beside the Desota lots but would need more context to the specific locations and conditions. For example, are other developers working in the area, does the City have infrastructure investment budget for a certain neighborhood and what are the existing amenities in the suggested neighborhood?
- Please refer to included concept drawings for the proposed homes.

E. Community Engagement

Our team would spend time in the neighborhood meeting with current owners, tenants and non-profits working in the neighborhood to share our vision for the new homes. We would connect with the adjacent religious and educational institutions to share ideas and receive feedback. Additionally, we would spend time with the local branch real estate offices to better understand the needs and wants of potential buyers.

F. Proposed Process and Timeline

Total project timeline from award to sale is approximately 9 months.

- Site, market and financial analysis is in progress but would include another 90 days once the specific lots have been committed and awarded.
- Financial commitments would begin in that same 90-day period and be complete prior to executing a development agreement.
- Design development is in the work currently but would be refined based on neighborhood and City feedback – timeline TBD.
- Permitting is typically a 60-day process with the City with variables being approval from the Water Department and the County.
- Construction is approximately 150 days.
- Sales efforts would begin at construction with the expectation that the first home would be committed prior to completion.

G. Economic Impacts

- Projected capital investment (hard and soft costs) = \$140 sf x 1,800 (avg) sf home x 10 homes = \$2,500,000 approximate investment.
- Proposing 10 residential units, 1546-2,000 sf per unit.

- Projected new employment and payroll would depend on the number of lots awarded and the proximity of those lots. The efficiency created by proximity allows for the same crews to be in place and consistently working allowing the builder to manage overhead.
- In our experience, new residential investment in a neighborhood that has not seen much new construction or significant renovation tends to encourage additional independent investments from adjacent homeowners.

H. Resources Required from the City and Other

The primary key is the lot price and keeping the acquisition cost low to help us maintain the home pricing targets that we feel fit the market. The City's assistance and commitment to streamlining the review process and advocating expedited review from the City and other agencies will be an important commitment necessary to be successful. We also will need the City to identify a specific staff member who has the authority and time to be a consistent and vocal advocate for our projects. Relief on permit fees and review fees to help maintain budget. Any due diligence information that City can provide such as environmental reports, geotechnical information, documentation of the demolition and backfill and documentation of the condition and location of the utility disconnects.

I. Minority and Female Business Enterprises Inclusion; Prevailing Wage & Local Hiring

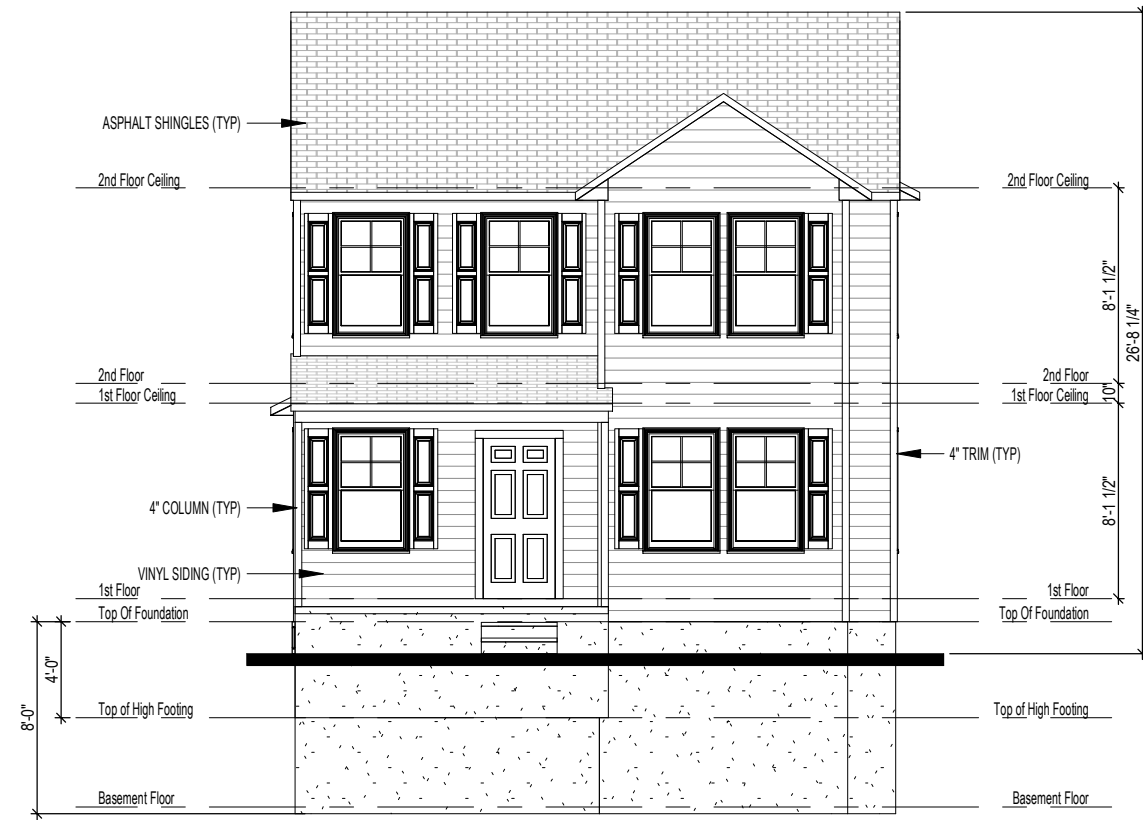
Acknowledged related to making commercially reasonable efforts. These are worthy objectives for the project but being able to deliver quality, sustainable homes for 2021 at the price points we've proposed is the primary goal.

J. Development Agreement

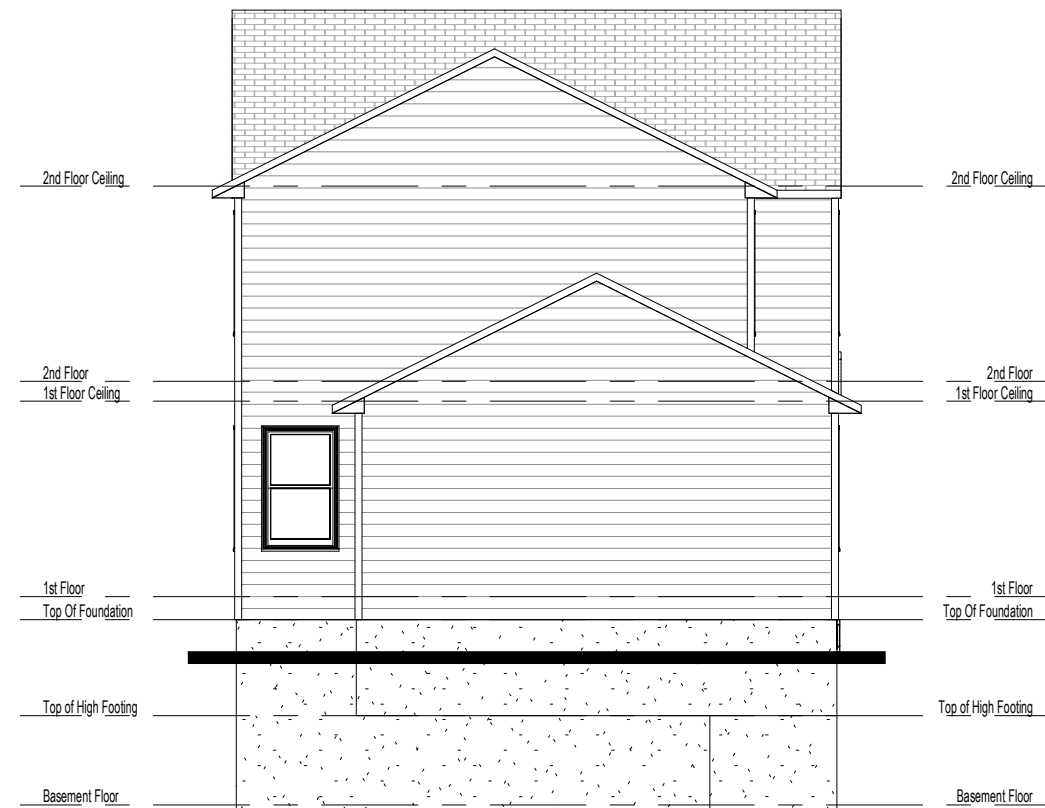
We've indicated key elements related to price point, product type, timing and support throughout this response. We look forward to learning more about the City's intended deal structure as this process progresses.

K. Project Summary

Company Information	
Founded	LDC 1996, Amato Homes 2020
Employees	LDC 8, Amato Homes 1
Headquarters	LDC in Westlake, Amato Homes, Akron
Development Partners	
Timeline	
Groundbreaking to Completion	150 days
Financing	
Equity Source	Development and Builder Team
Personal guarantee of debt financing from firm's principal(s)	TBD depending on lending partner requirements
Tax Increment Financing required?	NO
Guarantee of Public Infrastructure Financing?	More info required
Tax abatement required?	YES
Development contingent on availability of any county, State and Federal funding sources outside of City control?	NO
MBE and FBE Inclusion	
MBE and FBE inclusion	Commercially reasonable efforts
Project Team	
Development Partner	Liberty Development
Architect	TBD
MBE and FBE participation	TBD
Public Finance	Liberty Development
Construction	Amato Homes



1 Front Elevation - Elev A
1/8" = 1'-0"



2 Rear Elevation - Elev A
1/8" = 1'-0"

Elevation A - Sheet List

Sheet Number	Sheet Name
ElevA-Pg1	Front & Rear Elevations
ElevA-Pg2	Side Elevations
ElevA-Pg3	Basement Floor Plan
ElevA-Pg4	1st Floor Plan
ElevA-Pg5	2nd Floor Plan
ElevA-Pg6	Roof Plan
ElevA-Pg7	Electrical & Flooring Plan
Pg8	Optional 2nd Floor Plans
Pg9	Interior Elevations
Pg10	Stair Section
Pg11	Details 1
Pg12	Details 2

2019 RESIDENTIAL OHIO CODE
ENERGY EFFICIENT COMPLIANCE - OHBA COMPLIANCE PATH #2
(SECTION 1112 - INCLUDING ALL MANDATORY ITEMS)
• CEILINGS - R 49
• EXTERIOR SIDEWALLS - R 13
• RIM JOISTS - R 13
• FLOOR OVER UNHEATED SPACES - R 30
• FOUNDATION WALLS - R 10 minimum 4 FT. DOWN (ALL WALLS)
• WINDOWS .32 U VALUE

Area Schedule (Elev A)

Name	Area
Heated	
1st Floor	1082 SF
2nd Floor	493 SF
Basement	703 SF
	2278 SF
Unheated	
Front Porch	64 SF
Garage	249 SF
	313 SF
Under Roof	2591 SF



CONTRACTOR AND BUILDER SHALL REVIEW
ENTIRE PLAN TO VERIFY CONFORMANCE WITH
ALL CURRENT APPLICABLE CODES IN EFFECT AT
TIME OF CONSTRUCTION. BY USING THESE
DRAWINGS FOR CONSTRUCTION IT IS
UNDERSTOOD THAT CONFORMANCE WITH ALL
APPLICABLE CODES IS THE RESPONSIBILITY OF
THE BUILDER AND CONTRACTOR.

1575 RH - Elevation A

Front & Rear Elevations

Lot #:

Job #:

Address:

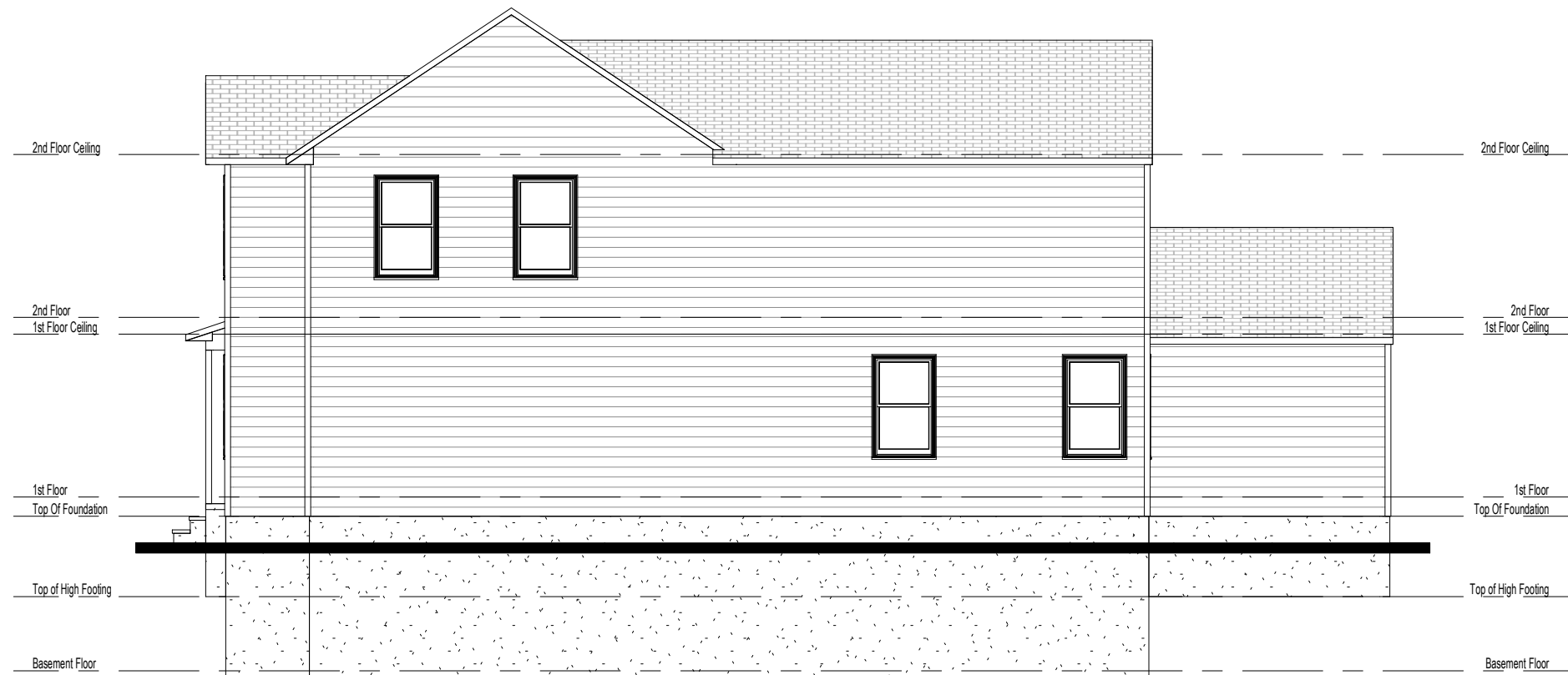
Community:

Last Revision Date:

12-9-20

Sheet #:

ElevA-Pg1



1 Right Elevation - Elev A
1/8" = 1'-0"



2 Left Elevation - Elev A
1/8" = 1'-0"



CONTRACTOR AND BUILDER SHALL REVIEW ENTIRE PLAN TO VERIFY CONFORMANCE WITH ALL CURRENT APPLICABLE CODES IN EFFECT AT TIME OF CONSTRUCTION. BY USING THESE DRAWINGS FOR CONSTRUCTION IT IS UNDERSTOOD THAT CONFORMANCE WITH ALL APPLICABLE CODES IS THE RESPONSIBILITY OF THE BUILDER AND CONTRACTOR.

1575 RH - Elevation A

Side Elevations

Lot #:

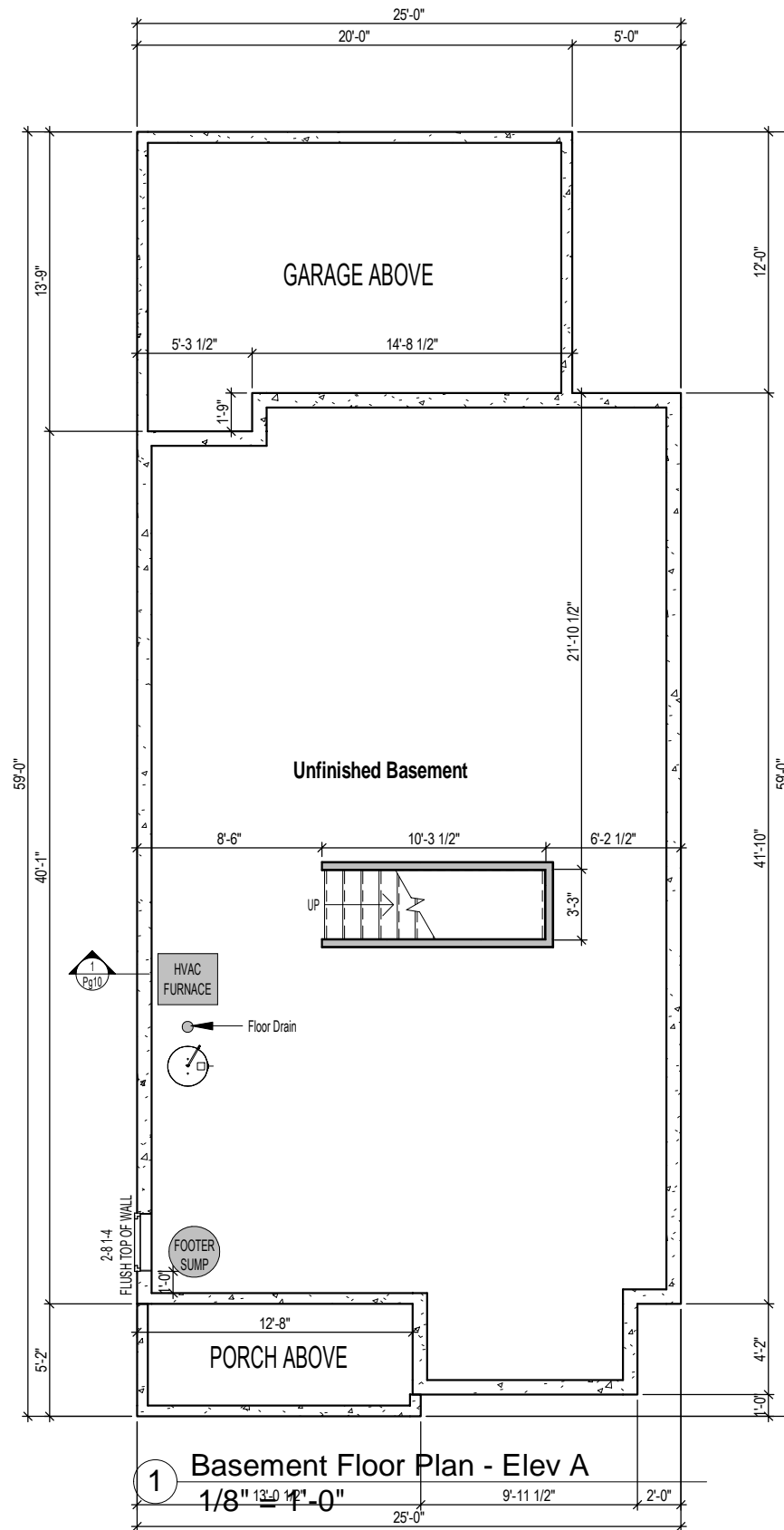
Job #:

Address:

Community:

Last Revision Date:
12-9-20

Sheet #:
ElevA-Pg2



CONTRACTOR AND BUILDER SHALL REVIEW ENTIRE PLAN TO VERIFY CONFORMANCE WITH ALL CURRENT APPLICABLE CODES IN EFFECT AT TIME OF CONSTRUCTION. BY USING THESE DRAWINGS FOR CONSTRUCTION IT IS UNDERSTOOD THAT CONFORMANCE WITH ALL APPLICABLE CODES IS THE RESPONSIBILITY OF THE BUILDER AND CONTRACTOR.

1575 RH - Elevation A

Basement Floor Plan

Lot #:

Job #:

Address:

Community:

Last Revision Date: 12-9-20

Sheet #: ElevA-Pg3

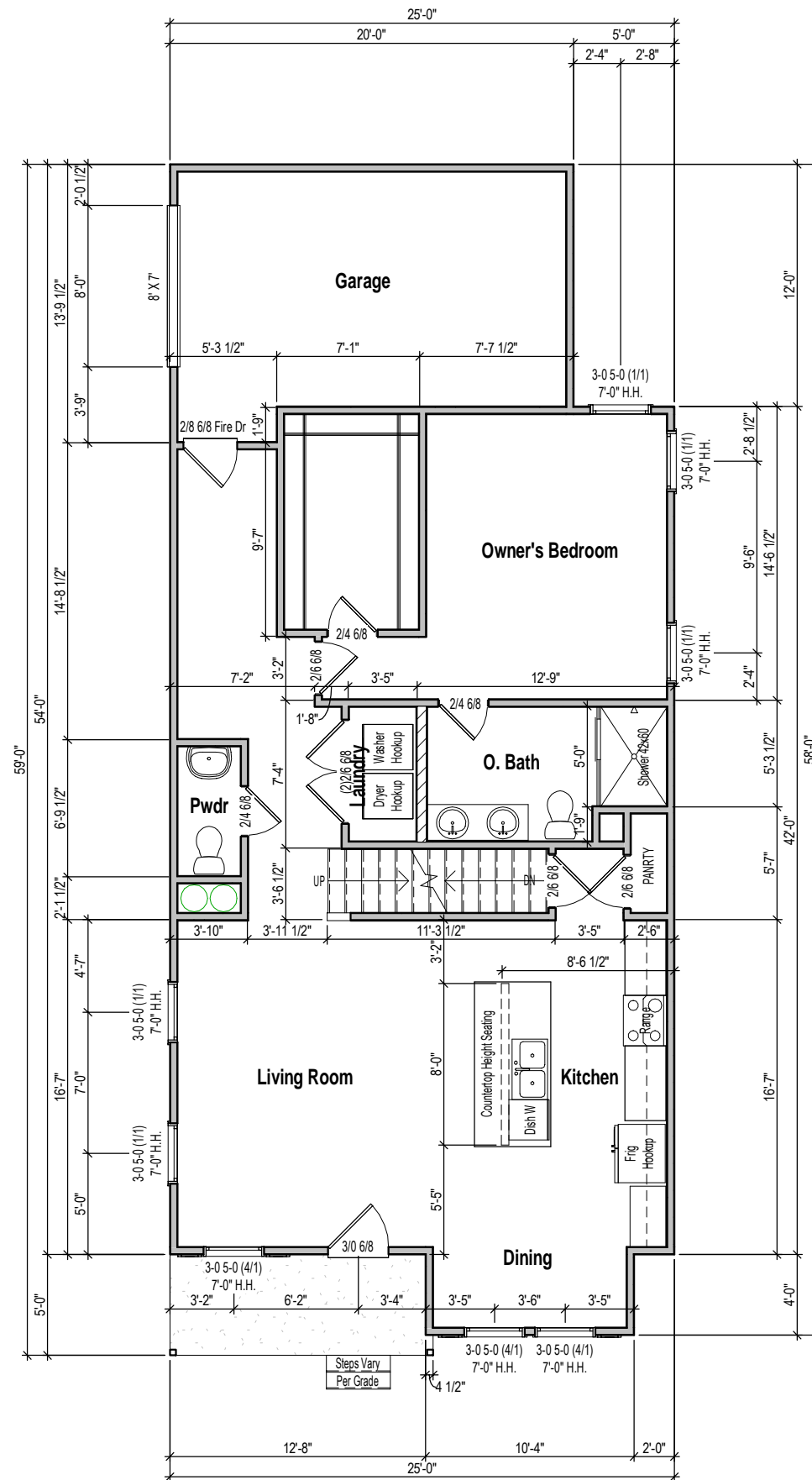


TABLE R302.6 Dwelling/Garage Separation	
Separation	Material
From the residence and attics	Not less than 1/2-inch gypsum board or equivalent applied to the garage side
From all habitable rooms above the garage	Not less than 5/8 -inch Type X gypsum board or equivalent
Structure(s) supporting floor-ceiling assemblies used for separation required by this section	Not less than 1/2-inch gypsum board or equivalent

Wall Stud Size
= 2x4
= 2x6

1 1st Floor Plan - Elev A
1/8" = 1'-0"



CONTRACTOR AND BUILDER SHALL REVIEW ENTIRE PLAN TO VERIFY CONFORMANCE WITH ALL CURRENT APPLICABLE CODES IN EFFECT AT TIME OF CONSTRUCTION. BY USING THESE DRAWINGS FOR CONSTRUCTION IT IS UNDERSTOOD THAT CONFORMANCE WITH ALL APPLICABLE CODES IS THE RESPONSIBILITY OF THE BUILDER AND CONTRACTOR.

1575 RH - Elevation A

1st Floor Plan

Lot #:

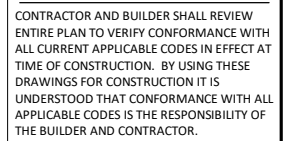
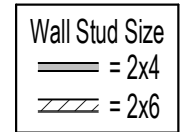
Job #:

Address:

Community:

Last Revision Date:
12-9-20

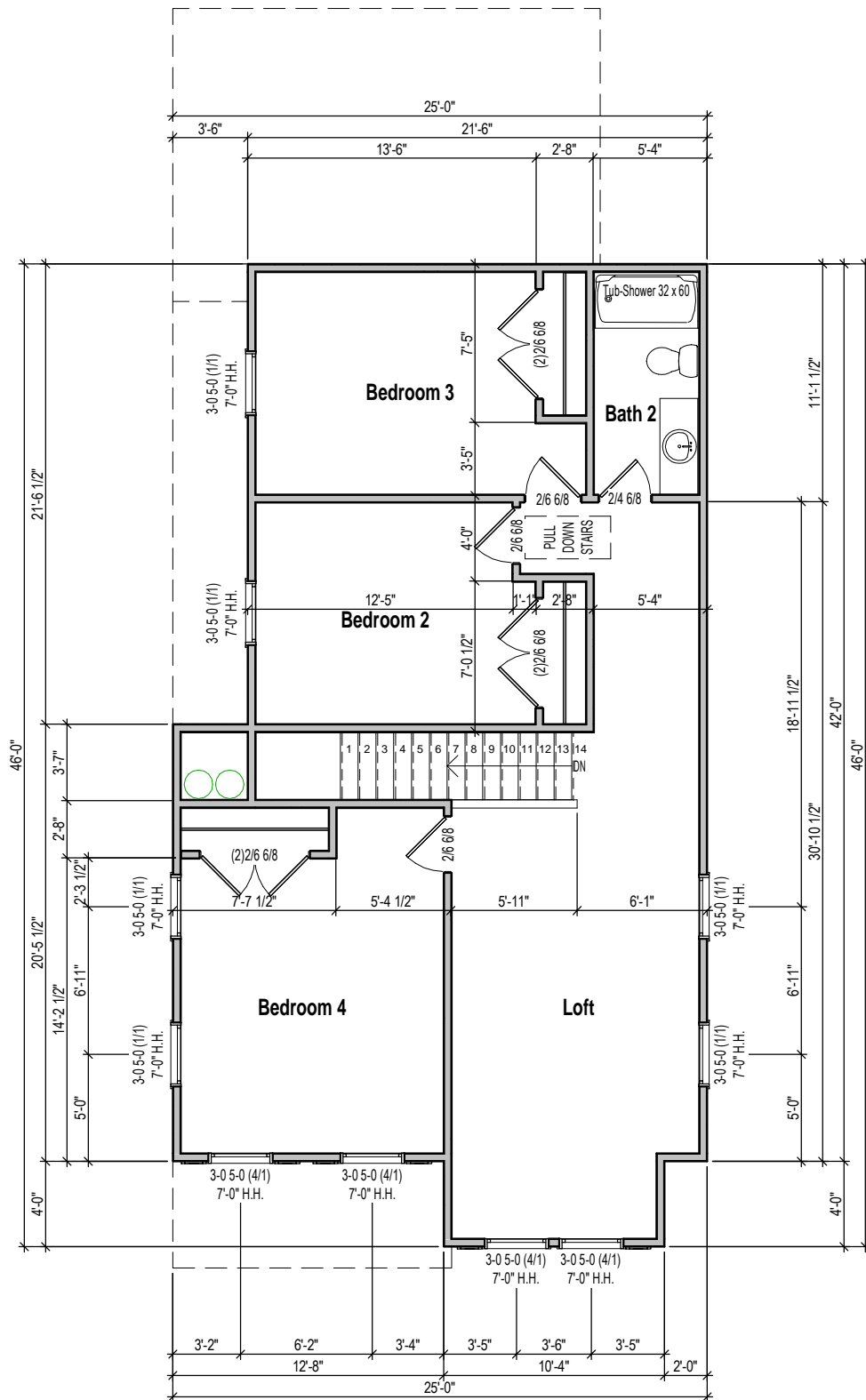
Sheet #:
ElevA-Pg4



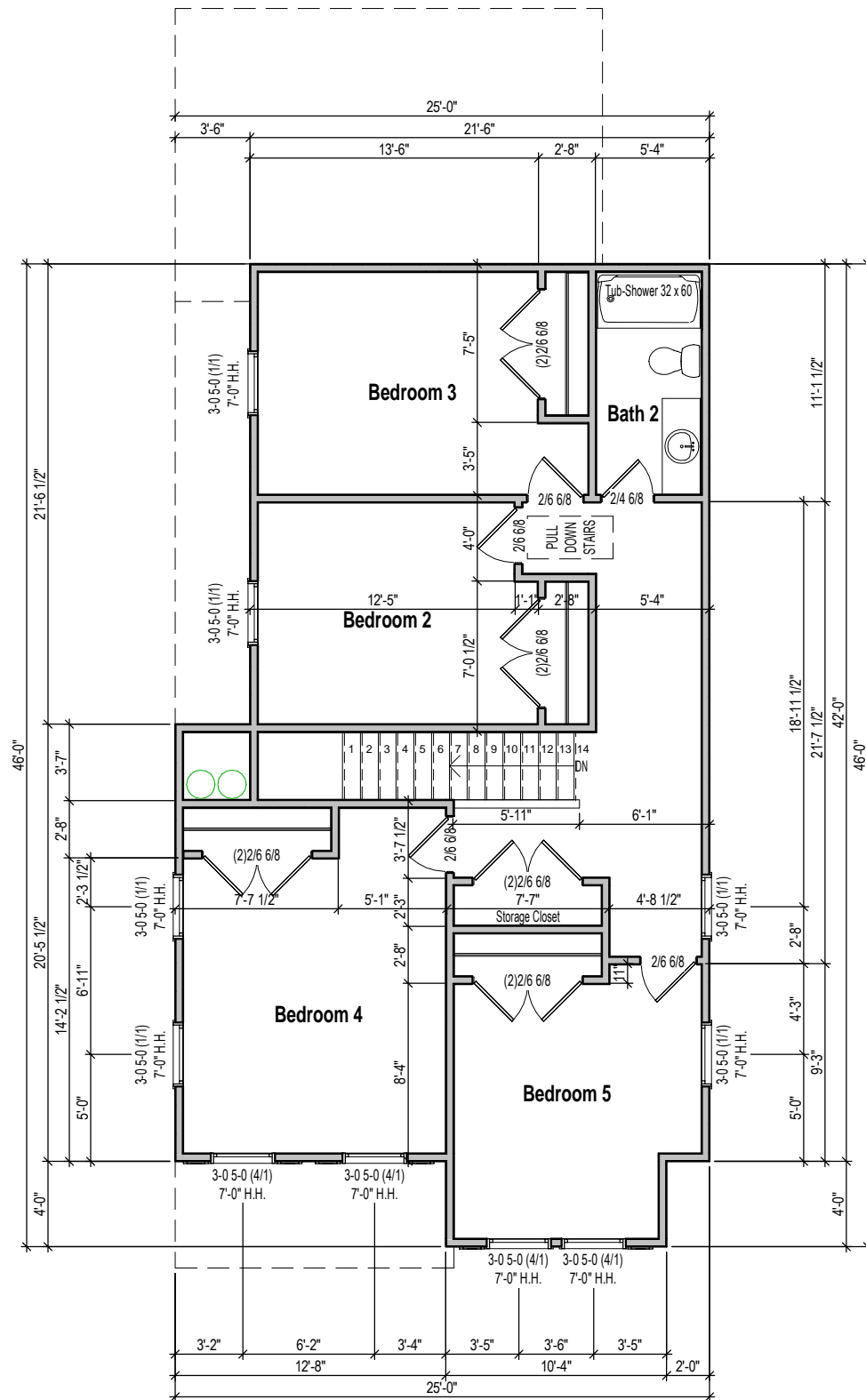
2nd Floor Plan

Sheet #:
ElevA-Pg5

1 2nd Floor Plan - Elev A
1/8" = 1'-0"



1 Opt. 2nd Floor Plan - Bdrm 4 / Loft
1/8" = 1'-0"



2 Opt. 2nd Floor Plan - Bdrm 4 / Bdrm 5
1/8" = 1'-0"



CONTRACTOR AND BUILDER SHALL REVIEW
ENTIRE PLAN TO VERIFY CONFORMANCE WITH
ALL CURRENT APPLICABLE CODES IN EFFECT AT
TIME OF CONSTRUCTION. BY USING THESE
DRAWINGS FOR CONSTRUCTION IT IS
UNDERSTOOD THAT CONFORMANCE WITH ALL
APPLICABLE CODES IS THE RESPONSIBILITY OF
THE BUILDER AND CONTRACTOR.

1575 RH - Elevation A & B

Optional 2nd Floor Plans

Lot #:

Job #:

Address:

Community:

Last Revision Date:

12-9-20

Sheet #:

Pg8

EXHIBIT B
PROJECT SUMMARY

Amato Homes proposes to construct up to eighteen (18) new single-family owner-occupied residential units in a single-phase development (please refer to Exhibit D for a listing of these lots).

The project will include the following elements, and critical path schedule:

- Memorandum of Understanding (MOU) – Council approval;
- Access Agreement – due diligence performed by Developer on lots to be redeveloped;
- Community Engagement Process – prior to approval of Development Agreement;
- Development Agreement – Council approval;
- Developer gains approval for house designs and plans from Planning Department, Architectural Board of Review and Building Department on each lot;
- City provides lots to Developer – Developer obtains all necessary permits to begin construction of houses;
- Developer completes construction of each house and obtains certificate of occupancy from the City;
- Developer sells house to owner-occupant;
- Owner-occupant can apply for tax abatement through City’s Community Reinvestment Area (CRA) program, once they have fee simple title to the property;
- If house is not constructed on a given lot within the time specified in the Reverter Clause, the property reverts back to City ownership.

EXHIBIT C

ACCESS AGREEMENT

ACCESS AGREEMENT

This Access Agreement (the “Agreement”) is made by and between the CITY OF CLEVELAND HEIGHTS, OHIO, a municipal corporation and political subdivision duly organized and existing under the laws of the State of Ohio (the “City”) and AMATO HOMES, (the “Developer”) effective as of the last date set forth below their respective signatures hereto (the “Effective Date”) in connection with the possible sale to and development of up to 18 lots by Developer of single-family owner-occupied dwelling units of City-owned/controlled real property located along Desota Avenue in the City (the “Project Site”). As a condition to City’s agreement to allow Developer access to the Project Site which the City hereby grants to the Developer and its Representatives, Developer agrees to be bound by the terms set forth in this Agreement (the “Agreement”).

1. In connection with any entry by Developer or any of its officers, directors, employees, agents, advisors or representatives (collectively “Representatives”) onto the Project Site, Developer shall give City reasonable advance notice of such entry, which shall not be less than twenty-four (24) hours, and shall conduct such entry and any inspections in connection therewith so as to reasonably minimize interference with (i) the business of the City and (ii) neighboring properties, and otherwise in a manner reasonably acceptable to City. Notwithstanding the foregoing, Developer shall not perform any physically invasive testing of the Project Site, including, without limitation, performing any environmental testing, drilling or sampling, without first obtaining City’s prior written consent thereto.. City may have a representative present to observe all testing, work, inspections or entries onto the Project Site (such testing and other work, inspections and entries onto the Project Site are referred to herein as the “Inspection Work”). The Inspection Work shall be at Developer’s sole cost and expense and Developer agrees to keep the Project Site free and clear of any liens that may arise as a result thereof. All activities undertaken in connection with the Inspection Work shall fully comply with applicable law and regulations, including, without limitation, laws and regulations relating to worker safety, proper disposal of any disturbed or discarded materials, and noise and operating hour restrictions. Developer is solely responsible for the off-site disposal of any samples taken. Developer shall repair promptly any physical damage caused by the Inspection Work, and shall restore the Project Site to its condition immediately prior to entry by Developer on the Project Site. The Developer shall provide copies to the City of any test results and reports relating to the Inspection Work promptly after completion of such work on the Project Site. The Developer shall maintain parking and minimize traffic issues during all testing and inspection activities on the Project Site.

2. Developer shall maintain, and shall ensure that its contractors maintain, public liability and property damage insurance reasonably satisfactory to the City insuring Developer and its Representatives against any liability arising out of any entry or inspections of the Project Site pursuant to the provisions hereof. Such insurance maintained by Developer (and Developer's contractors) shall be in the amount of _____ Dollars (\$_____) combined single limit for injury to or death of one or more persons in an occurrence, and for damage to tangible property (including loss of use) in an occurrence. The policy maintained by Developer and its contractors shall insure the contractual liability of Developer covering the indemnities herein and shall (i) name the City (and its successors and assigns) as additional insureds, (ii) contain a cross-liability provision, and (iii) contain a provision that the insurance provided by Developer hereunder shall be primary and noncontributing with any other insurance available to such City. Developer shall provide City with evidence of such insurance coverage for City's review and approval prior to any entry or inspection of the Project Site. Developer shall indemnify and hold City and its respective affiliates, partners, trustees, shareholders, members, controlling persons, directors, officers, attorneys, employees and agents of each of them, and their respective heirs, successors, personal representatives and assigns, harmless from and against any and all suits, actions, proceedings, investigations, demands, claims, liabilities, fines, penalties, liens, judgments, losses, injuries, damages, expenses or costs whatsoever, including, without limitation, attorneys' and expert' fees and costs, costs of investigation and remediation costs arising out of or relating to any entry on the Project Site by Developer or any of its Representatives and/or the Inspection Work, except to the extent arising out of an existing condition of or on the Project Site or caused by the City or any person or party acting at the request, or on behalf, of the City. Notwithstanding any provision in this agreement to the contrary, except as may be required by law, neither Developer nor any of its Representatives shall contact any governmental official or representative regarding any hazardous or toxic materials on or the environmental condition of the Project Site, without City's prior written consent thereto, which consent may be withheld in City's sole discretion.
3. Notwithstanding anything to the contrary contained in this Agreement, City shall have the right to terminate Developer's access to the Project Site at any time upon the termination of the MOU between the parties regarding the Project Site.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

CITY OF CLEVELAND HEIGHTS, OHIO

By: _____
Name: _____
Title: _____

Date: _____, 2021

The legal form and correctness of this
instrument is approved:

By: _____
Name: _____
Title: _____

Date: _____, 2021 ____

AMATO HOMES

By: _____
Name: _____
Title: _____

Date: _____, 2021

EXHIBIT D**INFILL HOUSING CONSTRUCTION LOTS –****(LOT LIST AND LOCATION MAP)**

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

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Law Department

TO: Members of Council

FROM: William R. Hanna, Director of Law
Alix Nouredine, Assistant Director of Law

CC: Susanna Niermann O'Neil, City Manager

DATE: August 11, 2021

RE: Proposed Opioid Litigation Settlement with Distributors

This Memorandum analyzes the proposed opioid litigation settlement with AmerisourceBergen, Cardinal Health, and McKesson (the "Distributors"). The settlement would resolve the governmental entity claims in Ohio against these parties and is only open to governmental entities. The settlement proposal uses the structure of the OneOhio agreement between the State of Ohio (the "State") and its subdivisions.

Under the settlement proposal, the Distributors will pay up to \$829,000,000 to the State and its subdivisions over the course of 18 years. The allocation of the settlement money under the OneOhio Agreement is as follows:

- 15% goes directly to the State;
- 30% directly to the subdivisions; and
- 55% directly to the OneOhio Foundation (to be used for the benefit of the subdivisions across Ohio).

The settlement is structure to include a "base payment" and "incentive payments." Thus, participation levels (the percentage of Ohio municipalities and counties who agree to the settlement) will affect how much money the State and the subdivisions will receive. A state is eligible to receive 55% of the funds as a "base payment" once the state agrees to participate in the settlement. The remaining 45% can be obtained through incentive payments, which provide incentives for higher levels of participation. The following represent structure of the incentive payments:

- **Incentive A** is up to 40% of the remaining funds and is paid if the litigating subdivisions agree to participate and the State enacts legislation to prohibit subdivisions who have not brought claims from bringing them in the future or pass as an alternative a total legislative bar.

- **Incentive B** is up to 25% of the remaining funds and is paid on a sliding scale depending the population of the Litigating Subdivisions that are Participating Subdivisions compared to the total population of all Litigating Subdivisions in the Ohio. There must be at least 85% of the Litigating Subdivisions participating in the settlement to get any share of Incentive B, but it should be noted that the Ohio Attorney General has indicated that there must be at least 95% participation.
- **Incentive C** is up to 15% and is paid on a sliding scale depending the population of the Litigating Subdivisions and of Non-Litigating Subdivisions that have a population over 30,000 that are Participating Subdivisions compared to the total population of all Litigating Subdivisions and of all Non-Litigating Subdivisions with a population over 30,000 in Ohio.
- **Incentive D** is 5% of the remaining funds and is paid starting in year 6 if the State has had no later Litigating Subdivisions bring suit and proceed past preliminary motions in the prior five years.

If Incentive A is not achieved, Ohio can obtain the same amount of funds through Incentive B and C. Incentive B and C are alternatives to Incentive A.

Most of the settlement money will be restricted in use and specifically earmarked for abatement of the Opioid epidemic. Ohio's Abatement Strategy has been developed in consultation with the nation's leading public health experts and includes a wide range of intervention, treatment, education, and recovery services so that the state and its subdivisions can decide what will best serve their communities.

In addition to the monetary relief analyzed above, the settlement provides robust injunctive relief that will require the Distributors to make significant changes in the way they conduct their business. Among other changes, the Distributors must follow substantially increased and improved measures to identify suspicious orders and pharmacy customers, under the oversight of an independent third-party monitor. Each Distributor must also use a clearinghouse that accounts for all Distributor opioid shipments. The clearinghouse will use Distributors' collective data to establish pharmacy-specific limits that each Distributor must follow.

The City of Cleveland Heights will receive an estimated \$121,463.55 if the minimum threshold (70%) of participation is reached and will receive an estimated \$173,519.36 if Incentive A or 100% participation level is reached. In order to participate in the Settlement, legislation authorizing the City to participate in the City must be passed no later than Council's August 16, 2021 meeting, on an emergency basis. If authorization is given, the attached Participation form must be completed by the City Manager and returned by no later than **August 17, 2021.**

Proposed: 8/16/2021

ORDINANCE NO. 110-2021 (PSH)

By Council Member

An Ordinance accepting the material terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum of Understand and consistent with the terms of the July 21, 2021 National Opioid Settlement Agreement; and declaring an emergency.

WHEREAS, the City of Cleveland Heights, Ohio (herein “Municipality”) is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, this Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the

ORDINANCE NO. 110-2021 (PSH)

structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, this Council wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”), available at <https://nationalopioidsettlement.com/>.

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

SECTION 1. This Council hereby accepts and approves the Proposed Settlement on behalf of the City of Cleveland Heights, pursuant to the terms of the OneOhio MOU.

SECTION 2. The City Manager be, and she is hereby, authorized to execute the Participation Agreement and any related documents for the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 Proposed Settlement.

SECTION 3. 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 4. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely indicate support for the Proposed Settlement and facilitate the receipt of funds to assist in abating the opioid epidemic throughout Ohio. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 8/16/2021

ORDINANCE NO. 111-2021 (PSH)

By Council Member

An Ordinance repealing Chapter 150, “Transportation Advisory Committee,” of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 150, “Transportation and Environmental Sustainability Committee.”

WHEREAS, the issues of climate change and environmental sustainability have become integral to the future of our planet and our daily lives; and

WHEREAS, the City of Cleveland Heights has long placed an emphasis on sustainability, as elucidated by the “Environmentally Sustainable Community” Goals and Actions component of the City’s 2017 Master Plan; and

WHEREAS, many communities within Cuyahoga County, Northeast Ohio, the State of Ohio, and the United States have established Sustainability committees to accomplish similar goals; and

WHEREAS, the City of Cleveland Heights does not have any board, commission, or committee dedicated to Sustainability; and

WHEREAS, the Transportation Advisory Committee (“TAC”) was established in 2013 to discuss matters related to transportation within the City of Cleveland Heights; and

WHEREAS, TAC has been central to the City’s adoption of its award-winning Complete and Green Streets Policy; and

WHEREAS, such Complete and Green Streets Policy stands at the intersection of transportation and environmental sustainability; and

WHEREAS, as a result, TAC has, in practice, dealt with matters related to sustainability; and

WHEREAS, in the absence of a stand-alone Sustainability committee, the purpose and intent of TAC could be expanded to include Environmental Sustainability; and

WHEREAS, based on the foregoing, this Council desires to modify Chapter 150 of the Codified Ordinances of the City of Cleveland Heights to expand TAC’s authority to include the consideration of environmental sustainability measures.

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

SECTION 1. An amended Chapter 150, “Transportation and Environmental

ORDINANCE NO. 111-2021 (PSH)

Sustainability Committee,” of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, is hereby adopted to read in total as set forth in Exhibit A hereto.

SECTION 2. Current Chapter 150 of the Codified Ordinance of the City of Cleveland Heights, as it existed prior to the effective date of the ordinance, is hereby repealed.

SECTION 3. The appointment of new members to the Transportation and Environmental Sustainability Committee as a result of this Ordinance shall be for initial terms not exceeding two years that will result in staggered terms whereby the terms of roughly one-half of the Transportation and Environmental Sustainability members will expire each year.

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

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

JASON S. STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

CHAPTER 150

Transportation ~~Advisory and Environmental Sustainability~~ Committee

150.01 ESTABLISHED.

There is hereby established a Cleveland Heights Transportation ~~Advisory and Environmental Sustainability~~ Committee. The purpose of this Committee shall be to provide a means for the community to obtain information about matters related to transportation within the City of Cleveland Heights and about the City's connectivity to nearby regions, ~~and~~ to make recommendations to Council on transportation plans for the City, particularly plans that affect and improve transportation by modes which are alternatives to ~~private~~ automobiles, ~~to educate and advocate for a more sustainable future, to assist in implementing the City's Complete and Green Streets Policy, to advocate for environmental justice, and to consider policy recommendations related to environmental sustainability that increase resilience in the face of climate change or human or environmental pressures, that reduce Cleveland Heights' carbon footprint, or that protect its natural beauty.~~

150.02 MEMBERS.

- (a) The Committee shall consist of ~~twelve-fifteen~~ (1215) members, ~~eight-eleven~~ (811) of whom shall be appointed by City Council ("appointed members"); one (1) of whom shall be appointed by the Regional Transit Authority; and three (3) of whom shall be City staff ("City staff members"), as set forth below. The appointed members shall include: one (1) Cleveland Heights resident to represent the interests of bicyclists; one (1) Cleveland Heights resident to represent the interests of pedestrians; one (1) Cleveland Heights resident to represent the interests of transit users; one (1) Cleveland Heights resident to represent the interests of disabled persons; one (1) person to represent the interests of the educational community within the Cleveland Heights-University Heights School District; one (1) person to represent the general interests of the Cleveland Heights business community; ~~and~~ two (2) Cleveland Heights residents to serve at-large to represent proponents of alternative modes of transportation (other than ~~private~~ automobiles); ~~and three (3) Cleveland Heights residents with demonstrated interest in and knowledge of environmental sustainability.~~ The Regional Transit Authority shall appoint one (1) person to represent its interests. City staff members shall include: Chief of Police or his/her designee; Director of Public Works or his/her designee; and Director of Planning and Development or his/her designee. City Council's appointments to the Committee should be made in a manner intended to reflect the City's goal of racial and social diversity.
- (b) The Transportation and Environmental Sustainability Committee strives to have membership that is reflective of the City's social and racial diversity.
- (a)(c) Appointed membership shall be for a two (2)-year term, expiring on the last day of December, except that at the time of the committee's formation, three

(3) appointed members shall be appointed for an initial term of three (3) years for the purpose of staggering membership terms.

~~(b)~~(d) Any appointed member who misses a majority of Committee meetings in a calendar year shall be considered unable to serve. In the event a member is unable to complete his/her term, City Council shall appoint a replacement to complete that term after seeking qualified candidates.

(e) No compensation shall be paid to any member of the Transportation ~~Advisory and Environmental Sustainability~~ Committee for services performed on this Committee.

~~(e)~~(f) City Council shall designate a Council member as a non-voting liaison between Council and the Committee.

150.03 MEETINGS; CHAIRPERSON; ~~SECRETARY~~; BYLAWS.

Regular meetings of the Transportation ~~Advisory and Environmental Sustainability~~ Committee shall be held and notice given in accordance with Open Meeting requirements. The Committee shall meet at least once a quarter and shall submit an annual report to City Council. The Transportation ~~and Environmental Sustainability~~~~Advisory~~ Committee shall elect its own Chairperson ~~and Secretary~~ annually and may establish its own bylaws after review and approval by the City Director of Law. The Secretary shall keep or cause to be kept a record of all meetings of the Committee.

150.04 STAFF.

The City Manager shall appoint a City employee to serve as staff for the Committee who shall ~~keep or cause to be kept a record of all meetings of the Committee~~; be responsible for notifying members of meetings and complying with public notice requirements; and assist the Committee in preparing its annual report to the City Council, as necessary.

150.05 COUNCIL LIAISON.

The role of the council liaison is to communicate the City Council's needs, policies and interests to the Committee members and to communicate back to the City Council the recommendations made and discussions held by the Commission. This ensures thorough communication between the elected officials and the members of the Committee.

Proposed: 8/16/2021

ORDINANCE NO. 112-2021 (AS)

By Council Member Seren

An Ordinance repealing Section 139.13 “Maternity Leave” of the Codified Ordinances of the City of Cleveland Heights and enacting a new Section 139.13 “Paid Parental and Childbirth Leave” to provide paid parental leave benefits for full-time, permanent employees.

WHEREAS, the City of Cleveland Heights currently offers maternity leave to employees who are expectant mothers, and

WHEREAS, the City of Cleveland Heights hasn’t updated it’s maternity leave policy since 1977, and

WHEREAS, this Council believes that it is important to offer a more modern and inclusive parental leave policy to employees in the pursuit of an equitable workplace and will help the City attract well qualified workers, and

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

SECTION 1. The existing Section 139.13 “Maternity Leave” of the Codified Ordinances of Cleveland Heights shall be, and is hereby, repealed in its entirety.

SECTION 2. A new Section 139.13 “Paid Parental Leave and Childbirth Leave” of the Codified Ordinances of Cleveland Heights shall be, and is hereby, enacted to read as follows:

171.16 PAID PARENTAL LEAVE AND CHILDBIRTH LEAVE

- (a) As used in this Section, “paid parental leave” shall mean a four-week leave of absence for the purpose of a parent bonding with a newborn or with a newly adopted child in which the employee is compensated at 100 percent of their regular base rate of pay. Paid parental leave shall be in addition to, and not reduce, and employee’s balance of any other accrued paid leave provided to the employee by the City.
- (b) As used in this Section, “paid childbirth leave” shall mean a twelve-week leave of absence in which a parent who gives birth shall be compensated at 100 percent of their regular, base rate of pay while recovering from childbirth. Paid childbirth leave shall be in addition to, and not reduce, an employee’s balance of any other accrued paid leave provided to the employee by the City.
- (c) All employees of the City who have been employed full-time for 12 or more months, or part-time at an average of at least 35 hours per week for 12 or more months, shall be eligible to take paid parental leave one time in a 12-month period.
- (d) All employees of the City who have been employed full-time for 12 or more months, or part-time at an average of at least 35 hours per week for 12 or more months, and who are parents who give birth shall be eligible to take paid childbirth leave one time in a 12-month period.

- (e) Paid parental leave and paid childbirth leave must be taken in one uninterrupted period of leave time and must be taken within 12 months following the birth or placement of a child for adoption or foster care.
- (f) Paid parental leave and paid childbirth leave shall run concurrently with each other, as applicable, and with Federal Family Medical Leave Act (FMLA) leave, and be counted against the amount of FMLA leave available to an employee taking these benefits.
- (g) Whenever the birth or placement of a child for adoption or foster care is foreseen, the employee must provide the Director of Human Resources at least 30 days' notice of their intention to take paid parental leave or paid childbirth leave.
- (h) An employee who would otherwise be eligible for paid parental leave pursuant to the above, whose child is stillborn or dies during the third trimester of pregnancy, is eligible for three (3) calendar weeks of paid parental leave following the date of death of the unborn or stillborn child. In the event the newly born or adopted child dies during the period of time that the employee is on paid parental leave, the employee shall be entitled to the full extent of the paid parental leave permitted above, and the paid parental leave shall not terminate due to the death of the child. All other provisions of the paid parental leave granted pursuant to above shall apply.
- (i) If an employee is enrolled in group health insurance or other insurance benefits sponsored by the City, these benefits will continue as if the employee had not taken leave.
- (j) Paid parental leave and paid childbirth leave taken by an employee shall not be counted as time worked for the purposes of calculating overtime.
- (k) The Director of Human Resources shall promulgate a policy related to provision of medical documentations, adoption or foster documentation, intermittent leave, returning to work, confidentiality, and any other relevant considerations not inconsistent with this Section or the Family and Medical Leave Act.

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

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

JASON S. STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Proposed: 8/16/2021

ORDINANCE NO. 113-2021 (F)

By Council Member

An ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021 and declaring an emergency.

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

SECTION 1. Certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances all relating to appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021 be, and the same hereby are increased, decreased and/or transferred in the amounts set forth in Exhibit 1.

SECTION 2. All expenditures of the City of Cleveland Heights within the fiscal year ending December 31, 2021, shall be made within the appropriations herein provided. "Appropriation" as used herein means the total amount appropriated for the individual fund. Notwithstanding the financial detail herein presented within an individual fund, the City Manager is authorized to transfer budgeted amounts within each fund, so long as the total amount appropriated for each individual fund is not exceeded.

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

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

JASON STEIN
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Exhibit 1

Fund	Department	Object	Reason	Previously Approved Budget	Requested Change	Revised Budget
101 - General	1101 - City Council	O.T.P.S.	Transfer for advertising of open positions.	17,300.00	(1,500.00)	15,800.00
	2101 - City Manager	Personal Services	Transfer for salary increases.	1,693,334.04	14,500.38	1,707,834.42
		O.T.P.S.	Transfer for advertising of open positions.	19,500.00	(500.00)	19,000.00
	2108 - General Operations	O.T.P.S.	Transfer for advertising of open positions.	1,392,245.00	2,000.00	1,394,245.00
			Increase for settlement payments.	1,392,245.00	200,000.00	1,592,245.00
	2201 - Management Info Serv	Personal Services	Transfer for salary increases.	1,016,145.00	10,228.21	1,026,373.21
	2501 - Community Relations	Personal Services	Transfer for salary increases.	2,021,339.89	(92,149.21)	1,929,190.68
	2502 - Public Relations	Personal Services	Increase for salary increases.	526,075.29	2,553.72	528,629.01
	3101 - Finance	Personal Services	Transfer for salary increases.	1,322,036.49	20,165.93	1,342,202.42
	4101 - Law	Personal Services	Transfer for salary increases.	1,803,195.81	14,968.50	1,818,164.31
	5101 - Planning	Personal Services	Transfer for salary increases.	2,087,964.00	(48,979.05)	2,038,984.95
	6201 - Service Admin	Personal Services	Transfer for salary increases.	272,380.00	(40,708.64)	231,671.36
	6203 - Refuse Coll/Transfer Sta	Personal Services	Transfer for salary increases.	1,876,340.00	(109,784.56)	1,766,555.44
			Increase for salary increases.	5,629,020.00	2,063.35	5,631,083.35
	6207 - Vehicle Maintenance	Personal Services	Transfer for salary increases.	909,845.45	(36,129.01)	873,716.44
			Increase for salary increases.	2,729,536.35	1,254.24	2,730,790.59
	6208 - Street Maintenance	Personal Services	Transfer for salary increases.	3,956,790.18	1,056.89	3,957,847.07
	7201 - Police Admin	Personal Services	Transfer for salary increases.	44,918,295.00	232,645.10	45,150,940.10
			Increase for salary increases.	53,901,954.00	94,371.09	53,996,325.09
	7303 - Fire Prevention	Personal Services	Increase for salary increases.	213,000.00	1,407.79	214,407.79

Exhibit 1

Fund	Department	Object	Reason	Previously Approved Budget	Requested Change	Revised Budget
	7401 - Building Services	O.T.P.S.	Increase in Safebuilt fees due to anticipated increase in permit fees.	503,700.00	300,000.00	803,700.00
	7402 - Housing Inspections	Personal Services	Increase for salary increases.	1,552,607.40	35,590.16	1,588,197.56
	8401 - Parks & Recreation Admin	Personal Services	Increase for salary increases.	952,639.56	4,938.73	957,578.29
	8403 - Swimming Pools	Personal Services	Increase for salary increases.	820,885.80	2,792.05	823,677.85
	8405 - Ice Programs	Personal Services	Increase for salary increases.	752,961.45	800.72	753,762.17
	8406 - General Recreation Prog	Personal Services	Increase for salary increases.	432,666.51	814.64	433,481.15
	8411 - Community Center Admin	Personal Services	Increase for salary increases.	1,936,005.33	15,083.84	1,951,089.17
	8501 - Office On Aging Admin	Personal Services	Increase for salary increases.	509,515.47	1,584.46	511,099.93
	8701 - Animal Protection	Personal Services	Increase for salary increases.	220,902.09	2,148.63	223,050.72
	9101 - Municipal Court	Personal Services	Increase for salary increases.	3,056,130.60	3,761.06	3,059,891.66
207 - Drug Law Enforcement	7206 - Drug Law Enforcement	Personal Services	Increase for Medicare expense.	25,000.00	362.50	25,362.50
232 - Police Pension	7201 - Police Admin	Personal Services	Increase due to salary and overtime increases.	1,221,296.00	57,609.14	1,278,905.14
233 - Fire Pension	7301 - Fire Admin	Personal Services	Increase due to salary and overtime increases.	1,614,132.00	50,071.87	1,664,203.87
234 - Earned Benefits	2101 - City Manager	Personal Services	Transfer termination pay to department for retired employees.	0.00	4,364.10	4,364.10
	2108 - General Operations	Personal Services	Transfer termination pay to department for retired employees.	400,000.00	(359,738.83)	40,261.17
			Increase for expected termination pay for the remainder of the year.	400,000.00	100,000.00	500,000.00
	2201 - Management Info Serv	Personal Services	Transfer termination pay to department for retired employees.	0.00	24,470.81	24,470.81
	3101 - Finance	Personal Services	Transfer termination pay to department for retired employees.	0.00	2,668.26	2,668.26

Exhibit 1

Fund	Department	Object	Reason	Previously Approved Budget	Requested Change	Revised Budget
234 - Earned Benefits	4101 - Law	Personal Services	Transfer termination pay to department for retired employees.	0.00	654.16	654.16
	6203 - Refuse Coll/Transfer Sta	Personal Services	Transfer termination pay to department for retired employees.	0.00	9,034.30	9,034.30
	6207 - Vehicle Maintenance	Personal Services	Transfer termination pay to department for retired employees.	0.00	597.86	597.86
	6208 - Street Maintenance	Personal Services	Transfer termination pay to department for retired employees.	0.00	35,829.71	35,829.71
	6210 - Parking Department	Personal Services	Transfer termination pay to department for retired employees.	0.00	338.88	338.88
	7201 - Police Admin	Personal Services	Transfer termination pay to department for retired employees.	0.00	130,599.24	130,599.24
	7301 - Fire Admin	Personal Services	Transfer termination pay to department for retired employees.	0.00	116,486.13	116,486.13
	7402 - Housing Inspections	Personal Services	Transfer termination pay to department for retired employees.	0.00	3,631.14	3,631.14
	8201 - Public Prop/Park Maint	Personal Services	Transfer termination pay to department for retired employees.	0.00	21,775.92	21,775.92
	8411 - Community Center Admin	Personal Services	Transfer termination pay to department for retired employees.	0.00	589.33	589.33
	8801 - Forestry	Personal Services	Transfer termination pay to department for retired employees.	0.00	909.60	909.60
	9101 - Municipal Court	Personal Services	Transfer termination pay to department for retired employees.	0.00	7,789.39	7,789.39
606 - ALS Ambulance Services	7304 - ALS Ambulance Services	Personal Services	Increase due to salary increases.	1,942,848.00	11,345.65	1,954,193.65
Total				144,039,831.71	854,368.18	144,894,199.89

Memo

To: Susanna Niermann O'Neil, City Manager

From: Amy Himmelein, Finance Director

Date: August 3, 2021

Re: Refunding of Ring Road Debt

I was very pleased with the conversion of the City's bond anticipation note to long-term debt. This was primarily due to receiving a better than expected rate on the debt. Baird acts as our financial advisor and took a look at other debt issuances that were not refunded last November to see if the City could take advantage of low interest rates. It was determined the Ring Road special assessment/general obligation bonds could be refunded and conservatively obtain a savings of \$66,000 after all closing costs without extending the life of the debt. These bonds will mature in 2029. While \$66,000 does not seem like a lot every little bit of savings helps.

Proposed: 08/16/2021

ORDINANCE NO. 114-2021

By Council Member

An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,725,000 for the purpose of refunding for debt charges savings certain of the City's outstanding Severance Ring Road Improvement Refunding Bonds, Series 2014, dated July 2, 2014, which were issued for the purpose of refunding for debt charges savings certain of the City's then-outstanding Severance Ring Road Improvement General Obligation Bonds, Series 2004, dated September 1, 2004, which were issued for the purpose of paying the property owners' portion, in anticipation of the collection of special assessments heretofore levied, and the City's portion of the cost of improving Ring Road, including its access roads to Mayfield and Taylor Roads, located as Severance Town Center and all appurtenances thereto, by reconstructing the roadway and installing sidewalks, curbs, water lines, storm sewers, traffic signals, retaining walls, lighting and streetscape, together with all appurtenances thereto, and declaring an emergency.

WHEREAS, pursuant Ordinance No. 125-2004, passed on August 16, 2004, the City issued its \$3,200,000 Severance Ring Road Improvement General Obligation Bonds, Series 2004 (the Series 2004 Bonds), dated September 1, 2004, for the purpose stated in Section 2; and

WHEREAS, pursuant Ordinance No. 82-2014, passed on June 16, 2014 (the Series 2014 Bond Legislation), the City issued its \$2,510,000 Severance Ring Road Improvement Refunding Bonds, Series 2014, dated July 2, 2014 (the Series 2014 Bonds), for the purpose of refunding for debt charges savings the then-outstanding Series 2004 Bonds maturing on December 1 in the years 2015 through 2029; and

WHEREAS, the Series 2014 Bonds are currently outstanding in the aggregate principal amount of \$1,760,000 and will mature on December 1 in the years 2021 through 2029 (the Outstanding Series 2014 Bonds); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to refund for debt charges savings all or a portion of the Outstanding Series 2014 Bonds maturing on December 1 in the years 2022 through 2029 (the Refunded Bonds); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue the Bonds described in Section 2 to provide funds sufficient for that purpose, including the payment of expenses properly allocable to that refunding and to the issuance of the Bonds; and

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 2 was, at the time the Series 2004 Bonds were issued, at least five years, and the estimated maximum maturity of the Bonds described in Section 2 is not later than December 1, 2029, the final maturity of the Refunded Bonds;

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

SECTION 1. Definitions. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means the denomination of \$100,000 or any whole multiple of \$1,000 in excess thereof.

“Bond proceedings” means, collectively, this Ordinance, the Certificate of Award and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the Fiscal Officer.

“Certificate of Award” means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Executive” means the City Manager of the City.

“Fiscal Officer” means the Director of Finance of the City.

“Interest Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2021.

“Original Purchaser” means the original purchaser of the Bonds designated by the Fiscal Officer in the Certificate of Award.

“Principal Payment Dates” means unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in the years from and including 2021 to and including 2029, provided that in no case shall the final Principal Payment Date be later than the maximum maturity of the Bonds referred to in the preambles hereto.

SECTION 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City as a single fully registered bond in one lot in the maximum principal amount of \$1,725,000 (the Bonds) for the purpose of refunding for debt charges savings certain of the City’s outstanding Severance Ring Road Improvement Refunding Bonds, Series 2014, dated July 2, 2014, which were issued for the purpose of refunding for debt charges savings certain of the City’s then-outstanding Severance Ring Road Improvement General Obligation Bonds, Series 2004, dated September 1, 2004, which were issued for the purpose of paying the property owners’ portion, in anticipation of the collection of special assessments heretofore levied, and the City’s portion of the cost of improving Ring Road, including its access roads to Mayfield and Taylor Roads, located as Severance Town Center and all appurtenances thereto, by reconstructing the roadway and installing sidewalks, curbs, water lines, storm sewers, traffic signals, retaining walls, lighting and streetscape, together with all appurtenances thereto.

Subject to the limitations set forth in this Ordinance, the aggregate principal amount of the Bonds to be issued, the principal maturities of and the principal payment schedule for the Bonds, the interest rate or rates that the Bonds shall bear and certain other terms and provisions of the Bonds identified in this Ordinance are subject to further specification or determination in the Certificate of Award upon the finalization of the terms and provisions of the Bonds. The aggregate principal amount of Bonds to be issued, as so specified by the Fiscal Officer in the Certificate of Award, shall be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the refunding of the Refunded Bonds and the issuance of the Bonds.

SECTION 3. Denominations; Dating; Principal and Interest Payment and Prepayment Provisions. The Bonds shall be issued as a single fully registered bond in one lot in the maximum principal amount of \$1,725,000. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c)

of this Section, in the Certificate of Award, consistent with the Fiscal Officer's determination of the best interest of and financial advantages to the City.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing on each Principal Payment Date, shall be such as to demonstrate debt charges savings to the City due to the refunding of the Refunded Bonds, taking into account all expenses related to that refunding and issuance of the Bonds.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day preceding that Interest Payment Date. Notwithstanding the foregoing, so long as the Original Purchaser is the registered owner of the Bonds, (i) the principal installments on the Bonds may be paid on each Principal Payment Date and any prepayment date by (A) wire transfer of immediately available funds to the registered owner, without presentation or surrender thereof, to an account in the United States as such owner will direct in writing to the Bond Registrar or (B) check or draft mailed to the registered owner, provided that in connection with the payment or prepayment of the final installment of principal of the Bonds, the registered owner thereof shall present and surrender its Bonds at the office of the Bond Registrar, and (ii) interest on the Bonds may be paid on each Interest Payment Date by (A) wire transfer of immediately available funds to the registered owner, without presentation or surrender thereof, to an account in the United States as such owner will direct in writing to the Bond Registrar or (B) check or draft mailed to the registered owner.

(e) Prepayment. If agreed to by the Original Purchaser, the Bonds shall be prepayable, in whole or in part, with or without penalty or premium, at the option of the City at any time or a specific time prior to maturity, each as designated by the Fiscal Officer in the Certificate of Award and as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Bond Registrar of the principal amount of the Bonds then to be prepaid, together with interest accrued thereon to the date of prepayment. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the date of prepayment and the name and address of the Bond Registrar, by certified or registered mail to the registered owners of the Bonds to be prepaid, and at their addresses, each as shown on the Bond Register at the close of business on the day preceding the mailing of the notice. The notice shall be mailed not less than 30 days prior to the date of that deposit, unless that notice is waived by the registered owner(s) of the Bonds. If moneys for prepayment are on deposit with the Bond Registrar on the specified prepayment date following the giving of that notice (unless the requirement of that notice is waived as stated above), interest on the principal amount prepaid shall cease to accrue on the prepayment date, and upon the request of the Fiscal Officer the registered owner(s) of the Bonds shall arrange for the delivery of the Bonds to the Bond Registrar for prepayment and surrender and cancellation.

SECTION 4. Execution and Authentication of Bonds. The Bonds shall be signed by the Executive and the Fiscal Officer, in the name of the City and in their official capacities,

provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code, the City's Charter, this Ordinance and the Certificate of Award; provided, however, that, if requested by the Original Purchaser, the Bonds may be issued as a single registered Bond with multiple maturities of principal in Authorized Denominations as set forth in a payment schedule to be set forth in such Bond or attached thereto.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION 5. Registration; Transfer and Exchange.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond

Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for prepayment between the 15th day preceding the mailing of notice of Bonds to be prepaid and the date of that mailing, or (ii) any Bond selected for prepayment, in whole or in part.

SECTION 6. Award and Sale of the Bonds.

(a) Original Purchaser Designated in Certificate of Award. The Bonds shall be sold to the Original Purchaser at a purchase price, not less than 97% of their aggregate principal amount, to be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The President of Council, Executive, Fiscal Officer, Director of Law, Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements, bond purchase agreement, term sheet, placement agreement and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

(b) Financing Costs. The expenditure of the amounts necessary to pay the financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds is authorized and approved, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Refunding; Call of Refunded Bonds. This Council determines that it is necessary and in the best interest of the City to refund the Refunded Bonds. The Fiscal Officer is authorized and directed to give to Huntington Public Capital Corporation, as the registered owner of the Refunded Bonds, or any successor thereto, timely written notice of the call for redemption,

and the Refunded Bonds shall be redeemed in accordance with the Series 2014 Bond Legislation. The City covenants for the benefit of the holders of the Refunded Bonds and of the Bonds, that it will at no time on or after the Closing Date take actions to modify or rescind that call for prior redemption, and that it will take, and will cause the bond registrar and paying agent for the Refunded Bonds to take, all steps required by the terms of the Refunded Bonds to make and perfect that call for prior redemption.

SECTION 8. Application of Proceeds. The proceeds from the sale of the Bonds shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds received by the City representing premium (after payment of financing costs) or accrued interest shall be paid into the Bond Retirement Fund.

SECTION 9. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. All special assessments collected for the improvement described in Section 2 shall be used for the payment of the debt charges on the Bonds until paid in full. In each year to the extent money from the levy of the special assessments for the improvement is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the tax shall be reduced by the amount of money so available and appropriated.

SECTION 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Fiscal Officer, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Bonds as “qualified tax-exempt obligations” if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt charges on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

SECTION 11. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Certificate of Award to the Cuyahoga County Fiscal Officer.

SECTION 12. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 13. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the

issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 16. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to sell the Bonds at the earliest possible date, which is necessary to enable the City to refund for debt charges savings the Refunded Bonds upon terms in the best interest of and advantageous to the City and thereby to achieve interest rate savings available under current favorable market conditions; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

JASON S. STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, OHIO:

As fiscal officer of the City of Cleveland Heights, Ohio, and supplementing prior certificates, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$1,725,000 (the Bonds) for the purpose of refunding for debt charges savings certain of the City's outstanding Severance Ring Road Improvement Refunding Bonds, Series 2014, dated July 2, 2014 (the Refunded Bonds), which were issued for the purpose of refunding for debt charges savings certain of the City's then-outstanding Severance Ring Road Improvement General Obligation Bonds, Series 2004, dated September 1, 2004 (the Series 2004 Bonds), which were issued for the purpose of paying the property owners' portion, in anticipation of the collection of special assessments heretofore levied, and the City's portion of the cost of improving Ring Road, including its access roads to Mayfield and Taylor Roads, located as Severance Town Center and all appurtenances thereto, by reconstructing the roadway and installing sidewalks, curbs, water lines, storm sewers, traffic signals, retaining walls, lighting and streetscape, together with all appurtenances thereto, that:

1. The estimated life or period of usefulness of the improvement described above was, at the time of issuance of the Series 2004 Bonds, at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Sections 133.20 and 133.34(A)(3) of the Revised Code, is not later than December 1, 2029, which is the final maturity date for the Refunded Bonds and was calculated consistently with the provisions of Section 133.20 of the Revised Code.

Dated: August 2, 2021

Director of Finance
City of Cleveland Heights, Ohio