



**CITY COUNCIL MEETING ~ 7:00PM
AGENDA**

MONDAY, FEBRUARY 7, 2022

LOCATION:

**City Meeting Room
(former Wiley Middle School Library
next door to Board of Education)
2181 Miramar Blvd.
University Heights, Ohio**

Per current CDC guidelines, the City requires that all participants and attendees wear masks or face coverings, even if fully vaccinated.

Under the City Charter and state law, University Heights City Council meetings are open to the public. Rather than attend in person, at this time we encourage the public to view the meeting on the City of University Heights YouTube channel, which may be accessed here: <https://bit.ly/3quuble>

People wishing to make public comment are encouraged to submit their comments in writing to be read into record during the “Comments from the Audience” portion of the meeting. Please submit your full name and address with your public comment. Noting the traditional 5-minute limit, please limit your written public comment to 650 words. Please email your comment to info@universityheights.com by 4:00pm on the day of the meeting, or in the alternative, mail or drop off your comment to City Hall at 2300 Warrensville Center Road such that it is received by the deadline.

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

1. Roll Call
2. Pledge of Allegiance;
3. Reading and Disposal of the Journal;
4. Additions and Removals from the Agenda; Referrals to Committee;
5. Comments from the Audience;
6. Reports and Communications from the Mayor, and the taking of action thereon;
7. Reports and Communications from the City Council, and the taking of action thereon;

8. Reading and Disposition of Ordinances, Resolutions, Motions, and Consideration of agenda items;
 - A. Resolution 2022-11 In Honor of Black History Month
 - B. Resolution 2022-08 Necessity Declaring the Intent to Appropriate and Acquire the Fee Simple Interest in Certain Real Property Titled to University Square Real Estate Holdings, LLC, known as 2203 Warrensville Center Road, Bearing Permanent Parcel No. 721-01-001, City of University Heights, County of Cuyahoga, State of Ohio, as more fully described herein, for the Purpose of Eliminating Blight (on second reading)
 - C. Ordinance 2022-05 Enacting Codified Ordinance Chapter 1615 Entitled “Fireworks.” (on second reading)
 - D. Ordinance 2022-06: An Ordinance Providing for Submission to the Electors of the City of University Heights a Proposed Amendment to the City Charter to Amend Article 7 Section 3 Relating to the Civil Service Commission, for the Purpose of Expanding the Number of Permitted Eligible Candidates for Open Positions in the Police and Fire Service, and Declaring an Emergency
 1. Motion for Reconsideration;
 2. Motion to Amend to Correct Clerical Errors;
 3. Motion to Place on Second Reading;
 4. Motion to Adopt on Emergency.
 - E. Ordinance 2022-09 Authorizing the Mayor to Enter into a Contract with the State of Ohio, Department of Transportation for the Resurfacing of Cedar Road between South Taylor Road and Fenwick Road and between Miramar Boulevard and South Green Road and Authorization of Payment of the City’s share of costs and expenses thereunder, and Declaring an Emergency (on emergency)
 - F. Ordinance 2022-10 Authorizing a Change Order for the 2021 Street Improvement Program for Resurfacing of Portions of Wrenford Road in the Amount of \$5,180.75, Payable to NES Corporation, Inc. and Declaring an Emergency (on emergency)
 - G. Motion to Authorize a Blight Study by CT Consultants to Assess the Status of University Square Parcels at a cost not to exceed \$8,000
 - H. Motion to Enter Executive Session for the purpose of Discussing Legal Proceedings, Personnel and Real Estate Matters
9. Reports and communications from the Directors of the Department of Finance, the Department of Law, the Department of Public Safety, the Department of Public Service, and other department heads as applicable, and the taking of action thereon;
 - a) Finance
 - b) Law
 - c) Public Safety (Police/Fire)
 - d) Service
 - e) Building
 - f) Housing and Community Development
 - g) City Engineer
 - h) Communications / Civic Engagement
 - I) Economic Development

10. Reports of standing committees and the taking of action thereon;

BUILDING/HOUSING

Chairperson Barbara Blankfeld

Committee: Chris Cooney, John Rach, Brian King (alt.)

COMMUNITY OUTREACH

Chairperson Brian King

Committee: Michele Weiss, Barbara Blankfeld, Sheri Sax (alt.)

ECONOMIC DEVELOPMENT

Chairperson John Rach

Committee: Michele Weiss, Barbara Blankfeld, Justin Gould (alt.)

FINANCE

Chairperson Michele Weiss

Committee: John Rach, Justin Gould, Barbara Blankfeld (alt.)

RECREATION

Chairperson Chris Cooney

Committee: Brian King, Sheri Sax, Michele Weiss (alt.)

SAFETY

Chairperson Justin Gould

Committee: Brian King, Sheri Sax, Chris Cooney (alt.)

SERVICE AND UTILITIES

Chairperson Sheri Sax

Committee: Chris Cooney, Justin Gould, John Rach (alt.)

COMMITTEE OF THE WHOLE

Vice Mayor Michele Weiss

11. Reports of special committees, and the taking of action thereon;

12. Unfinished and miscellaneous business;

13. Adjournment

2022-11

A Resolution Recognizing and Celebrating Black History Month 2022

WHEREAS, the City of University Heights is a community that values its diverse population and celebrates the many cultures, backgrounds, and histories of its residents; and

WHEREAS, Black History Month has been recognized each February by U.S. Presidents since 1976 and grew out of the creation of Negro History Week in 1926 by Carter G. Woodson, an author, historian, and son of enslaved persons; and

WHEREAS, it is recognized that Black history is American history, while also underscoring that the story of Black Americans precedes the founding of our nation, with hundreds of thousands of individuals having been forcefully brought to these shores and millions more to the Caribbean and Central & South America; and

WHEREAS, Black Americans have struggled and persevered through enslavement, persecution, and oppression, facing still today systemic barriers to equality in our economy, at the ballot box, and in many other facets of American society; and

WHEREAS, despite these seemingly unending challenges, Black Americans have continuously made critical contributions to America and the world through innovation in arts, science, business, law and governance, healthcare, education, and more, as well as to our broader national culture and heritage; and

WHEREAS, the Association for the Study of African American Life and History – founded by Mr. Woodson – has declared the 2022 theme for Black History Month to be “Black Health and Wellness,” recognizing both the long, troubled relationship between Black Americans and the healthcare system, as well as the contributions to said system by members of the Black community. Of particularly recent import, Dr. Kizzmekia Corbett led a team of scientists in the development of the mRNA-1273 vaccine (Moderna) in the fight against Covid-19.

WHEREAS, this theme also recognizes the importance of financial, economic, and social wellness in the Black community and these factors’ interconnectedness as “social determinants” of physical and mental health; and

WHEREAS, it is essential to our continued growth and progress as a nation that we honor the legacy and contributions of Black Americans while vowing to continue the necessary work of reckoning with past injustice and seeking equity for our present and future – not only in this month, but indeed all year round.

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

Section 1. The City of University Heights recognizes and honors Black History Month in February 2022, celebrates our Black neighbors, and encourages all residents to further educate themselves on Black history in America and seek remedies to continued injustices.

Section 2. It is hereby found that all formal actions of this Council concerning and relating to the passage of this Resolution 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 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, the emergency being for the reason that this resolution pertains to the concurrent celebration of Black History Month in February 2022; wherefore, this resolution shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

City of University Heights

Michael Dylan Brennan, Mayor

Michele Weiss, Vice Mayor

Barbara Blankfeld, Councilmember

Christopher Cooney, Councilmember

Justin Gould, Councilmember

Brian J. King, Councilmember

John Rach, Councilmember

Sheri Sax, Councilmember

Passed: February 7, 2022

Attest:

Kelly M. Thomas, Clerk of Council

Luke F. McConville, Director of Law

RESOLUTION 2022-08

INTRODUCED BY:

A RESOLUTION OF NECESSITY DECLARING THE INTENT TO APPROPRIATE AND ACQUIRE THE FEE SIMPLE INTEREST IN CERTAIN REAL PROPERTY TITLED TO UNIVERSITY SQUARE REAL ESTATE HOLDINGS, LLC, KNOWN AS 2203 WARRENSVILLE CENTER ROAD, BEARING PERMANENT PARCEL NO. 721-01-001, CITY OF UNIVERSITY HEIGHTS, COUNTY OF CUYAHOGA, STATE OF OHIO, AS MORE FULLY DESCRIBED HEREIN, FOR THE PURPOSE OF ELIMINATING BLIGHT.

WHEREAS, City Council deems it necessary to appropriate certain property known as 2203 Warrensville Center Road, University Heights, Ohio for the purpose of eliminating blighted property, and wishes to present the results of an appraisal of said property to the owner thereof, and wishes to present the owner thereof with a Notice of Intent to Acquire said property, and wishes for negotiations to be conducted in connection with the acquisition of same, and wishes to ratify any of the foregoing;

WHEREAS, the property (the “Property”) includes a building that is part of the University Square Shopping Center development and that was originally designed to house retail businesses (the “Retail Building”);

WHEREAS, the Retail Building is vacant and abandoned, except for space leased to Applebee’s Restaurant;

WHEREAS, the Retail Building has been cited by the City’s Building Department and Fire Prevention Bureau for numerous building and fire code violations and, except for Applebee’s Restaurant, is currently unfit for occupancy;

WHEREAS, the interior spaces of the Retail Building contain debris, trash, junk and abandoned furniture, fixtures and signage;

WHEREAS, the Owner of the Retail Building has no intention to market the building for use by retail establishments and maintains that there is no discernible market for use of the Retail Building for such purposes;

WHEREAS, the Property and the Retail Building are characterized by age and obsolescence, unsafe and unsanitary conditions, hazards that endanger lives or properties by fire or other causes, noncompliance with building and fire codes, vacancy and abandonment and faulty lot layout in relation to size, adequacy, accessibility and usefulness;

WHEREAS, the improvements on the Property were originally financed by certain bonds issued by the Cuyahoga County Port Authority (the “Port Authority”) under a TIF (Tax Increment Financing) authorized under Revised Code Section 5709.41;

WHEREAS, pursuant to the TIF, the owner of the Property is obligated to make payments in lieu of real estate taxes (“PILOT Payments”) to bondholders to service the debt created by the Port Authority’s bond issuance;

WHEREAS, it was anticipated that rents from the commercial space in the Retail Building would provide the owner with sufficient revenues to make the necessary PILOT Payments;

WHEREAS, pursuant to the various contracts arising out of the TIF, the bondholders have the right to demand that the City place special assessments on the Property in an amount equal to and/or the extent that PILOT Payments are insufficient to service indebtedness due and owing under the bonds;

WHEREAS, past-due special assessment delinquencies currently encumbering the Property as a result of PILOT Payment deficiencies far exceed its fair market value;

WHEREAS, the Property and the Retail Building are under-utilized, non-productive properties creating blight in the City and adversely impacting the University Square Shopping District;

WHEREAS, it is in the interests of the health, safety and welfare of the City's citizens that the City eliminate blighted property by acquiring Permanent Parcel No. 721-01-001 located at 2203 Warrensville Center Road, University Heights, Ohio;

NOW THEREFORE BE IT RESOLVED by the Council of the City of University Heights, County of Cuyahoga, State of Ohio, that:

SECTION 1. Council hereby declares its intent to appropriate and acquire the fee simple interest in the Property to eliminate blight, and to pursue a redevelopment plan for the Property in accordance with the requirements of Ohio Revised Code Chapter 163. A legal description of the Property is attached hereto as Exhibit A, which is incorporated herein by reference as if fully re-written.

SECTION 2. Council hereby directs the Mayor or his designee to present the owner of the Property and other interested parties with a Notice of Intent to Acquire said Property, and wishes for negotiations to be conducted in connection with the acquisition of same

SECTION 3. The Clerk of Council shall mail by certified mail or personally deliver a copy of this Resolution of Necessity to the owner of the Property.

SECTION 4. Council hereby directs the Mayor or designee to send or personally deliver a Notice of Intent to Acquire to be sent to the owner of the Property, in the form required by R.C. Section 163.041.

SECTION 5. Council hereby affirms the need for the Property and wishes to proceed to acquire said Property to eliminate blight.

SECTION 6. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 7. This Resolution shall be in effect at the earliest date permitted by law.

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

PASSED: _____, 2022

EXHIBIT A

CORE RETAIL PARCEL
PROPERTY DESCRIPTION

Parcel No. 1 (PPN: 721-01-001)

Description of Parcel E-1

10.085 Acres

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel E-1, Developer Parcel comprising 10.085 acres in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 315 of Maps, Page 88 of Cuyahoga County Records and further bounded and described as follows:

Beginning at an iron pin monument box found at the intersection of the centerlines of Warrensville Center Road (86 feet wide) and Cedar Road (70 feet wide); Thence S 88 Deg. 34 min. 25 sec. E, along the centerline of Cedar Road, 43.00 feet to a point being the intersection of the northerly prolongation of the easterly sideline of Warrensville Center Road with the centerline of Cedar Road and the northerly prolongation thereof, 309.54 feet to a drill hole found at the southwesterly corner of Sublot 3 of said May Centers, Inc. Subdivision and the principal point of beginning of the parcel herein described;

Course No. 1 – Thence S 88 deg. 45 min. 20 sec. E, along the southerly line of said Sublot 3, 125.00 feet to a drill hole found at a point of curvature therein;

Course No. 2 – Thence along the arc of the curved southerly line of said Sublot 3 deflecting to the left having a radius of 20.00 feet, a chord bearing N 46 deg. 14 min. 40 sec. E, 28.28 feet, an arc distance of 31.42 feet to a nail found at a point of tangency therein;

Course No. 3 – Thence N 01 deg. 14 min. 40 sec. E, 254.08 feet to an iron pin found in the southerly sideline of aforesaid Cedar Road, said pin being also at the northeasterly corner of said Sublot 3;

Course No. 4 – Thence S 88 deg. 34 min. 25 sec. E along the southerly sideline of Cedar Road, 907.81 feet to a drill hole found therein being also at the northwesterly corner of land conveyed to Wasserstein Family Trs. Formerly May Medical Assoc., Ltd. being Parcel 2 of May Stores Shopping Center's, Inc. Subdivision recorded in Volume 219, Page 29 of Cuyahoga County Map Records;

Course No. 5 – Thence S 01 deg. 29 min. 30 sec. W, along the westerly line of said Wasserstein land, 425.25 feet to a P.K. (Parker-Kalon) nail found at the southwesterly corner thereof;

Course No. 6 – Thence continuing S 01 deg. 29 min. 30 sec. W, 6.91 feet to a point;

Course No. 7 – Thence along the arc of a curve, deflecting to the right, having a radius of 130.00 feet, a chord bearing S 33 deg. 27 min. 30 sec. W, 78.20 feet, an arc distance of 79.42 feet to a point of tangency therein;

Course No. 8 – Thence S 50 deg. 57 min. 41 sec. W, 7608 feet to a point of curvature;

Course No. 9 – Thence along the arc of a curve, deflecting to the left, having a radius of 45.00 feet, a chord bearing S 26 deg. 13 min. 35 sec. W, 37.6 feet, an arc distance of 38.85 feet to a point of tangency in the westerly line of said Sublot 2 of May Centers, Inc. Subdivision;

Course No. 10 – Thence S 01 deg. 29 min. 30 sec. E, along the westerly line of said Sublot 2, 68.39 feet to the a P.K. (Parker-Kalon) nail found at the southwesterly corner thereof being also in the centerline of Lansdale Road vacated by Ordinance 56-9 and recorded in Volume 171, Page 1 of Cuyahoga County Map Records;

Course No. 11- Thence S 88 deg. 30 min. 30 sec. E, along the centerline of said vacated Lansdale Road, 335.00 feet to an iron pin found in the westerly sideline of said Miramar Boulevard.

Course No. 12 – Thence S 01 deg. 29 min. 30 sec. W, along the westerly sideline of said Miramar Boulevard, 122.23 feet to an iron pin found at a point therein, said point being the northeasterly corner of the southerly 20 feet of Sublot No. 15C in a resubdivision of the Heister Center Green Company's Center Green Allotment as recorded in Volume 85, Page 6 of Cuyahoga County Map Records, said southerly 20 feet of Sublot 15C being more fully described in a Certificate of Transfer recorded in Volume 95-08084, Page 34 of Cuyahoga County Deed Records;

Course No. 13 – Thence N 88 deg. 30 min. 30 sec. W, along the northerly line of said southerly 20 feet of Sublot 15C, 70.68 feet to an iron pin found at the northwesterly corner of thereof;

Course No. 14- Thence S 01 deg. 29 min. 30 sec. W, along the westerly line of said southerly 20 feet of Sublot 15C, 20.00 feet to an iron pin found at the northeasterly corner of Sublot 16C of said Heister Center Green Company's resubdivision;

Course No. 15 – Thence N 88 deg. 30 min. 30 sec. W, along the northerly line of Sublots 16C, 16B, 14B, 14A, 13B, 13A, 12B, 12A, 11B, 11A, 10B, 10A, 9B, 9A, 8B, 8A, 7B, 7A, 6B, 6A, 5B, 5A, 4B, 4A and 3B in said resubdivision, 1000.00 feet to an iron pin found in the northwesterly corner of Sublot 3B thereof and being also in the easterly line of land known as Parcel 3 conveyed to Starwood Wasserman University Heights Holding LLC as recorded in Deed AFN 200104130249 of Cuyahoga County Deed Records;

Course No. 16 – Thence N 01 deg. 29 min. 30 sec. E, along the easterly line of said Parcel 3, 25.00 feet to a nail found at the northeasterly corner thereof;

Course No. 17 – Thence N 88 deg. 30 min. 30 sec. W, along the northerly line of said Parcel 3, 199.54 feet to a drill hole found at the northwesterly corner thereof said point being also in the easterly sideline of said Warrensville Center Road;

Course No.18- Thence N 01 deg. 34 min. 40 sec. E, along the easterly sideline of said Warrensville Center Road, 25.00 feet to a drill hole found therein being also the southwesterly corner of Sublot 4 of said May Centers, Inc. Subdivision;

Course No. 19 – Thence S 88 deg. 30 min. 30 sec. E, along the southerly line of said Sublot 4, 100.03 feet to a nail found at a point of curvature therein;

Course No. 20 – Thence along the arc of the curved southerly line of said Sublot 4 deflecting to the left having a radius of 20.00, a chord bearing N 46 deg. 32 min. 05 sec. E, 28.26 feet, an arc distance of 31.39 feet to a nail found at a point of tangency therein;

Course No. 21- Thence N 01 deg. 34 min. 40 sec. E, along the easterly line of said Sublot 4, 108.13 feet to a nail found at a point of curvature therein;

Course No. 22 – Thence along the arc of the curved easterly line of said Sublot 4 deflecting to the right having a radius of 75.00 feet, a chord bearing N 19 deg. 46 min. 03 sec. E, 46.82 feet, an arc distance of 4.62 feet to a nail found at a point of reverse curvature therein;

Course No. 23 – Thence along the arc of the curved easterly line of said Sublot 4 deflecting to the left having a radius of 50.00 feet, a chord bearing N 19 deg. 36 min. 03 sec. E, 31.49 feet, an arc distance of 32.04 feet to a nail found at a point of tangency therein;

Course No. 24- Thence N 01 deg. 14 min. 40 sec. E, continuing along the easterly line of said Sublot 4, 185.15 feet to a nail found at a point of curvature therein;

Course No. 25 – Thence along the arc of the curved northerly line of said Sublot 4 deflecting to the left having a radius of 20.00 feet, a chord bearing N 43 deg. 45 min. 20 sec. W, 28.28 feet, an arc distance of 31.42 feet to a drill hole found at a point of tangency therein;

Course No. 26 – Thence N 88 deg. 45 min. 20 sec. W, along the northerly line of said Sublot 4, 125.00 feet to a drill hole found in the easterly sideline of said Warrensville Center Road;

Course No. 27- Thence N 01 deg. 14 min. 40 sec. E, along the easterly sideline of said Warrensville Center Road 60.00 feet to the principal point of beginning and containing 17.149 acres of land be the same more or less but subject to all legal highways and easements of record. Bearing cited within the above description are to an assumed meridian and indicate angles only.

Said Parcel E-1 specifically excepts therefrom Parcels A, B, C and D described as follows:

Parcel A

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel A in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records and further bounded and described as follows:

Beginning at an iron pin monument found at the intersection of the centerlines of Warrensville Center Road, a.k.a. County Road No. 4 (86 feet wide) and Cedar Road, a.k.a. County Road No. 23 (70 feet wide), said pin being also the northwesterly corner of Original Warrensville Township Lot No. 6; Thence S 88 deg. 34 min. 25 sec. E, along the centerline of said Cedar Road, said centerline being also the southerly corporation line of the City of South Euclid and the northerly line of said Original Lot 6, 221.34 feet to a point therein; Thence S 01 deg. 29 min. 30 sec. W, 150.66 feet to the principal point of beginning of the parcel herein described;

Course No. 1 – Thence S 88 deg. 30 min. 30 sec. E, 187.35 feet to a point;

Course No. 2 – Thence S 01 deg. 29 min. 30 sec. W, 15.20 feet to a point;

Course No. 3 – Thence S 88 deg. 30 min. 30 sec. E, 83.25 feet to a point;

Course No. 4 – Thence S 01 deg. 29 min. 30 sec. W, 100.29 feet to a point;

Course No. 5 – Thence S 88 deg. 30 min. 30 sec. E, 12.22 feet to a point;

Course No. 6 – Thence S 01 deg. 29 min. 30 sec. W, 224.45 feet to a point;

Course No. 7 – Thence N 88 deg. 30 min. 30 sec. W, 221.88 feet to a point;

Course No. 8 – Thence S 01 deg. 29 min. 30 sec. W, 40.26 feet to a point;

Course No. 9 – Thence N 88 deg. 30 min. 30 sec. W, 60.93 feet to a point;

Course No. 10 – Thence N 01 deg. 29 min. 30 sec. E, 380.20 feet to the principal point of beginning and containing 2.202 acres (95,914.77 square feet) of land be the same more or less and subject to all legal highways and easements of record according to an ALTA/ACSM survey performed by Lawrence J Chesnik (S-5949) of the C. W. Courtney Company January 21, 1991 and reissued July 19, 1999 and August 31, 1999. Bearings cited within the above description are to an assumed meridian and indicate angles only.

Description – Parcel B
0.819 Acres

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel B in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records and further bounded and described as follows:

Beginning at an iron pin monument found at the intersection of the centerlines of Warrensville Center Road, a.k.a. County Road No. 4 (86 feet wide) and Cedar Road, a.k.a. County Road No. 23 (70 feet wide), said pin being also the northwesterly corner of Original Warrensville Township Lot No. 6; Thence S 88 deg. 34 min. 25 sec. E, along the centerline of said Cedar Road, said centerline being also the southerly corporation line of the City of South Euclid and the northerly line of said Original Lot 6, 958.04 feet to a point therein; Thence S 01 deg. 29 min. 30 sec. W, 57.59 feet to the principal point of beginning of the parcel herein described;

Course No. 1 – Thence S 88 deg. 30 min. 30 sec. E, 78.89 feet to a point;

Course No. 2 – Thence S 43 deg. 56 min. 00 sec. E, 25.37 feet to a point;

Course No. 3 – Thence S 01 deg. 29 min. 30 sec. W, 377.60 feet to a point;

Course No. 4 – Thence N 88 deg. 30 min. 30 sec. W, 80.80 feet to a point;

Course No. 5 – Thence N 01 deg. 30 min. 29 sec. E, 145.90 feet to a point;

Course No. 6 – Thence N 88 deg. 30 min. 30 sec. W, 10.31 feet to a point;

Course No. 7 – Thence N 01 deg. 29 min. 30 sec. E, 23.27 feet to a point;

Course No. 8 – Thence N 88 deg. 30 min. 30 sec. W, 5.85 feet to a point;

Course No. 9 – Thence N 01 deg. 29 min. 30 sec. E, 226.24 feet to the principal point of beginning and containing 0.819 acres (35, 683.78 square feet) of land be the same more or less and subject to all legal highways and easements of record according to an ALTA/ACSM survey performed by Lawrence J. Chesnik (S-5949) of the C. W. Courtney Company January 21, 1991 and reissued July 19, 1999 and August 31, 1999. Bearing cited within the above description are to an assumed meridian and indicate angles only.

Excepting therefrom any aerial rights upward from approximately elevation 1046.40 over the part described as follows:

Beginning at the southwest corner of said parcel B;

Course No. 1 – Thence N 01 deg. 29 min. 30 sec. E, 145.90 feet to a point;

Course No. 2 – Thence N 88 deg. 30 min. 30 sec. W, 10.31 feet to a point;

Course No. 3 – Thence N 01 deg. 29 min. 30 sec. E, 23.27 feet to a point;

Course No. 4 – Thence N 88 deg. 30 min. 30 sec. W, 100.29 feet to a point;

Course No. 5 – Thence N 01 deg. 29 min. 30 sec. E, 180.02 feet to a point;

Course No. 6 – Thence S 88 deg. 30 min. 30 sec. E, 0.78 feet to a point;

Course No. 7 – Thence N 01 deg. 29 min. 30 sec. E, 26.30 feet to a point;

Course No. 8 – Thence S 88 deg. 30 min. 30 sec. E, 33.99 feet to a point;

Course No. 9 – Thence N 46 deg. 29 min. 30 sec. E, 15.79 feet to a point;

Course No. 10 – Thence S 88 deg. 30 min. 30 sec. E, 41.11 feet to a point.

Course No. 11 – Thence S 43 deg. 56 min. 00 sec. E, 13.92 feet to a point;

Course No. 12 – Thence S 01 deg. 29 min. 30 sec. W, 376.88 feet to a point;

Course No. 13 – Thence N 88 deg. 30 min. 30 sec. W, 80.80 feet to the point of beginning and containing 0.791 acres (34,476- square feet) The approximate elevation of 1046.50 shall be based on the new reference of O.M. 1554, recorded in Section 27, Page 131 of the Cleveland Regional Geodetic Survey Records and is understood to be the elevation of the seats of the structural beam supporting the 122 level of a building to be constructed at this location according to the plans for said building.

Description – Parcel C Aerial Rights
2.100 Acres

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel C in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records and being the aerial rights above the bottom plane being at elevation 1046.50, said elevation of 1046.50 being based on the new reference of O.M. 1554, recorded in Section 27, Page 131 of the Cleveland Regional Geodetic Survey Records and is understood to be the elevation of the seats of the structural beam supporting the 122 level of a building to be constructed at this location according to the plans for said building and further bounded and described as follows:

Beginning at an iron pin monument found at the intersection of the centerlines of Warrensville Centre Road, a.k.a. County Road No. 4 (8 feet wide) and Cedar Road, a.k.a. County Road No. 23 (70 feet wide), said pin being also the northwesterly corner of Original Warrensville Township Lot 6; Thence S 88 deg. 34 min. 25 sec. E, along the centerline of said Cedar Road, said centerline being also the southerly corporation line of the city of South Euclid and the northerly line of said Original Lot 6, 834.46 feet to a point therein; Thence S 01 deg. 29 min. 30 sec. W, 70.17 feet to the principal point of beginning of the aerial parcel herein described,

Course No. 1 – Thence S 88 deg. 30 min. 30 sec. E, 11.95 feet to a point;

Course No. 2 – Thence S 01 deg. 29 min. 30 sec. W, 33.50 feet to a point;

Course No. 3 – Thence S 88 deg. 30 min. 30 sec. E, 112.42 feet to a point;

Course No. 4 – Thence N 01 deg. 29 min. 30 sec. E, 26.30 feet to a point;

Course No. 5 – Thence S 88 deg. 30 min. 30 sec. E, 33.99 feet to a point;

Course No. 6 – Thence N 46 deg. 29 min. 30 sec. E, 15.79 feet to a point;

Course No. 7 – Thence S 88 deg. 30 min. 30 sec. E, 41.11 feet to a point;

Course No. 8 – Thence S 43 deg. 56 min. 00 sec. E, 20.38 feet to a point;

Course No. 9 – Thence S 01 deg. 29 min. 30 sec. W, 382.39 feet to a point;

Course No. 10 – Thence N 88 deg. 30 min. 30 sec. W, 148.55 feet to a point;

Course No. 11 – Thence N 01 deg. 29 min. 00 sec. E, 10.00 feet to a point;

Course No. 12 – Thence N 88 deg. 30 min. 30 sec. W, 112.51 feet to a point;

Course No. 13 – Thence N 01 deg. 29 min. 30 sec. E, 206.10 feet to a point;

Course No. 14 – Thence S 88 deg. 30 min. 30 sec. E, 11.03 feet to a point;

Course No. 15 – Thence N 01 deg. 29 min. 00 sec. E, 13.81 feet to a point;

Course No. 16 – Thence S 88 deg. 30 min. 30 sec. E, 24.88 feet to a point;

Course No. 17 – Thence N 01 deg. 29 min. 30 sec. E, 162.82 feet to the principal point of beginning and containing 2.100 acres (91,489.32 square feet) of real area at said elevation and subject to all legal highways and easements of record according to an ALTA/ACSM survey performed by Lawrence J. Chesnik (S-5949) of the C. W. Courtney Company January 21, 1991 and reissued July 19, 1999 and August 31, 1999. Bearing cited within the above description are to an assumed meridian and indicate angles only.

Parcel D

4.043 acres

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel D in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records and further bounded and described as follows:

Beginning at an iron pin monument found at the intersection of the centerlines of Warrensville Center Road, a.k.a. County Road No. 4 (86 feet wide) and Cedar Road, a.k.a. County Road No. 23 (70 feet wide), said pin being also the northwesterly corner of Original Warrensville Township Lot No. 6; Thence S 88 deg. 34 min. 25 sec. E, along the centerline of said Cedar Road, said centerline being also the southerly corporation line of the City of South Euclid and the northerly line of said Original Lot 6, 514.24 feet to a point therein; Thence S 01 deg. 29 min. 30 sec. W, 263.76 feet to the principal point of beginning of the parcel herein described:

Course No. 1 – Thence S 88 deg. 30 min. 30 sec. E, 276.00 feet to a point;

Course No. 2 – Thence S 01 deg. 29 min. 30 sec. W, 55.01 feet to a point;

Course No. 3 – Thence S 88 deg. 30 min. 30 sec. E, 8.31 feet to a point;

Course No. 4 – Thence S 01 deg. 29 min. 30 sec. W, 43.65 feet to a point;

Course No. 5 – Thence N 88 deg. 30 min. 30 sec. W, 8.31 feet to a point;

Course No. 6 – Thence S 01 deg. 29 min. 30 sec. W, 98.34 feet to a point;

Course No. 7 – Thence S 88 deg. 30 min. 30 sec. E, 105.00 feet to a point;

Course No. 8 – Thence S 01 deg. 29 min. 30 sec. W, 291.00 feet to a point;

Course No. 9 – Thence N 88 deg. 30 min. 30 sec. W, 81.50 feet to a point;

Course No. 10 – Thence S 01 deg. 29 min. 30 sec. W, 30.50 feet to a point;

Course No. 11 – Thence N 88 deg. 30 min. 30 sec. W, 299.50 feet to a point;

Course No. 12 – Thence N 01 deg. 29 min. 30 sec. E, 67.09 feet to a point;

Course No. 13 – Thence N 88 deg. 30 min. 30 sec. W, 5.00 feet to a point;

Course No. 14 – Thence N 01 deg. 29 min. 30 sec. E, 197.24 feet to a point;

Course No. 15 – Thence S 88 deg. 30 min. 30 sec. E, 5.00 feet to a point;

Course No. 16 – Thence N 01 deg. 29 min. 30 sec. E, 57.68 feet to a point;

Course No. 17 – Thence N 88 deg. 30 min. 30 sec. W, 8.64 feet to a point;

Course No. 18 – Thence N 01 deg. 29 min. 30 sec. E, 44.32 feet to a point;

Course No. 19 – Thence S 88 deg. 30 min. 30 sec. E, 8.64 feet to a point;

Course No. 20 – Thence N 01 deg. 29 min. 30 sec. E, 152.17 feet to the principal point of beginning and containing 4.043 acres (176,109.61 square feet) of land be the same more or less and subject to all legal highways and easements of record according to an ALTA/ACSM survey performed by Lawrence J. Chesnik (S-5959) of the C. W. Courtney Company January 21, 1991 and reissued July 19, 1999 and August 31, 1999. Bearings cited within the above description are to an assumed meridian and indicate angles only.

Permanent Parcel No.: 721-01-001

Property Address: 2203 Warrensville Center Road, University Heights, Ohio 44118

ORDINANCE 2022-05

INTRODUCED BY: VICE MAYOR WEISS

**AN ORDINANCE ENACTING CODIFIED ORDINANCE
CHAPTER 1615 ENTITLED "FIREWORKS."**

WHEREAS, the City wishes to regulate the practice possession, sale, and use of fireworks;

WHEREAS, the City wishes to enact regulations to preserve the citizens' quiet enjoyment of their residential properties and ensure the safety of dense residential and business areas;

WHEREAS, Governor DeWine recently signed House Bill 172 into law, allowing any person authorized to possess consumer grade fireworks to discharge them on their own property or on another person's property with permission on the certain designated days, and further allowing local municipalities to restrict the dates and times that individuals may discharge consumer-grade fireworks or to impose a complete ban on the use of consumer-grade fireworks; and

WHEREAS, the Council wishes to impose a complete ban on the use of consumer grade fireworks, and further wishes to except from said ban on fireworks certain categories of toy or trick devices that contain minute levels of combustible materials;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of University Heights, State of Ohio:

Section 1. The Council hereby enacts Codified Ordinance Chapter 1615 entitled "Fireworks," which shall read in its entirety as follows:

CHAPTER 1615 -- FIREWORKS

1615.01 Definitions

1615.02 Possession, Sale or Discharge Prohibited

1615.03 Exceptions

1615.04 Penalty

1615.01 DEFINITIONS.

As used in this chapter, terms shall have the meaning set forth below:

(a) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in the Ohio Fire Code.

(b) "Novelties and trick noisemakers" include the following items:

(1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;

(2) Snakes or glow worms;

(3) Smoke devices;

(4) Trick matches.

(c) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.

(d) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(e) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.

(f) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.

(g) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.

1615.02 POSSESSION, SALE OR DISCHARGE PROHIBITED.

(a) No person shall possess fireworks in the City or shall possess for sale or sell fireworks in the City, except as permitted by licensure under applicable Ohio law.

(b) Except as specifically authorized by Section 1615.03 hereof, no person shall discharge, ignite or explode any fireworks in the City.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks, novelties and trick noisemakers of any kind to a person under eighteen years of age.

(e) No person under eighteen years of age shall discharge, ignite or explode novelties and trick noisemakers or sparklers of any kind unless in the company of a person of at least eighteen years of age.

1615.03 EXCEPTIONS.

This Chapter does not prohibit or apply to the following

(a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for aviation or highway use.

(b) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals for ceremonial purposes.

(c) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps.

(d) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models.

(e) The manufacture, sale, possession, transportation, storage or use of wire sparklers.

1615.04 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree.

Section 2. 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.

Section 3. This ordinance shall take effect on the earliest date allowed by law.

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

ORDINANCE 2022 -- 06

INTRODUCED BY: MAYOR BRENNAN AND VICE MAYOR WEISS

AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF UNIVERSITY HEIGHTS A PROPOSED AMENDMENT TO THE CHARTER TO AMEND ARTICLE 7 SECTION 3 RELATING TO THE CIVIL SERVICE COMMISSION, FOR THE PURPOSE OF EXPANDING THE NUMBER OF PERMITTED ELIGIBLE CANDIDATES FOR OPEN POSITIONS IN THE POLICE AND FIRE SERVICE, AND DECLARING AN EMERGENCY

WHEREAS, Article 8, Section 5 of the City of University Heights Charter provides Council, upon approval of at least five (5) members, with the authority to submit proposed changes to the City Charter for consideration by the electorate; and

WHEREAS, City police officers and firefighters are civil service employees;

WHEREAS, the Charter states that "... the Commission shall certify to such authority the names and addresses of three candidates standing highest on the eligibility list for the class or grade to which such position belongs. The appointing authority shall appoint any one of the three persons certified to him, to such position."

WHEREAS, for a variety of reasons, the Charter restriction that three names be certified for appointment or promotion hampers the City's ability to fill open positions, including: (i) applicants are disincentivized from applying due to the narrow eligibility criteria; (ii) applicants frequently apply to multiple agencies simultaneously, resulting in any given eligibility list becoming obsolete quickly when applicants accept positions with competing agencies; (iii) the increased likelihood, based on the shallow pool of applicants, that the department head or appointing authority may deem the list of applicants to be unsuitable for the position, and (iv) the process for updating eligibility lists being too cumbersome to keep lists filled with candidates who are actually eligible.

WHEREAS, neighboring communities throughout Northeast Ohio have much more flexible eligibility list criteria, allowing those communities a competitive advantage in filling open police and firefighter positions;

WHEREAS, the residents of the City would be better served by allowing the Civil Service Commission to establish its own eligibility list criteria based on the expertise of the Civil Service Commission members in combination with input from the Chief of Police and Fire Chief;

WHEREAS, the current "1 in 3 Rule" was established in 1941, is anachronistic and too restrictive, and effectively serves as a barrier to filling open positions in the Police and Fire Departments;

WHEREAS, morale in the Police and Fire Departments is adversely affected by staffing shortages; and

WHEREAS, in conformity with Robert's Rules of Order, Council wishes to reconsider this ordinance (on the next day following recess) for the sole purpose of correcting clerical errors in the proposed Charter language, to amend this ordinance by correcting said clerical errors, to place this ordinance on second reading as amended, and to adopt the amended ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of University Heights, State of Ohio:

Section 1. This Council hereby authorizes and directs the submission to the electors of the City of University Heights, in an election to be held at the usual places of voting in said City, on Tuesday, May 3, 2022, of the following proposal to amend the Charter of the City as further provided below.

That existing Article 7, Section 3 be amended, in its entirety, as follows:

SECTION 3. Civil Service Commission. The Civil Service Commission shall consist of three electors of the City not holding other municipal office to be recommended by the Mayor subject to consent and approval of a majority of Council to serve for terms of six years, except that the first appointment shall be for six, four and two years, respectively. At the time of any appointment not more than two members of the Commission shall be members of the same political party. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment. A member of the Civil Service Commission may be removed by the Mayor subject to consent and approval of a majority of Council for neglect of duty, incapacity, incompetency, or malfeasance in office, but only after opportunity has been given for a public hearing before the Council, to be held at least ten (10) days after written charges have been made and notice thereof been given to the accused member. Such member shall be heard in person or by counsel; and such removal shall be final.

The Civil Service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:
 - a. All officers elected by the people.
 - b. All directors, heads and chiefs of departments and divisions and their assistants.
 - c. The Clerk of Council and Assistant Clerk.
 - d. The City Engineer and Assistant Engineer.
 - e. The members of all boards and commissions appointed by the Mayor or Council.
 - f. All employees in the Department of Public Service and Properties.
 - g. Any temporary or part-time office or any position requiring qualifications of an expert.
2. The classified service shall comprise all positions not specifically included by this section in the unclassified service.

The Civil Service Commission shall make necessary rules for the appointment, promotion, transfer, lay-off, reinstatement, suspension and removal of persons in the classified service. In the case of hiring and in the case of promotion, the Commission shall make necessary rules with regard to eligibility lists and with regard to certification of the number and the names of candidates from eligibility lists and with regard to the process of selection and appointment of those certified. Before any such rules or amendments thereof shall become effective, they shall be published in writing and an opportunity given for a public hearing thereon to be held after reasonable notice thereof has been given by the Commission.

The Commission shall provide rules for the procedure of the Commission, for standardization and classification of positions, for competitive and noncompetitive tests, for qualifications in meeting reasonable requirements as to age, sex, physical condition and moral character, for investigating and keeping a record of the efficiency of the personnel in the classified service and for requiring reports relative thereto from appointing authority, for the maximum number of persons who may be certified to an eligibility list establishing eligibility for appointment, for such other rules as may be necessary and proper for the enforcement of the merit system and for appeals from the action of appointing authority in the case of transfer,

reduction or removal and the action of the Commission on any such appeal shall be final.

When a position in the competitive classified service is to be filled by appointment as a hire or as a promotion, the appointing authority upon making that determination shall notify the Civil Service Commission of that fact and the Commission shall certify to such authority the names and addresses of that number of ~~three~~ eligible candidates, as established by Commission Rules, standing highest on the eligibility list for the class or grade to which such position belongs. The appointing authority shall appoint any one of the eligible~~three~~ persons certified to him, to such position. A candidate who has been considered for the appointment or promotion at least three times may, in the discretion of the Commission, be decertified by the Commission without further cause and shall thereafter be removed and be ineligible from further consideration by the appointing authority until recertification of eligibility on a subsequent list.

The Commission shall report its proceedings to the Mayor or Council upon request, and shall make a report to the Mayor at the beginning of each fiscal year.

All persons who have been continuously employed in the service of the municipality in the same or similar position, herein included in the classified service for at least thirty days preceding the adoption of this Charter shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the provisions of this Charter.

Section 2. If the amendments set forth in Section 1 hereof are adopted, existing Charter Article 7, Section 3 shall be repealed.

Section 3. That the form of the ballot to be cast in the election for the proposed Charter amendments contained in Section 1 hereof shall read and provide as follows:

<p>PROPOSED CHARTER AMENDMENT</p> <p>A majority affirmative vote is necessary for passage</p>
<p>Shall Article 7, Section 3 of the Charter of the City of University Heights be amended to allow the City's Civil Service Commission to enact Rules to expand the number of permitted eligible candidates who may be appointed to open positions in the Police and Fire Service?</p>

Section 4. That if such amendments are approved by a majority of the electors voting thereon as such election, such amendments so approved shall become effective on the earliest date allowed by law.

Section 5. The affirmative vote of at least five (5) members of Council is necessary for passage of this Ordinance.

Section 6. That the Clerk of Council is hereby directed to cause notice of the proposed Charter Amendments to be published in such manner as may be authorized by law, and as required by Article XVIII, Section 9 of the Ohio Constitution.

Section 7. That the Clerk of Council is hereby directed to cause notice of this Ordinance to be published in the manner established in University Heights Codified Ordinance Section 220.17.

Section 8. That the Clerk of Council be and hereby is authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County.

Section 9. That the Board of Elections of Cuyahoga County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

Section 10. That there is hereby appropriated from the general fund of the City an amount sufficient to pay the cost of carrying out the directions of this Ordinance, including the cost of publishing notice of such election.

Section 11. 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.

Section 12. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, the emergency being the need to provide a certified copy of this Ordinance to the Cuyahoga County Board of Elections within a timeframe sufficient to allow the proposed Charter Amendments to appear on the ballot for decision by the electors of the City of University Heights on May 3, 2022; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor. This ordinance shall take effect from and after 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 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF CEDAR ROAD BETWEEN SOUTH TAYLOR ROAD AND FENWICK ROAD AND BETWEEN MIRAMAR BOULEVARD AND SOUTH GREEN ROAD AND AUTHORIZATION OF PAYMENT OF THE CITY'S SHARE OF COSTS AND EXPENSES THEREUNDER, AND DECLARING AN EMERGENCY.

WHEREAS, on the 4th day of October, 2021, the City of University Heights enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing Cedar Road (C.R. 23) between South Taylor Road and Fenwick Road and between Miramar Boulevard and South Green Road, including pavement repair, bus pad repair, curb, sidewalk, curb ramps, casting adjustments, signage, pavement markings, and pedestrian signals, lying within the City of University Heights; and

WHEREAS, the City shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

WHEREAS, the City's share of the cost is now estimated in the amount of One Million Twenty-Nine Thousand Five Hundred Six and 00/100 Dollars (\$1,029,506.00), but said estimated amount is to be adjusted in order that the City's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined;

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this Council; and

WHEREAS, the City desires the Director of Transportation to proceed with the aforesaid highway improvement;

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

Section 1: The estimated sum of One Million Twenty-Nine Thousand Five Hundred Six and 00/100 Dollars (\$1,029,506.00) is hereby appropriated for the improvements described above and the Finance Director is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

Section 2: The City hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

Section 3: The City shall enter into a contract with the State of Ohio, and that Mayor is hereby authorized to execute said contract in the form attached hereto as Exhibit A, which is incorporated herein by reference as if fully rewritten, providing for the payment by the City of the sum of money set forth herein above for improving the described project.

Section 4: The City shall transmit to the Director of Transportation a fully executed certified copy of this Ordinance.

Section 5: The Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which results in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the ORC.

Section 6: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, so the City can meet the deadline for submitting this ordinance to the Ohio Department of Transportation; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

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

FINAL RESOLUTION

The following Final Resolution enacted by the City of **University Heights**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the **4th day of October, 2021**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing Cedar Road (C.R. 23) between South Taylor Road and Fenwick Road and between Miramar Boulevard and South Green Road, including pavement repair, bus pad repair, curb, sidewalk, curb ramps, casting adjustments, signage, pavement markings, and pedestrian signals, lying within the City of University Heights; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **One Million Twenty-Nine Thousand Five Hundred Six and - - - - 00/100 Dollars, (\$1,029,506.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **One Million Twenty-Nine Thousand Five Hundred Six and - - - 00/100 Dollars, (\$1,029,506.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that the **Mayor** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 20____.

Legislative Authority of the
City of **University Heights**, Ohio

Mayor

Clerk (Secretary Ex-Officio)

SEAL
(If Applicable)

FISCAL OFFICER’S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$1,029,506.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **C.R. 23**, lying within the corporate limits of the City of **University Heights**, more particularly described as follows:

The project consists of resurfacing Cedar Road (C.R. 23) between South Taylor Road and Fenwick Road and between Miramar Boulevard and South Green Road, including pavement repair, bus pad repair, curb, sidewalk, curb ramps, casting adjustments, signage, pavement markings, and pedestrian signals, lying within the City of University Heights; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **University Heights**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority’s Journal, Volume _____, at Page _____,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20_____.

(Fiscal Officer’s Seal)
(If Applicable)

Fiscal Officer of the City of
University Heights, Ohio

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **University Heights**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of resurfacing Cedar Road (C.R. 23) between South Taylor Road and Fenwick Road and between Miramar Boulevard and South Green Road, including pavement repair, bus pad repair, curb, sidewalk, curb ramps, casting adjustments, signage, pavement markings, and pedestrian signals, lying within the City of University Heights.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Million Twenty-Nine Thousand Five Hundred Six and - - - 00/100 Dollars, (\$1,029,506.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

**City of University Heights
2300 Warrensville Center Road
University Heights, Ohio
44118**

Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

LOCAL PUBLIC AGENCY
City of **University Heights**

Director of Transportation

Mayor

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Corinna Efke
Unit Coordinator, Transportation
Executive Agencies Section

ESCROW AGREEMENT FOR HIGHWAY IMPROVEMENT

This agreement made and entered at _____, Ohio, this ____ day of _____, 20____, by and between the Legislative Authority of the City of **University Heights**, Ohio, The Ohio Department of Transportation (ODOT)

and _____ (FINANCIAL INSTITUTION)

_____, Ohio,
(address) (city)

_____, _____
(zip code) (telephone no.)

WITNESSETH

That for and in consideration of the covenants and agreements of the parties herein contained. The ODOT hereby expressly authorizes the City to deposit the pre-bid estimate (or some larger amount) of said City's participation share of project cost in the amount of **One Million Twenty-Nine Thousand Five Hundred Six and - - - - 00/100 Dollars, (\$1,029,506.00)**, as required by the **ODOT's Invoice No. 11464**, on project described as: **Cuyahoga County - City of University Heights - C.R. 23 - Federal Project No. E200650**, in an interest bearing account, repurchase agreement or certificate of deposit with the FINANCIAL INSTITUTION. The City hereby agrees to deposit into the aforementioned account funds in the amount of \$_____. **The Financial Institution shall e-mail confirmation of this act (ex: deposit slip - not escrow agreement) to the Office of Contract Sales & Estimating at DOT-CEN.Funding@dot.ohio.gov, within twenty-four (24) hours of deposit.** Such funds shall thereupon remain on deposit for the credit of the ODOT and said City, until such time as payment of the City's estimated participation share, as determined after receipt of bids, is ordered to be paid by the Administrator of the Office of Contract Sales & Estimating or the Director of ODOT. Upon receipt of such order for payment, IN THE FORM OF A REVISED INVOICE, the FINANCIAL INSTITUTION hereby agrees to deliver and pay over to the ODOT, by return mail within twenty-four (24) hours, the funds so requested (but in no event more than the amount of the pre-bid estimate), and to deliver and pay over to the City the accrued interest thereon and any balance that may remain. (The City's ultimate share of the cost shall be determined in accordance with the FINAL RESOLUTION and the CONTRACT).

It is understood and agreed that funds on deposit pursuant to this agreement may be invested by the FINANCIAL INSTITUTION as provided herein and in accordance with applicable law and regulations. It is also expressly understood that the Local Public Agency shall not withdraw any funds.

Legislative Authority of the City of **University Heights**, Ohio

Attest

Clerk of City Council

Attest

Mayor

Attest

Presiding Officer of Legislative Authority

Date

The Ohio Department of Transportation

E-SIGNED by Nathan Fling
on 2022-01-27 18:51:01 GMT

Director of Transportation
Jack Marchbanks as signed by Max JN Fling

Financial Institution

Financial Institution Officer (Signed)

Financial Institution Officer (Printed)

Title

Date

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

AN ORDINANCE AUTHORIZING A CHANGE ORDER FOR THE 2021 STREET IMPROVEMENT PROGRAM FOR RESURFACING OF PORTIONS OF WRENFORD ROAD IN THE AMOUNT OF \$5,180.75, PAYABLE TO NES CORPORATION, INC. AND DECLARING AN EMERGENCY.

WHEREAS, in June of 2021, City Council approved Change Order #1 for this 2021 Street Improvement Program to include street repair for the water main break on Wrenford Road;

WHEREAS, upon completion of the street repair on Wrenford, the City discovered that the water main break had damaged the drive apron of a resident necessitating additional work by the contractor;

WHEREAS, the City determined that additional resurfacing was needed at the intersection area and crosswalks utilized by schoolchildren for crossing and elected to have this area resurfaced since the contractor would be returning; and

WHEREAS, the cost of the additional resurfacing, including the resident’s drive apron and the intersection area and crosswalks, is \$5,180.75, which brings the total contract price for the 2021 Street Improvement Program to \$421,823.75

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

Section 1: Council authorized Change Order #2 for the 2021 Street Improvement Program in the amount of \$5,180.75, payable to NES Corporation Inc., relating to additional resurfacing on Wrenford Road for repair of a drive apron and repair of crosswalks at the intersection.

Section 2: Council hereby approves a total contract price for the 2021 Street Improvement Program in the amount of \$421,823.75.

Section 3: The Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which results in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the ORC.

Section 4: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, so that the City may promptly close out the 2021 Street Improvement Program contract; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

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



Mr. Luke McConville, Law Director, University Heights
Nicola, Gudbranson & Cooper, LLC
25 West Prospect Avenue
Suite 1400
Cleveland, OH 44115

**Re: Proposal and Cost Estimate for Professional Services;
Blight Determination Study for University Square**

Dear Mr. McConville:

Thank you for the opportunity for CT Consultants to submit this proposal to conduct a blight determination analysis of two structures in the University Square development located at the corner of Cedar Road and Warrensville Center Road. Specifically, the analysis pertains to permanent parcel numbers 721-01-001 (Core Retail Parcel) and 721-01-003 (Parking Garage.) to determine if they meet the definition of a “blighted parcel” according to Ohio Revised Code Section 1.08(B), see attached definition and scope of services.

I will be responsible for the technical elements in this endeavor and will serve as the point of contact to the City. The staff planners and architects would be involved in supplemental research, data collection and field surveys, as needed.

Once you have had a chance to review this proposal, please feel free to contact me with any questions you may have. We look forward to the opportunity to work with you and the City of University Heights on this project.

Respectfully,

CT CONSULTANTS, INC.

*Kristin M. Hopkins, FAICP
Manager of Planning Services*

Enclosures



DEFINITION OF A BLIGHTED PARCEL FROM ORC SECTION 1.08(B)

(B) "Blighted parcel" means either of the following:

- (1) A parcel that has one or more of the following conditions:
 - (a) A structure that is dilapidated, unsanitary, unsafe, or vermin infested and that because of its condition has been designated by an agency that is responsible for the enforcement of housing, building, or fire codes as unfit for human habitation or use;
 - (b) The property poses a direct threat to public health or safety in its present condition by reason of environmentally hazardous conditions, solid waste pollution, or contamination;
 - (c) Tax or special assessment delinquencies exceeding the fair value of the land that remain unpaid thirty-five days after notice to pay has been mailed.
- (2) A parcel that has two or more of the following conditions that, collectively considered, adversely affect surrounding or community property values or entail land use relationships that cannot reasonably be corrected through existing zoning codes or other land use regulations:
 - (a) Dilapidation and deterioration;
 - (b) Age and obsolescence;
 - (c) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
 - (d) Unsafe and unsanitary conditions;
 - (e) Hazards that endanger lives or properties by fire or other causes;
 - (f) Noncompliance with building, housing, or other codes;
 - (g) Nonworking or disconnected utilities;
 - (h) Is vacant or contains an abandoned structure;
 - (i) Excessive dwelling unit density;
 - (j) Is located in an area of defective or inadequate street layout;
 - (k) Overcrowding of buildings on the land;
 - (l) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
 - (m) Vermin infestation;
 - (n) Extensive damage or destruction caused by a major disaster when the damage has not been remediated within a reasonable time;
 - (o) Identified hazards to health and safety that are conducive to ill health, transmission of disease, juvenile delinquency, or crime;
 - (p) Ownership or multiple ownership of a single parcel when the owner, or a majority of the owners of a parcel in the case of multiple ownership, cannot be located.



PROPOSED WORK PROGRAM

The work steps outlined below are intended to document and assess the existing conditions of the subject parcels to determine if they meet the legal criteria for being considered a “Blighted Parcel”.

- 1) Document Parcel Data. Compile parcel data available from the County Auditor’s records, such as but not limited to information on market and assessed value, year structure built, last sale transaction date and amount, and existing building and improvement characteristics included in the parcel’s industrial report. Review and summarize findings from previous studies.
- 2) Summarize Existing Public Policies. Review and summarize applicable public policies and codes (such as zoning, building, and appearance) that have been established by the City.
- 3) Establish Evaluation Criteria. Make a preliminary determination of the evaluation criteria and benchmarks based on the review of University Heights policies and codes, survey of local market conditions and our understanding of contemporary siting, location, and building requirements with respect to the 16 blighting characteristics/conditions set forth in ORC §1.08(B)(2). This step will include developing a detailed tabulation sheet to document the existing conditions.

This is a critical component for determining blight. While the Ohio Revised Code itemizes the conditions that can be used to determine blight, such as “age and obsolescence”, the code does not provide specific benchmarks that identify when the condition has been met. For example, there is no specific criteria for how old a building must be to determine it is blighted because of its age.

- 4) Document Current Conditions of Parcel.
 - a) Building and Site Conditions. Conduct site visit to record existing exterior building and site conditions and characteristics, using tabulation sheets developed in #3. This analysis will be augmented by CT’s review of existing City inspection reports. This analysis will document the physical condition of:
 - i) Buildings, including any health and safety deficiencies.
 - ii) Pavement, including curbing, drives and other paved areas.
 - iii) Landscaping and streetscape (i.e., sidewalks, tree lawns, street furniture, lighting), if applicable.
 - iv) Accessory structures such as signs, fences, guardrails, screening, etc.
 - b) Land Planning Characteristics. This element will consider the location factors that influence the suitability of the land to continue to be used for the existing uses. This evaluation will consider:
 - i) Existing land use on the parcel and whether the current uses are consistent with current investment aspirations.
 - ii) Existing zoning – both permitted uses and basic development standards (i.e., setbacks, coverage, height, and parking).
 - iii) Suitability of the site/location for the current uses.
 - iv) Functional relationship between buildings, parking and streets.



January 24, 2022

University Heights Blight Determination Proposal

Page | 4

- c) Site Development Characteristics. Site development characteristics considered will include:
 - i) Building footprints – size and location on the site.
 - ii) Site access and location of parking.
 - iii) Number and location of parking spaces compared to zoning and market requirement.
 - iv) Location of the building entrances relative to the street and parking.
- 5) Assess Findings and Review with City.
 - a) Analyze the nature and magnitude of deficiencies, and prepare a summary of the determinations that can be made based on: our experience; the findings/data that has been compiled; and the ORC standards.
 - b) Review the preliminary findings with the City administration.
- 6) Finalize Report and Present to City. All surveys, data, findings and conclusions will be submitted to the City administration in a final report. If requested, a presentation will be made to City Council.

GENERAL TERMS AND CONDITIONS

Schedule

These Services will be completed within four (4) to six (6) weeks from our authorization to proceed.

Fee Estimate

The fee estimate to complete the work steps is \$8,000; monthly invoices will be submitted based on the hours of work completed.

ACCEPTED BY:

The City of University Heights agrees to the above stated Work Program and authorizes the work.

City of University Heights

Date