

**THE CITY OF UNIVERSITY HEIGHTS, OHIO
CITY COUNCIL MEETING AGENDA via ZOOM**

7:00PM

MONDAY, NOVEMBER 2, 2020

The City of University Heights is inviting you to a Public Meeting hosted electronically by Zoom on **MONDAY, Nov., 2, 2020 at 7pm.**

Join Zoom Meeting

<https://us02web.zoom.us/j/84606432864?pwd=OFNZd2lrQmZpWjNSM1ZqU1B2djhWdz09>

Meeting ID: 846 0643 2864

Passcode: 279539

One tap mobile

+13017158592,,84606432864#,,,,,0#,,279539# US (Germantown)

+13126266799,,84606432864#,,,,,0#,,279539# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 846 0643 2864

Passcode: 279539

NOTE: Executive Session may follow meeting to discuss legal, personnel and real estate matters. (Motion Required)

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Minutes
5. Comments from the Audience (Speakers are limited to 5 minutes, total time allowed 15 min. per meeting, unless otherwise permitted by Council Ord. No. 91-25)
6. Reports and Communications from the Mayor and the taking of action
7. Agenda Items:
 - A) Resolution 2020-50 Levying Tax Year 2020 Special Assessments in the Amount of \$4,000,000.00 for the Core Retail Parcel in The University Square Development, Permanent Parcel No. 721-01-001 (on second reading and emergency)
 - B) Ordinance 2020-54 Amending Ordinance 2019-15 Establishing a Policy Regarding Credit Cards Issued to The City of University Heights (on emergency)
 - C) Ordinance 2020-53 Amending Codified Ordinance Chapter 1424 Entitled "Permits And Fees" To Update The City's Schedule Of Building Permit Fees (on first reading)
 - D) Ordinance 2020-55 Authorizing the Mayor to Enter into Contract for Public Health Services with The Cuyahoga County Board of Health (on first reading and emergency)
 - E) Motion to hold an Executive Session immediately following this Regular Meeting for the Purpose of Discussing Personnel, Legal and/or Real Estate Matters

Directors Reports:

- | | |
|---------------------------------|--------------------------------------|
| a) Finance | f) City Engineer |
| b) Law | g) Communications / Civic Engagement |
| c) Public Safety (Police/Fire) | h) Economic Development |
| d) Service | |
| e) Building/Housing/Development | |

8. Adjournment

AGENDA

MONDAY, NOVEMBER 2, 2020
REPORTS FROM STANDING COMMITTEES

BUILDING/HOUSING

Chairman
Barbara Blankfeld

COMMUNITY OUTREACH

Chairman
Susan Pardee

ECONOMIC DEVELOPMENT

Chairman
John Rach

FINANCE

Chairman
Michele Weiss

RECREATION

Chairman
Phillip Ertel

SAFETY

Chairman
Saundra Berry

SERVICE AND UTILITIES

Chairman
Justin Gould

COMMITTEE OF THE WHOLE

Vice Mayor Michele Weiss

RESOLUTION NO. 2020-50

Introduced By: Mayor Michael Dylan Brennan

A RESOLUTION LEVYING TAX YEAR 2020 SPECIAL ASSESSMENTS IN THE AMOUNT OF \$4,000,000.00 FOR THE CORE RETAIL PARCEL IN THE UNIVERSITY SQUARE DEVELOPMENT, PERMANENT PARCEL NO. 721-01-001, AND DECLARING AN EMERGENCY

WHEREAS, the City of University Heights is a party to a certain Cooperative Agreement together with the Cleveland-Cuyahoga County Port Authority and the property owner (the “Cooperative Agreement”) in connection with the \$40,500,000.00 Cleveland-Cuyahoga County Port Authority Senior Special Assessment/Tax Increment Revenue Bonds, Series 2001A (University Heights, Ohio – Public Parking Garage Project), dated December 1, 2001 and Cleveland-Cuyahoga County Port Authority Subordinate Tax Increment Revenue Bonds, Series 2001B (the “Bonds”);

WHEREAS, pursuant to Section 3.2(b) of the Cooperative Agreement, the City is obligated to annually “levy and collect special assessments from the property benefited by the Project in amounts sufficient to pay Debt Service Charges and Administrative Expenses” on the Bonds;

WHEREAS, the debt service to pay the Bonds was to be generated from payments made by the owners of certain parcels in lieu of real estate taxes generated by those parcels comprising the University Square development, and if the payment proved to be insufficient to repay the debt service on the Bonds, the debt service would be secured by special assessments on said parcels;

WHEREAS, the special assessments are certified for the sole purpose of protecting and benefiting the bondholders and currently serve only to secure the defaulted Bond payments owed to such bondholders;

WHEREAS, on September 4, 2001, the City adopted the resolution of necessity pursuant to the requirements of Section 727.12 of the Ohio Revised Code and passed the ordinance to proceed for the acquisition, construction, installation, equipment and improvement of the University Square Project;

WHEREAS, on September 4, 2001, the City passed the assessing ordinance pursuant to the requirements of Section 727.25 of the Ohio Revised Code for the levying of the special assessments;

WHEREAS, UMB Bank, as Trustee for the bondholders, has demanded that the special assessment in the agreed-upon amount of \$4,000,000.00 be levied for tax year 2020 on the Core Retail Parcel (PPN 722-01-001); and

WHEREAS, Cuyahoga County has extended the City’s deadline for certification of the tax year 2020 special assessment to November 6, 2020;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. The Council hereby levies a special assessment in the amount of Four Million and 00/100 Dollars (\$4,000,000.00) on the Core Retail Parcel (PPN 721-01-001) of the University Square Project, such amount being agreed upon by the parties to the Cooperative Agreement and the City to be equal in amount to the debt service charges and administrative expenses payable on the Bonds during the annual period.

Section 2. The Finance Director shall prepare an assessment for tax year 2020 in accordance with the Cooperative Agreement and Section 1 hereof above. The Finance Director shall file a copy of said assessment with the Clerk of Council and deliver the same to the Cuyahoga County Fiscal Office for filing on the tax duplicate for tax year 2020.

Section 3. The Council determines the method of collection of said special assessment shall be via certification by the Finance Director of said special assessments to the County Fiscal Officer of Cuyahoga County, Ohio, for collection in the same manner as City property taxes upon the property tax duplicates for collection in the subsequent year. The Finance Director shall perform the certification of said special assessment for tax year 2020 for collection in 2021 in the manner prescribed by the County Fiscal Officer of Cuyahoga County, Ohio and Council hereby direct the Cuyahoga County Fiscal Office to take any steps necessary to certify this special assessment to the tax duplicate for tax year 2020.

Section 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council, and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights, the emergency being the need to certify special assessments to the County Fiscal Office by the applicable deadline. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

City of University Heights, Ohio

Michael Dylan Brennan, Mayor

First Reading: 10/19/2020

Passed: _____

Attest: _____
Kelly M. Thomas, Clerk of Council

Approved as to Form:

Luke F. McConville, Law Director

**CITY OF UNIVERSITY HEIGHTS
INTEROFFICE MEMORANDUM**

TO: CITY COUNCIL MEMBERS/MAYOR MICHAEL BRENNAN

FROM: DENNIS KENNEDY, FINANCE DIRECTOR

SUBJECT: AMENDED CREDIT CARD POLICY

DATE: OCTOBER 29, 2020

CC: KELLY THOMAS, CLERK OF COUNCIL

I have submitted an amendment to Ordinance No. 2019-15, which formally established a credit card policy for the City. One of the provisions of the original ordinance was a prohibition against the Finance Director serving as the Compliance Officer for administration of the use of credit cards.

I am requesting that Council amend that provision to allow the Finance Director to serve as the Compliance Officer as well to add language requiring department heads to develop internal control policies related to maintenance and storage of emergency credit cards.

My belief is that approval of this amended ordinance will allow me (and any future Finance Director) to exercise necessary control over credit expenses that ultimately fall under the general supervision and responsibility of the position.

I have already taken steps to reduce the number of available base cards from 6 to 3, eliminate the Sam's Club card and two Speedway fleet cards as well as cancel a general Mastercard account still maintained under the name of the prior Finance Director. I have also verified that the City has not been the recipient of any reward points for any of the prior or current credit cards.

This revision to the original ordinance is requested to be approved as an emergency at the November 2, 2020 meeting of Council.

ORDINANCE 2020-54

Introduced By: Mayor Michael Dylan Brennan

AN ORDINANCE AMENDING ORDINANCE 2020-15 ESTABLISHING A POLICY REGARDING CREDIT CARDS ISSUED TO THE CITY OF UNIVERSITY HEIGHTS, AND DECLARING AN EMERGENCY

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

Section 1. In order to comply with the mandates of H.B. 312 and Ohio Revised Code Sections 9.21 and 717.31, and to set forth guidelines and procedures regarding the proper use of City credit cards, Council adopts the following Credit Card Policy:

CREDIT CARD POLICY

Purpose

In order to conduct City business in a more efficient manner, the City has granted authority to certain employees and officials to utilize City credit cards for certain purchases. The purpose of this policy is to comply with the mandates of H.B. 312 and Ohio Revised Code Sections 9.21 and 717.31, and to set forth guidelines and procedures regarding the proper use of City credit cards. This policy is not intended to replace applicable state law but is intended to comply with current state laws and establish more efficient, clear guidelines for elected officials and other employees using City credit cards. Utilization of a City credit card for personal use, in an unauthorized manner, or for the purchase of any item or service not directly related to such official's or employee's public duty will constitute a violation of this policy, may result in disciplinary action up to and including termination of employment, may violate Ohio Revised Code Section 2913.21, and, in some instances, could constitute a crime. Accordingly, all purchases made with a City credit card must be in accordance with these guidelines and state law.

Definitions

For purposes of this policy, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution- issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

For purposes of this policy, "emergency" means situations in which purchases must be made via a credit card rather than the vendor billing the City, which occur when the Finance Department is not open to facilitate the sign out of the credit cards stored in the Finance Department. Intended examples of "emergency" including, but not limited to, fire or police emergency calls requiring the purchase of goods or services during late- night hours or over weekends.

For purposes of this policy, "officer and/or employee" means the elected officials of the City, including the Mayor and members of City Council, appointed officers of the City, employees of the City, members of Boards or Commissions of the City.

Guidelines and Procedures

City Council authorizes the issuance of credit cards to be stored in the Finance Department. Officers and employees may sign out the credit cards stored in the Finance Department. The credit cards stored in the Finance Department shall be stored a locked cabinet, drawer, or safe,

with physical access to unlock the cabinet, drawer, or safe limited to the following City employees: **Deputy Finance Director and Mayor**, ~~and Executive Assistant to the Mayor.~~

In addition, the credit cards stored in the Finance Department, City Council authorizes the issuance of one credit card for the use in emergencies to each of the following departments: Fire Department, Police Department, and Service Department. The credit cards issued for use in emergencies shall be distinguishable from the credit cards stored in the Finance Department.

The credit cards issued for use in emergencies shall be used only for emergencies and not ordinary credit card purchases. The credit cards issued for use in emergencies shall be stored a locked cabinet, drawer, or safe, with physical access to unlock the cabinet, drawer, or safe limited to the Department Head of the respective department and any supervisors designated by the Department Head of the respective department. **Department heads are required to develop internal policies governing the storage and use of emergency credit cards.**

Use of a City credit card or credit card account shall be subject to all spending limits and spending restrictions promulgated by both City Council ordinances and resolutions and/or administratively adopted policies and procedures.

Each and every City credit card or other instrument of presentation shall bear the name of the City of University Heights.

Any City credit card account shall have a maximum credit limit of an amount not to exceed \$25,000.00.

The following shall be considered authorized purchases with respect to which a credit card may be used:

- Supplies, including, but not necessarily limited to, office supplies;
- Equipment, tools, machinery, hardware, and accessories;
- Clothing or gear necessary to perform ordinary and necessary job functions;
- Meals, lodging, and/or other travel expenses;
- Food items, including, but not limited to, purchases for celebrations (e.g. retirement), and employee holiday celebrations;
- Gasoline or diesel;
- Ordinary and necessary purchases for the day-to-day operations of the City;
- Emergency purchases necessary to protect City property;
- Education and training materials;
- Purchases of items on the internet or from other approved sources with respect to which a city check is not accepted or practical;

The following actions or omissions by an officer or employee shall qualify as misuse of a credit card account.

- The use of a City credit card for expenses beyond those authorized by City Council;
- The use of a City credit card for personal expenses or any non-City-related expenses;
- The use of a credit card for any cash withdrawal, cash advance, ATM withdrawal, check or money order;
- The use of a credit card without authorization;
- Failure to provide supporting documentation in the form of detailed receipts for any credit card purchase;
- Theft;
- Unauthorized use by any officer or employee who does not have authority to use the City credit card account;
- Purchases or transactions made with the intent to circumvent the City purchasing policy, transactional limits, or applicable law;
- Purchase of alcohol or liquor of any kind.

Any credit card user shall submit detailed receipts to the Finance Department immediately upon return of the credit card to the Finance Department; detailed receipts from the credit cards issued for use in emergencies shall be submitted the next business day the Finance Department is open. The Finance Department shall match the given receipts to the applicable credit card billing statement and shall maintain such records in an organized and accessible fashion.

Acquisition of any new credit card, issuance of any credit card, and reissuance of any credit card shall occur only upon the agreement and consent of the Mayor and Finance Director. Notice of any new credit card (including any acquisition, issuance or reissuance) shall be given promptly to ~~the Compliance Officer and to~~ City Council. City Council designates the Finance Director as the administrator of the City's credit cards. The Finance Director shall:

- Serve as liaison between the City's cardholders and the issuers of such cards;
- Maintain the cardholder agreements for all cardholders;
- Provide instruction and assistance to cardholders, as necessary;
- Maintain account information and secure all cardholder information;
- ~~Work with the Compliance Officer~~ to ensure that all card accounts are being utilized in compliance with this policy and applicable state law;
- Administratively adopt any policies and procedures necessary for the implementation of this policy including, but not limited to, policies and procedures for proper documentation, storage of receipts, storage and format of logs, storage of Credit Card Policy Acknowledgment;
- Identify any changes to named persons authorized to use a government credit card;
- Provide documents to ~~the Compliance Officer~~ upon request; and
- Perform any other duties that may be assigned by City Council from time to time.

A credit card account may be cancelled ~~at any time~~ by either the Mayor or the Finance Director, each having first obtained **written** consent from the Law Director.

Any lost or stolen credit card, or suspicious, unauthorized or fraudulent activity in connection with any credit card account shall be reported immediately to the Finance Director. Upon receipt of information indicating any unauthorized or fraudulent use or a lost or stolen credit card, the Finance Director shall immediately report to all appropriate parties including the issuer, ~~Compliance Officer~~, and the Mayor, and take any and all steps necessary to either cancel the credit card account or reverse any unauthorized or fraudulent charges.

The City reserves the right to set-off any unauthorized purchases, expenses, late fees, costs, or any other charges incurred due to any violation of this policy against any amounts owed by the City to the officer or employee responsible, provided the City will comply with all applicable wage and hour laws.

Any officer or employee, who is either assigned a City credit card or permitted to use a City credit card, will be required to sign a Credit Card Policy Acknowledgment acknowledging receipt and understanding of this policy. The Credit Card Policy Acknowledgment may be incorporated into the acknowledgment or receipt and understanding of any City handbook or policy and procedure manual, but shall be substantively like Credit Card Policy Acknowledgment contained in Section 2. The Finance Department shall retain the Credit Card Policy Acknowledgment for all officers and employees

The City may not hold or utilize a debit card except for law enforcement purposes.

The Finance Director annually shall file a report with the City Council detailing all rewards received based on use of the City's credit card account.

Compliance Officer

City Council shall appoint a Compliance Officer. The Compliance Officer and City Council, at least quarterly, shall review the number of cards and accounts issued, the number of active cards and accounts issued, and cards' and accounts' expiration dates, and the cards' and accounts' credit limits, and for compliance with this policy. **The Finance Director may serve as the City's Compliance Officer and appoint or delegate administrative responsibilities as necessary.**

~~The Compliance Officer may not use a credit card account and may not authorize an officer or employee to use a credit card account. The Finance Director is not eligible for appointment as the Compliance Officer.~~

Section 2. The Credit Card Policy Acknowledgment required by the Credit Card Policy in Section 1 shall take the following form or a substantively like form:

CREDIT CARD POLICY ACKNOWLEDGEMENT

The undersigned acknowledges receipt of the City of University Heights Credit Card Policy.

The undersigned acknowledges and understands that:

1. The City credit card is to be used only for legitimate business purchases of and for the benefit of the City of University Heights.
2. The City credit card is to be used within all spending limits and spending restrictions promulgated by both City Council ordinances and resolutions and/or administratively adopted policies and procedures.
3. The City credit card must be used in accordance with the provisions of the City Credit Card Policy.
4. The City credit card is not to be used for any personal expenses even if the intent is to repay the City.

Violations of these requirements or any requirements of the Credit Card Policy may result in revocation of use privileges. Any officer or employee found to have inappropriately used the credit card will be required to reimburse the City of University Heights for all costs and expenses associated with the improper or unauthorized use through direct payment or payroll deduction. Disciplinary action may be taken up to and including termination of employment. The City of University Heights will investigate and commence, in appropriate cases, criminal prosecution against any employee found to have misused the credit card or who violates the provisions of the cardholder agreement or this Credit Card Policy.

Printed Name: _____

Signature: _____

Date: _____

Section 3. The Council finds and determined that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council, and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

PASSED:

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

**AN ORDINANCE AMENDING CODIFIED ORDINANCE
CHAPTER 1424 ENTITLED “PERMITS AND FEES” TO UPDATE
THE CITY’S SCHEDULE OF BUILDING PERMIT FEES**

WHEREAS, the City wishes to update its schedule of building permit fees to cover costs in connection with the administration and issuance of such permits;

WHEREAS, the City’s existing building permit fee schedule was last modified in 2001, is out-of-date, and does not reflect the City’s actual costs in the administration and issuance of such permits;

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

Section 1. Council hereby amends Codified Ordinance Chapter 1424 entitled “Permits and Fees” in its entirety as set forth in Exhibit A, which is incorporated herein by reference as if fully rewritten.

Section 2. City Codified Ordinance Chapter 1424 as in existence immediately prior to the passage of this ordinance is hereby repealed.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: _____

PASSED:

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

CHAPTER 1424 Permits And Fees

- 1424.01 Payment of permit fee required.
- 1424.02 Building permit fees.
- 1424.03 Fees for heating and air conditioning permits.
- 1424.04 Fees for plumbing permits.
- 1424.05 Electrical permit fees.
- 1424.06 Sign permit fees.
- 1424.07 Paving and curb cutting fees.
- 1424.08 Reinspection fee.
- 1424.09 Inspection fee.
- 1424.10 Work started without a permit.
- 1424.99 Penalty.

CROSS REFERENCES

Certificate of occupancy fee - see P. & Z. 1424.04

Filing fees - see B. & H. 1420.02

1424.01 PAYMENT OF PERMIT FEE REQUIRED.

Before proceeding with the construction, enlargement, alteration, repair or replacement of any building or other structure or part thereof in the City, a permit therefor shall be obtained by the owner or his or her duly authorized agent from the Division of Building Engineering and Inspection. However, no permit for any construction, enlargement, alteration, repair or replacement of any building or other structure or part thereof may be issued by the Division unless accompanied by a permit fee as set forth in Section 1424.02.

(1982 Code, § 1323.01) (Ord. 01-03. Passed 1-16-2001.)

1424.02 BUILDING PERMIT FEES.

The Commissioner of Buildings shall require a construction deposit of one thousand dollars (\$1,000) for one-family or two-family houses, ~~three thousand dollars (\$3,000)~~ **five thousand dollars (\$5,000)** for commercial, ~~one thousand dollars (\$1,000)~~ **one thousand five hundred dollars (\$1,500)** for commercial landscaping and in addition shall issue the permit required and collect the fee therefor in connection with the following schedule:

(a) One-family or two-family houses
Minimum \$350.00
~~Per square foot over 2,500 square foot .15~~ **Plus \$0.50 per square foot up to 2,500 square feet plus \$0.25 per square foot over 2,500 square feet**

(b) All new buildings, and/or new building shell,
other than one-family or two-family
per square foot of gross building area ~~.20~~ **\$0.50**
Minimum ~~\$1,000.00~~ **\$1,000.00**

(c) Commercial parking structures
per square foot of gross building area ~~.15~~ **\$0.50**
Minimum ~~\$1,000.00~~ **\$1,000.00**

(d) Additions to any one-family or two-family buildings ~~\$ 100.00~~ **\$10.00 per \$1,000 valuation**

Additions to any commercial building or
tenant space, ~~per square foot of gross building area .30~~
Minimum ~~1,000.00~~ **\$15.00 Per \$1000 valuation**

(e) (1) ~~Remolding~~ **Remodeling**, renovation or alterations to any **residential** building according to cost as estimated by the Building Commissioner-per \$1,000 valuation: ~~5.00~~ **\$10.00 per \$1,000 valuation**
Minimum ~~50.00~~ **\$100.00**

(2) Commercial remodeling according to cost as estimated by the Building Commissioner: \$15.00 per \$1,000.00 valuation. Minimum \$100.00

(2) Fire protection for hoods of commercial cooking equipment (wiring for hood equipment ~~50.00~~ \$100.00 Section 1424.05(a)(8) electrical permits)

(f) Accessory buildings (garages, sheds)
Residential ~~60.00~~ \$100
Commercial appurtenant & accessory buildings, per square foot gross building area ~~20~~ \$0.50
Minimum of ~~400.00~~ \$250.00

(g) Demolition of all buildings

(1) Residential ~~30.00~~ \$100.00
Garages, decks and sheds: \$50.00

(2) Commercial - up to 5,000 square feet/Minimum ~~500.00~~ \$1,000.00
Thereafter, per square foot gross building area ~~05~~ \$0.50

(h) Vinyl and/or aluminum siding ~~50.00~~ \$100.00

(i) Fences ~~35.00~~ \$75.00

(j) Tents ~~30.00~~ \$50.00

(k) Swimming pools ~~50.00~~ Above-ground Residential \$100.00
In-ground Residential \$150.00
Commercial \$500.00

(l) Retaining walls ~~30.00~~ \$50.00

(m) Decks ~~50.00~~ \$100.00

(n) Replacement windows and/or doors ~~35.00~~ One window: \$30.00,
2 windows: \$60.00; 3 or more: \$90.00

(o) Roofing and/or re-roofing ~~50.00~~ Minimum \$100.00; over \$10,000; \$10.00 per \$1,000.00 valuation (Residential) \$15.00 per \$1,000 valuation (Commercial)

Note: Gross floor area shall be calculated from planned dimensions using outside measurements.

(1982 Code, § 1323.02) (Ord. 01-03. Passed 1-16-2001; Ord. 2002-44. Passed 6-17-2002; Ord. 2010-71. Passed 12-20-2010.)

1424.03 FEES FOR HEATING AND AIR CONDITIONING PERMITS.

(a) For all new residential heating systems, the following fees shall be collected:

Permit ~~\$50.00~~ \$100.00

Fees for the installation or replacement of other natural gas burning devices including but not limited to: gas unit heaters, wall heaters, space heaters, furnaces or similar devices ~~25.00~~ \$75.00

(b) Commercial fee, new and replacement

A base fee for each permit for new work, alterations, installations of any HVAC, cooling, heating appliance systems, or similar devices ~~40.00~~ \$150.00, to which is added:

(1) Warm Air Furnaces

for the first 250,000 BTU ~~\$40.00~~ \$100.00

Over 250,000 BTU input

at per each additional 1,000 BTU ~~4.00~~ \$2.00

(2) Electrical heating unit

for first 15 KW ~~30.00~~ \$50.00

Over 15 KW, per each additional KW ~~4.00~~ \$2.00

Heating boilers

Less than 1,000 square feet of radiation ~~20.00~~ \$100.00

1,000 to 5,000 square feet of radiation ~~30.00~~ \$150.00

Over 5,000 square feet of radiation ~~50.00~~ \$250.00

Power boilers

Up to 400 horsepower ~~50.00~~ \$100.00

Over 400 horsepower ~~75.00~~ \$150.00

Hot water boiler with steam ~~50.00~~ \$100.00

(c) Fees for air conditioning permit:

- (1) For all residential gas or electric air conditioning systems (added to this amount are any electrical, plumbing or heating fees that are applicable) ~~30.00~~ **\$75.00**
 - (2) Fees for commercial air-conditioning systems, as follows:
 - Heating & Air Conditioning (Combination) ~~125.00~~ **\$200.00**
 - Variable Air Volume (VAV) per unit ~~4.00~~ **\$10.00**
 - Variable Air Volume (VAV) unit w/heater ~~40.00~~ **\$20.00**
 - Central Air Conditioning (each compressor unit) ~~100.00~~ **\$125.00**
 - Cooling Tower 150.00
 - Diffusers (Supply & Return) ~~4.00~~ **\$10.00 each**
- (1982 Code, § 1323.03) (Ord. 01-03. Passed 1-16-2001.)

1424.04 FEES FOR PLUMBING PERMITS.

- (a) For each permit for new work, alterations or repairs, including replacements of water service or repiping and interior fire sprinkler systems
 - Residential, Base Fee \$ ~~35.00~~ **\$50.00**
 - Commercial, Base Fee ~~50.00~~ **\$100.00**
- (b) The following sums in addition to that provided by division (a) hereof for each closet, shower, bathtub, lavatory, sink, laundry tray, hot water heater and boiler, urinal, drinking fountain, dishwasher, **disposal**, instant hot or any other sanitary fixture trap:
 - (1) For the first twenty-five fixtures each \$ ~~5.00~~ **\$10.00**
 Over 25 fixtures, each ~~2.50~~ **\$5.00**
 - (2) New disposals required by Section 1454.04 10.00
 - (3) For replacement of dishwasher and disposal: **see Codified Ordinance Section 1424.04(b)**
 - (4) For each permit for replacing gas hot water tank in residential: **See Codified Ordinance Section 1424.04(b)**
 - (5) Sump pump, residential ~~40.00~~ **\$25.00**
 Sump pump, commercial ~~15.00~~ **\$40.00**
 - (6) Lawn sprinkler, residential ~~7.50~~ **\$20.00**
 Lawn sprinkler, commercial, per head ~~5.00~~ **\$10.00**
 - (7) Fire protection sprinkler system, per head ~~3.00~~ **\$20.00**
- (c) For each permit to make new sewer connection, including laying of sewers connected thereto ~~50.00~~ **\$100.00**
- (d) For each permit, to alter, repair, or re-lay sewer on premises ~~40.00~~ **\$50.00**
- (e) For each permit to clean sewer ~~20.00~~ **\$25.00**

(1982 Code, § 1323.04) (Ord. 01-03. Passed 1-16-2001; Ord. 2010-72. Passed 12-20-2010)

1424.05 ELECTRICAL PERMIT FEES.

- (a) For any electrical work, either new, replacement or temporary, a minimum base permit fee of
 - (residential) \$ ~~35.00~~ **\$50.00**
 - (commercial) ~~50.00~~ **\$100.00**
- Wiring of a new commercial building or tenant space, per 100 square feet of gross building area ~~5.00~~ **\$10.00**

Minimum ~~400.00~~ **\$250.00**

To which shall be added the following where applicable:

- (1) For each lighting outlet and each receptacle outlet, except as hereinafter specified ~~.50~~ **\$1.00**
- (2) For each lighting fixture, except as hereinafter specified ~~.50~~ **\$1.00**
- (3) High intensity lighting outlets of 1,000 watts or more, including motion picture projectors and arc lamps, each ~~\$-5.00~~ **\$20.00**
- (4) Outlets for ranges, clothes dryers on 220 volts, hot plates, electric furnaces, electric heating-treating or tempering equipment, permanent wave apparatus, hair dryers or similar devices over 1,000 watts capacity, humidifier, electronic filter, heat cable ~~5.00~~ **\$20.00**
- (5) For residential motors or generators ~~25.00~~ **\$50.00**
- (6) Commercial motors and/or generators:
 - Motors 1½ HP or less ~~5.00~~ **\$10.00**
 - Motors over 1½ HP to 10 HP ~~20.00~~ **\$25.00**
 - Motors over 10 HP ~~75.00~~ **\$100.00**
- (7) X-ray machines, each ~~50.00~~ **\$100.00**
- (8) For each permit requiring alterations to existing residential or commercial wiring systems, when replacing or installing, for the following units:
 - post light, electrical hot water tank, disposal, dishwasher, ~~garage door operator~~, compactor and instant hot ~~5.00~~ **\$10.00**
 - Commercial ~~15.00~~ **\$25.00**
- (9) Wiring for commercial cooking hood protection ~~50.00~~ **\$100.00**

(b) No base fee for the following:

(The minimum permit fee is waived.)

- (1) Wiring for air conditioning compressor, additional to air conditioning permit
 - (residential) ~~7.50~~ **\$20.00**
 - (commercial) ~~15.00~~ **\$50.00**
- (2) For electrical repairs to single-family and two-family dwellings ~~25.00~~ **\$40.00**
 - All other buildings ~~20.00~~ **\$50.00**
- (3) Burglar and fire alarms (local)
 - ~~Commercial and residential—40.00~~
 - Residential (hard-wired only, not thru Wi-Fi) \$50.00**
 - Commercial (hard-wired only, not thru Wi-Fi) \$100.00**

~~(4) Garage door operator where contractor is not doing electrical alteration—10.00~~

~~Commercial—20.00~~

(Ord. 01-03. Passed 1-16-2001; Ord. 2010-73. Passed 12-20-2010.)

(c) Commercial electrical for building shell and parking structures

A base fee for any electrical work, whether new, replacement or temporary, a minimum of ~~400.00~~ **\$150.00**

The following sum, in addition to the base fee provided in division (a) hereof, where applicable (per unit fees):

- (1) A/C compressor (each) additional to the unit HVAC permit ~~\$-15.00~~ **\$40.00**
- (2) CO detector system ~~150.00~~ **\$200.00**
- (3) Co-generation systems and associated equipment ~~200.00~~ **200.00**
- (4) Communication system - including fiber optic cable systems and data processing systems ~~50.00~~ **\$60.00 plus 1.00 per linear foot**
- (5) Electric furnace - additional to unit heating permit ~~15.00~~ **\$50.00**
- (6) Emergency lighting battery pack, per lamp ~~2.00~~ **\$5.00**
- (7) Exit lighting ~~4.00~~ **\$10.00 each unit**
- (8) Fans ~~15.00~~ **\$25.00**

- (9) Fire alarm system - state certification required 400.00 **\$150.00**
 - (10) Generator 0 - 400 kw ~~50.00~~ **\$100.00**
 - (11) Generator 401 kw and up **\$200.00**
 - (12) Heat cables - roof snow removal **\$20.00**
 - (13) Hi-intensity lights 1000 watts or more **\$20.00**
 - (14) Hot water heater ~~20.00~~ **\$25.00**
 - (15) Humidifiers **\$10.00**
 - (16) Lighting fixtures ~~4.00~~ **\$2.50 each**
 - (17) Motors 1½ H.P. or less ~~5.00~~ **\$10.00**
 - (18) Motors over 1½ H.P. to 10 H.P. **\$20.00**
 - (19) Motors over 10 H.P. **\$75.00**
 - (20) Panel board - electrical panel ~~30.00~~ **\$100.00**
 - (21) Parking lot lighting standards **\$30.00**
 - (22) Pre-engineered systems **\$100.00**
 - (23) Post lights and pathway lighting fixtures ~~15.00~~ **\$20.00 each**
 - (24) Receptacles 240 volt ~~15.00~~ **\$20.00**
 - (25) Receptacles under 240 volt ~~1.00~~ **\$2.00 each**
 - (26) Security system **\$150.00**
 - (27) Smoke detector system ~~50.00~~ **\$100.00**
 - (28) Snow melting system - below grade **\$100.00**
 - (29) Switches ~~4.00~~ **\$1.50 each**
 - (30) Temporary electrical service ~~30.00~~ **\$50.00**
 - (31) Track lighting (each section) ~~5.00~~ **\$10.00**
 - (32) Transformers ~~25.00~~ **\$100.00**
 - (33) Underground wiring ~~35.00~~ **\$50.00**
- (Ord. 2002-44. Passed 8-12-2002.)

1424.06 SIGN PERMIT FEES.

- (a) All new signs, electrical or others each per face ~~\$30.00~~ **\$50.00**
 - (b) Signs, relocated or altered in size
or advertising copy, each per face ~~\$30.00~~ **\$50.00**
 - (c) Signs, restored or repaired with no change in
size, location or advertising copy no charge
 - (d) Temporary signs allowed by Section
1266. 01(b) ~~15.00~~ **\$25.00**
- (1982 Code, § 1323.06) (Ord. 01-03. Passed 1-16-2001.)

1424.07 CONCRETE, PAVING AND CURB CUTTING FEES.

New Construction

- (a) Curb cutting, per foot ~~\$ 3.00~~ **\$5.00**
 - (b) Minimum ~~30.00~~ **\$50.00**
 - (c) New, replacement or widening of apron
(plus curb cutting fee) ~~25.00~~ **\$50.00**
 - (d) Widening of private driveways ~~15.00~~ **\$40.00**
 - (e) Driveway or garage floor replacement ~~35.00~~ **\$100.00**
 - (f) Partial drive replacement (50% **25%** or less)
~~20.00~~ **\$50.00**
and all service walks \$50.00 up to 20', thereafter \$1.00 per linear foot
 - (g) Resurface residential driveways ~~20.00~~ **\$50.00**
 - (h) ~~Repaying~~ **Repaving**, resurfacing or replacement of
commercial parking lots:
Up to 1,000 square feet ~~20.00~~ **\$100.00**
Thereafter, per 1,000 square feet or part thereof ~~2.00~~ **\$20.00**
 - (i) Parking lot construction or additions,
Up to 150 spaces **\$200.00**
Each additional space ~~4.00~~ **\$2.00**
- (1982 Code, § 1323.07) (Ord. 01-03. Passed 1-16-2001.)

1424.08 REINSPECTION FEE.

After two failed inspections made necessary by faulty or incomplete work, no final release from permit requirements, point of sale or rental inspections shall be made until such fees are paid) **\$100.00**
(1982 Code, § 1323.08) (Ord. 01-03. Passed 1-16-2001; Ord. 2009-24. Passed 5-18-2009.)

1424.09 INSPECTION FEE.

(a) (1) There shall be a fee for all inspections requested by or on the authority of the property owner, including point of sale inspections, which is hereby set at ~~\$150~~ **\$250.00** for a single-family home and ~~\$200~~ **\$300.00** for a two-family home.

(2) There shall be no charge for any reinspection requested by the same owner within one year of the issuance of the Certificate of Inspection.

(b) Whenever the Division of Building Engineering and Inspection of the City is required to make an inspection for purposes other than where plan examination is or will be required and such request is made by a profit-making commercial organization or by another governmental agency, there shall be levied for such inspection a charge of \$50.00.

(c) Such inspection shall be requested in writing of the Division and the fee shall be paid by the requestor prior to the inspection.

(d) The fee for an initial inspection and for a renewal fee for periodic inspections resulting from applications for ~~roomer~~ **Rental** permits and renewals thereof shall be \$300.00 for a single-family home, \$400.00 for a two-family home, and \$100.00 for a rental third floor unit.

(Ord. 2002-25. Passed 6-17-2002; Ord. 2004-08. Passed 3-1-2004; Ord. 2009-25. Passed 5-18-2009; Ord. 2012-75. Passed 11-19-2012.)

1424.10 WORK STARTED WITHOUT A PERMIT.

Where work, for which a permit is first required by this Part Fourteen-Building and Housing Code, is started prior to obtaining such permit, the fees required by such permit shall be doubled but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Building and Housing Code or any law of the State or ordinance of this Municipality.

(1982 Code, § 1323.10) (Ord. 01-03. Passed 1-16-2001.)

1424.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 1420.99(b).

ORDINANCE NO. 2020-55

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT FOR PUBLIC HEALTH SERVICES WITH THE CUYAHOGA COUNTY BOARD OF HEALTH AND DECLARING AN EMERGENCY.
(City with a General Health District - Authority--Sec.3709.08 O.R.C.)**

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

WHEREAS, the District Advisory Council of the Cuyahoga County General Health District, created by ORC 3709.03, after giving due notice by publication as required by law, held a public meeting on March 9, 2020, at which by a majority vote of members representing the townships and villages of said county, did vote affirmatively on the question of providing public health services to the cities in Cuyahoga County, and did authorize the Chairman of the District Advisory Council to enter into an Agreement with the Mayor of the City for providing public health services therein; and

WHEREAS, the Council of the **City of University Heights**, at a Council meeting held on November 2, 2020, by majority vote of all members did vote affirmatively on the question of contracting with the District Advisory Council of the Cuyahoga County General Health District for providing public health services to the **City of University Heights** and did authorize the Mayor to enter into a contract with the Chairman of the District Advisory Council of the Cuyahoga County General Health District to provide public health services.

NOW, THEREFORE, pursuant to such authority, Mayor David Smith on behalf of the District Advisory Council of the Cuyahoga County General Health District and Michael Dylan Brennan on behalf of the **City of University Heights** do agree as follows:

Section 1: The General Health District of Cuyahoga County, Ohio, hereby agrees to provide health services for the **City of University Heights** for the calendar year 2021: **January 1, 2021 through December 31, 2021**. Per Public Health Services Agreement, Exhibit A – Scope of Work will include all necessary medical, nursing, sanitary, laboratory and such other health services as are required by the Statutes of the State of Ohio. Air pollution enforcement services, as described in Chapter 3704 of the Ohio Revised Code (“ORC”), will be conducted through the designated agent, the Cleveland Division of Air Pollution Control, not by the Board. This authorization is contingent upon renewal of the Agreement between the Ohio EPA and the City of Cleveland and satisfactory performance of the Agreement terms and conditions regarding air pollution control in Cuyahoga County. The Board of Health reserves the right to alter, modify or amend this Agreement provision with notice to the City.

Section 2: In consideration for the health services described in Exhibit A, which will be provided by the Board to and within the City, the City shall pay to the Board the total **annual sum of Seventy-Three Thousand Seven Hundred Eighty-Eight Dollars (\$73,788.00) for calendar year 2021**. The City hereby directs the Fiscal Officer of Cuyahoga County to place to the credit of the Board and the Fiscal Office of Cuyahoga County is hereby authorized and directed to deduct the sum stated above in equal, **semi-annual installments of Thirty-Six Thousand Eight Hundred Ninety-Four Dollars (\$36,894.00)** from the regular property tax settlement to be made for said City for calendar year 2021.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance of all legal requirements.

Section 4. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

PASSED: _____

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

CUYAHOGA COUNTY

BOARD OF HEALTH

YOUR TRUSTED SOURCE FOR PUBLIC HEALTH INFORMATION

September 30, 2020

Dear Mayor Brennan,

Chapter 3709 of the Ohio Revised Code stipulates that each city in the State of Ohio "*...must provide health services either through a city health district or by a valid contract or union with the county health district or an adjacent city health district.*"

The Director of the Ohio Department of Health annually certifies this provision of health services. To remain certified, contracts need to be approved by city councils and returned to the Cuyahoga County Board of Health by December 31.

The per capita contract rate for public health services we provide to your community for the 2021 calendar year will be \$5.45. This is the same rate as the 2020 contract. The new contract will be sent to you by the end of this month along with a list of the public health programs and services that we make available to the residents of our communities.

The unprecedented scope and magnitude of the COVID-19 pandemic had deeply impacted our entire community, the state and the nation. Our agency has played a central role in the local emergency response to the COVID-19 virus since the pandemic began in March. Here is a list of our major response activities and accomplishments to date:

CASE MANAGEMENT

- Investigation, isolation and quarantine of over 23,000 COVID-19 cases and close contacts to date to reduce community transmission

COLLABORATION

- Delivered trainings for a variety of school personnel in cooperation with the Educational Service Center of Northeast Ohio
- Provided staffing to the Cuyahoga County Emergency Operations Center and Joint Information Center
- Staffing the Cuyahoga County Personal Protective Equipment Distribution Center
- Weekly calls with community hospitals partners about testing, treatment community response and surge assessment

DAILY DUTIES

- Weekday staffing of a Call Center that educates and advises businesses, governmental agencies, faith-based communities, childcare environments, schools and the general public - average of 150 calls per day
- Enforcing state orders and reviewing and approving prevention and compliance plans for businesses, schools, universities, non-profits and governmental agencies

- Maintaining a 7 day per week response operation for case investigation and contract tracing
- Recognition, evaluation and control of COVID-19 clusters to suppress community spread

LONG-TERM CARE

- Consultative support for long term care facilities about clinical and environmental hygiene, person protective equipment and disease prevention
- Weekly reporting of cases and fatalities among long term care facilities to the state

MEDIA

- Weekly press updates to share case trends and related epidemiological data
- Providing education and guidance through www.ccbh.net and our social media outlets

SAFETY FORCES

- Regular consultation about prevention, state guidance, and trends
- Weekly calls with EMS providers for situational awareness and prevention

SCHOOLS

- Ongoing assistance with compliance, logistics, planning and training
- Weekly calls with the 32 public school districts and various private schools within our jurisdiction
- Weekly reporting of cases in schools to the state department of health

TESTING

- Coordination of community testing sites that have reached over 10,000 people to date
- Consultative support and targeted testing in homeless shelters, adult care homes for the developmentally disabled, low-income senior housing and other settings at high risk for COVID-19 transmission

Looking ahead, we will be working with our community partners to reduce the risk of co-infection from influenza and COVID-19 during the current flu season, which runs from September 2020 through April 2021. We continue to plan for the implementation of a COVID-19 vaccination campaign that will be instituted in coordination with state and federal partners. We also remain committed to providing as broad a range of public health services as possible during this ongoing public health crisis.

Please contact me at 216.201.2011 if you have questions regarding your contract for public health services.

Sincerely,



Terry Allan, MPH, RS
Health Commissioner

PUBLIC HEALTH SERVICES AGREEMENT
(City with a General Health District - Authority--Sec. 3709.08 O.R.C.)

This Agreement is entered into on the **1st day of January, 2021** (“Effective Date”) by and between the **Cuyahoga County Board of Health** (the "Board"), a separate political subdivision of the State of Ohio organized under the Constitution and Laws of the State of Ohio, and the **City of University Heights**, a political subdivision, with its principal office located at 2300 Warrensville Center Road, University Heights, Ohio, 44118 (the “City”), for and in consideration of the promises, covenants, and conditions hereinafter set forth.

WHEREAS, Cuyahoga County General Health District is a general health district as defined under Ohio Revised Code (ORC) Section 3709.01 and is endowed with all of the statutory and other authority granted to it by reason of the Ohio Statutes as amended from time to time by the State Legislature; and

WHEREAS, the City has continued to have a city public health district as required by Ohio law; and

WHEREAS, pursuant to ORC Section 3709.01, each city in the State constitutes a health district and each county is a "general health district," and as provided for in ORC Sections 3709.051, 3709.07, and 3709.10, there may be a union of a general health district and a city health district; and

WHEREAS, ORC Section 3709.08 authorizes cities and villages in Cuyahoga County to enter into an Agreement with the Cuyahoga County General Health District on certain terms and conditions; and

WHEREAS, the District Advisory Council of the Cuyahoga County General Health District, created by ORC 3709.03, after giving due notice by publication as required by law, held a public meeting on March 9, 2020, at which by a majority vote of members representing the townships and villages of said county, did vote affirmatively on the question of providing public health services to the cities in Cuyahoga County, and did authorize the Chairman of the District Advisory Council to enter into an Agreement with the Mayor of the City for providing public health services therein; and

WHEREAS, the Board is engaged in the governance of providing public health services as described in this Agreement, has the knowledge, skill, and resources to provide such services, and desires to perform such services for or on behalf of the Board for City; and

WHEREAS, the City is willing to enter into an Agreement with the Board to provide such services in accordance with the terms and conditions of Ohio law and this Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

- 1. EFFECTIVE DATE, TERM AND TERMINATION.**
 - (a) **Effective Date, Term.** This Agreement shall commence on the Effective Date first stated above and shall continue through **December 31, 2021**, unless earlier terminated pursuant to Section 1(b).
 - (b) **Termination.** This Agreement may be terminated upon the occurrence of one of the following events:
 - (i) Failure for any reason of the either party to fulfill its obligations under this Agreement, after written notice is provided by the non-breaching party of such failure providing at least ninety (90) days for the breaching party to correct any such failure, and if such failure is not corrected within said period, the non-breaching party may give written notice of immediate termination;

- (ii) Upon nine (9) months written notice, or on or before April 1 of the year prior to termination by either party for any reason.

2. THE SERVICES.

- (a) **Scope of Services.** Subject to the terms and conditions contained in this Agreement and its exhibits, the Board will provide to the City and, as applicable, to all persons receiving the direct services provided for herein, the Services that are set forth and described in the Scope of Work (SOW) attached as **Exhibit A**, which Exhibit is incorporated herein.
- (b) Unless otherwise agreed by the Parties in writing, all transactions for Services through Board will be provided in accordance with the provisions of Ohio law and/or this Agreement, including any revisions of the same, as both Parties may from time to time execute to document the addition, revision, or enhancement of Services.
- (c) **Standard of Performance of Services.** The Board will devote such time and will use its best efforts as necessary to perform the Services in a professional manner that: (i) is consistent with the standards of its industry and in a good and workmanlike manner, and (ii) utilizes the care, skill, and diligence normally applied by other similar boards of health in the performance of services similar to the Services.
- (d) The City shall provide suitable space for the Board employees who make regular visits to the City on a daily or weekly basis.

3. PAYMENT.

- (a) **Compensation.** Compensation is based on the ten (10) year census population estimate for the City and a per capita rate established by the Board. The per capita rate is the same rate applied to all Villages, Townships in the general health district as well as for all cities that enter into a Public Health Services Agreement with the Board. The most recent ten (10) year census for population in the City dated April, 2010 is 13,539 residents. The current per capita rate established by the Board is \$5.45 per capita for calendar year 2021. The total amount due based on the per capita rate will be Seventy Three Thousand Seven Hundred Eighty Eight Dollars (**\$73,788.00**) for calendar year 2021. The Board reserves the right to change its per capita rate, as considered on an annual basis, based on current economic conditions and public health needs. In the event that the Board votes to make a change in the per capita rate, said change shall be limited to annual rates effective on January 1 for the following calendar year. The Board shall provide notice of the change in the per capita rate for the coming calendar year on or before October 31st of the current calendar year.
- (b) In consideration for the health services described in Exhibit A, which will be provided by the Board to and within the City, the City shall pay to the Board the total annual sum of Seventy Three Thousand Seven Hundred Eighty Eight Dollars (**\$73,788.00**) for calendar year 2021. The City hereby directs the Fiscal Officer of Cuyahoga County to place to the credit of the Board and the Fiscal Office of Cuyahoga County is hereby authorized and directed to deduct the sum stated above in equal, semi-annual installments of Thirty Six Thousand Eight Hundred Ninety Four Dollars (**\$36,894.00**) from the regular property tax settlement to be made for said City for calendar year 2021.

4. RECORDS.

- (a) The Board shall maintain copies of all records created or received by the Board in the performance of the work under this Agreement as required by Ohio's public records law. Any records created or received as a part of this Agreement shall be made available to the City upon request subject to exceptions listed below.
- (b) Any non-private health information in confidential records or information in the records created by the Board or that come into the possession of the Board under this Agreement shall, if provided to the City, be kept confidential by the City.
- (c) The Board is prohibited by State and Federal law from sharing protected health information and said records will not be shared with the City unless there is compliance with the proper method for release of said information.

5. REPORTS.

The Board shall provide semi-annual written reports to the City regarding the work conducted and services provided on behalf of the City under this Agreement. Such Reports shall be in a form as is provided to all political subdivisions for which the Board provides Agreement services.

6. NO ASSIGNMENT, TRANSFER, OR SUBAGREEMENT.

In performing the services specified under the terms of this Agreement, the Board shall not assign, transfer, or delegate any of the work or services, nor subcontract the work out to any other entity, nor shall any subcontractor commence performance of any part of the work or services included in this Agreement, unless such subcontracting is specified in this Agreement or its Exhibits, or unless prior written consent is provided by the City.

7. INDEPENDENT AGREEMENTOR.

- (a) The Board hereby acknowledges that it is an independent contractor and neither it nor its employees or agents are employees of the City. The Board shall be responsible for the payment or withholding of any federal, state or local taxes, including, but not limited to, income, unemployment, and workers' compensation for its employees, and the City will not provide, or contribute to any plan which provides for benefits, including but not limited to unemployment insurance, workers' compensation, retirement benefits, liability insurance or health insurance. All individuals employed by the Board provide personal services to the City are not public employees of the City under Ohio state law.
- (b) No agency, employment, joint venture or partnership has been or will be created between the parties pursuant to the terms and conditions of this Agreement. Inasmuch as the City is interested in the Board's end product, the City does not control the manner in which the Board performs this Agreement.

8. NOTICES.

All notices, invoices and correspondence which may be necessary or proper for either party shall be addressed as follows:

TO THE BOARD:

Cuyahoga County Board of Health
Attention: Terry Allan, Health Commissioner
5550 Venture Drive
Parma Ohio 44130

TO THE CITY:

City of University Heights
Attention: Mayor Michael D. Brennan
2300 Warrensville Center Road
University Heights, Ohio 44118

And

City of University Heights
Attention: Director of Law
2300 Warrensville Center Road
University Heights, Ohio 44118

9. EFFECT OF ELECTRONIC SIGNATURE

By entering into this Agreement, the parties agree that this transaction may be conducted by electronic means, including, without limitation, that all documents requiring signatures by the parties may be executed by electronic means, and that the electronic signatures affixed by the authorized representatives of the parties shall have the same legal effect as if the signatures were manually affixed to a paper version of the documents. The parties also agree to be bound by the provisions of Chapter 1306 of the Ohio Revised Code as it pertains to electronic transactions.

10. APPLICABLE LAW AND VENUE

Any and all matters of dispute between the Parties to this Agreement whether arising from the Agreement itself or arising from alleged extra contractual facts prior to, during, or subsequent to the Agreement, including without limitation, fraud, misrepresentation, negligence, or any other alleged tort or violation of the Agreement, will be governed by, construed, and enforced in accordance with the Laws of the State of Ohio, without regard to the conflict of laws or the legal theory upon which such matter is asserted.

11. SEVERABILITY.

If any provision hereof shall be determined to be invalid or unenforceable, such determination shall not affect the validity of the other provisions of this Agreement. Moreover, any provisions that should survive the expiration or termination will survive the expiration or termination of this Agreement.

12. AMENDMENT

This Agreement shall not be modified except by the express written consent by both parties hereto.

13. WAIVER.

Waiver by either party or the failure by either party to claim a breach of any provision of this Agreement shall not be deemed to constitute a waiver or estoppel with respect to any subsequent breach of any provision hereof.

14. FORCE MAJEURE.

Neither party shall be liable for any delay or failure to perform any duty or obligation it may have pursuant to this Agreement where such delay or failure has been occasioned by any act of God, fire, strike, inevitable accident, war or any cause outside the party's reasonable control.

15. COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be deemed to be an original copy, and all of which together shall constitute one Agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart.

16. ENTIRE AGREEMENT.

This Agreement constitutes the entire agreement of the parties with respect to its subject matter, and supersedes all prior and contemporaneous agreements, representations or understandings, whether written or oral, as to the same.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized representative to be effective as of the Effective Date as specified in Section 1 of this Agreement.

FOR THE BOARD:

Approved as to form.
Cuyahoga County Board of Health
Office of General Counsel

Mayor David Smith, President District
Advisory Council

By: _____

Date: _____

Date: _____

FOR THE CITY:

Approved as to form.

Mayor Michael D. Brennan

By: _____
Director of Law

Date: _____

Date: _____

EXHIBIT A

SCOPE OF WORK

The General Health District of Cuyahoga County, Ohio, hereby agrees to provide health services for the **City of University Heights** for the calendar years 2021 as set forth below (“Services”).

- The Board shall have full authority to be and act as the public health authority for the City.
- The Services described in the schedule listed below in this Exhibit will be provided by the District Board of Health of Cuyahoga County (“Board”) to the City.
- The Services will include all necessary medical, nursing, sanitary, laboratory and such other health services as are required by the Statutes of the State of Ohio.
- Air pollution enforcement services, as described in Chapter 3704 of the Ohio Revised Code (“ORC”), will be conducted through the designated agent, the Cleveland Division of Air Pollution Control, not by the Board. This authorization is contingent upon renewal of the Agreement between the Ohio EPA and the City of Cleveland and satisfactory performance of the Agreement terms and conditions regarding air pollution control in Cuyahoga County. The Board of Health reserves the right to alter, modify or amend this Agreement provision with notice to the City.
- The following specific services shall be a part of the Services provided under this Agreement:

List of Functions, Programs and Services

Animal Control and Shelter:
Rabies Surveillance – Animal bite follow up
Environmental Health - State Programs:
Food Service Operation Licensing/ Inspection/Education
Retail Food Establishment Licensing & Inspection.
School Facilities Inspection
Smoke Free Workplace Enforcement
Public Swimming Pool & Spa Licensing & Inspection
Tattoo & Body Piercing Enforcement
Temporary Park Camp Licensing/Inspection/Enforcement
Clean Indoor Air Regulation - complaint based response
Home Day Care Inspections - USDA Inspections Only/Fee for Service
Nuisance & Vector Control
Residential Housing/Commercial Building Inspection - complaint based response
Solid Waste Enforcement
West Nile Virus Prevention/Mosquito Control
Animal Venue Licensing/Inspection/Enforcement
Emergency Preparedness:
Public Health Emergency Preparedness (PHEP)
Planning and Cities' Readiness Initiative activities
Emergency Management Committee - participation

Development of Local Emergency Response Plan - participation
Community Outreach and Education
Northeast Ohio Regional Public Health Partnership - participation
Epidemiology, Surveillance, Investigation Services:
Reportable Infectious Disease investigation and follow-up (excluding HIV/AIDS; STD; TB)
Disease Outbreak Management
Regional Infection Control Committee – participation
NEO Regional. Epidemiology Response Team – participation
Nursing Services:
Health Promotion:
First Aid/Communicable disease classes – fee for service
Cleveland Safe Kids Coalition - participation
Immunization Program:
Childhood and Adult Vaccine Administration Services - Fee for Service. Most insurance accepted, by appointment. Charges may be waived for inability to pay.
Seasonal Influenza vaccine clinics - Fee for Service, most insurance accepted.
Immunize Ohio- participation
Jail Inmate Health Services:
Jail Inspection - provided once annually
Lead Poisoning Prevention:
Pediatric blood lead testing - Fee for Service. Charges may be waived for inability to pay
Case management
Environmental Assessment - Limited fee for service
Community Education and Outreach
Greater Cleveland Healthy Homes Advisory Council
Occupational Health:
Immunizations and Tuberculosis screenings - Fee for Service
Bureau for Children with Medical Handicaps (BCMh) Public Health Nursing Services
Administrative Services:
Administration
Grant Writing & Management
Budget
Records Management
Accounts Payable, Accounts Receivable
Data Entry & Program Management
Reports - Financial & Statistical
Payroll

The Board maintains a range of grant funded programs for citizens throughout the County who are income qualified.

THE BOARD RESERVES THE RIGHT TO AMEND THIS EXHIBIT AT ANYTIME PRIOR TO AUTHORIZATION OF THE CITY COUNCIL AND THE BOARD OF HEALTH ANNUALLY.