

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

ORDINANCE 2022 - 12

INTRODUCED BY: MAYOR BRENNAN

AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF UNIVERSITY HEIGHTS A PROPOSED AMENDMENT TO THE CHARTER TO AMEND ARTICLE 3 SECTION 5 RELATING TO COUNCIL PROCEDURE, TO PROVIDE THAT COUNCIL MEETINGS AND OTHER PUBLIC MEETINGS CAN BE HELD LIVE BY TELECONFERENCE, VIDEOCONFERENCE OR SIMILAR TECHNOLOGIES, AND PROVIDING FOR EXECUTIVE SESSIONS WITH LEGAL COUNSEL, 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, Council wishes to amend the City Charter to provide for meetings to be held virtually, when necessary for health or safety reasons;

WHEREAS, nothing herein shall be construed to be in conflict with the “in person” attendance requirement for members of a public body, who must appear in person for purposes of quorum and to vote at any such meeting;

WHEREAS, this Council finds and determines that it is in the City’s best interest to submit to electors of the City of University Heights the proposed amendment to the Charter as herein above summarized; and

WHEREAS, this Council chooses the date of May 3, 2022 for the election of the Charter amendment proposal hereinafter set forth;

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 3, Section 5 be amended, in its entirety, as follows:

SECTION 5. Procedure. A majority of the members elected to the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time to compel the attendance of absent members. The Council shall keep a journal of its proceedings.

All regular and special meetings of Council and Council committees shall be publicly announced and shall be open to the public in accordance with the provisions of the Ohio “Sunshine Law” as it may be amended from time to time, presently codified at Section 121.22 of the Ohio Revised Code. Council may hold an executive session at any regular or special meeting of Council, upon the majority roll call vote of a quorum of Council, for the sole purpose of the consideration of any matter specified in Ohio Revised Code Section 121.22, as it may be amended from time to time.

All meetings of Council called for the purpose of transacting public business, where a majority of the Council members elected are present in person, shall be open to the public, which

may be by live attendance or, when permitted by law, by means of teleconference, video conference, or any other similar electronic technology, unless a private executive session is called pursuant to the Ohio Revised Code, or a private executive session is held with the Director of Law or an assistant Director of Law.

The Council shall, by ordinance, make provision for the following:

- a. The time and place of regular meetings, providing for at least two regular meetings in each calendar month excepting the months of July and August;
- b. The manner of calling special meetings;
- c. The enforcement of attendance at its meetings and punishment of disorderly conduct thereat;
- d. The form and method of enacting ordinances and resolutions, but no ordinance or resolution except general appropriation ordinances shall contain more than one subject which shall be clearly stated in the title; and general appropriation ordinances shall be confined to the subject of appropriations;
- e. The manner of giving public notice of the enactment of ordinances and of any other of its acts or proceedings which it deems proper to publish;
- f. The reduction of unpaid installments and the return of paid installments of assessments levied in larger amounts than necessary to pay for public improvements, to the extent that such reductions and return are authorized by the general law of Ohio;
- g. The procedure for making public improvements and for levying assessments, provided that two or more public improvements, including the levying of assessments therefor, may be combined in one proceeding if the Council finds that it will be economical and practical to undertake said improvements jointly;
- h. The advertising and awarding of contracts;
- i. The employment of expert consultants to advise and assist city officials and employees with respect to municipal problems and such other general regulations as the Council may deem necessary;
- j. The printing, publishing and distribution of financial reports and such other reports of general interest as the Council shall determine, at City expense, providing that such reports shall be factual only and do not express an opinion or promote any person, position, group of persons, or any idea, theory or viewpoint of a political or controversial nature.
- k. Such other general regulations as the Council may deem

necessary including, but not limited to, adopting one or more ordinances to provide that all meetings of Council and its committees, and any board, commission and any other administrative body of the City shall be open to the public which may be by live attendance, and/or by means of teleconference, videoconference, or any other similar electronic technology, unless a private executive session is called pursuant to the Ohio Revised Code or to meet in executive session with the Director of Law or any assistant Director of Law.

Section 2. If the amendments set forth in Section 1 hereof are adopted, existing Charter Article 3, Section 5 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 3, Section 5 of the Charter of the City of University Heights be amended to provide Council, Council committee, boards, commissions and other administrative bodies' meetings may be held live, and/or by teleconference, videoconference or similar technologies and provide for executive sessions with legal counsel?</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

ORDINANCE 2022 - 13

INTRODUCED BY: COUNCILPERSON GOULD

AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 1280.13 ENTITLED “MANUFACTURE, DISTRIBUTION AND SALE OF FIREWORKS PROHIBITED”

WHEREAS, to promote the health, safety and welfare of its residents, the City wishes to prohibit the manufacture, distribution, wholesale, sale, and storage of fireworks;

WHEREAS, the City is substantially built-out and has no areas within the City that are or could be zoned for Industrial or Light Industrial Use;

WHEREAS, the City is densely populated, and commercial establishments within the City are situated in close proximity to each other and to residential areas, schools, religious institutions and common areas;

WHEREAS, due to their highly flammable and combustible nature, fireworks are best manufactured, distributed, stored and kept on large sites located a reasonable distance from densely populated and/or configured commercial areas, residential areas, schools, religious institutions and common areas;

WHEREAS, the City cannot safely accommodate the manufacture, distribution, wholesale, sale, and storage of fireworks

WHEREAS, the City wishes to enact regulations to ensure the safety of dense residential and business areas;

WHEREAS, the Council wishes to impose a complete ban on the manufacture, distribution, wholesale, and storage of fireworks;

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 Section 1280.13 entitled “Manufacture, Distribution, Storage and Wholesale of Fireworks Prohibited,” which shall read in its entirety as follows:

1280.13 MANUFACTURE, DISTRIBUTION, STORAGE AND WHOLESALE OF FIREWORKS PROHIBITED.

- (a) For purposes of this ordinance, the terms “fireworks,” “1.3G fireworks,” “1.4G fireworks,” and “fireworks plant” shall have the meanings ascribed to such terms in Ohio Revised Code Section 3743.01.
- (b) No fireworks plant shall be permitted in the City.
- (c) The manufacture, distribution, storage and wholesale of fireworks, 1.3G fireworks and 1.4G fireworks is prohibited within the City.

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.

OHIO

CITY OF UNIVERSITY HEIGHTS,

MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: _____

PASSED: _____

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

RESOLUTION 22-14

INTRODUCED BY: Mayor Brennan

A RESOLUTION OF NECESSITY DECLARING THE INTENT TO APPROPRIATE AND ACQUIRE THE FEE SIMPLE INTEREST IN CERTAIN REAL PROPERTY TITLED TO UNIVERSITY SQUARE PARKING LLC, KNOWN AS 14060 CEDAR ROAD, BEARING PERMANENT PARCEL NO. 721-01-003, 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 14060 Cedar 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 public parking facility that is part of the University Square Shopping Center development and that was originally designed to house retail businesses (the “Garage”);

WHEREAS, the Garage is dark, damp, unsafe, and in need of capital improvements;

WHEREAS, the Garage has been cited by the City’s Building Department and Fire Prevention Bureau for numerous building code violations;

WHEREAS, the interior spaces of the Garage are poorly maintained and include debris, overflowing trash receptacles, and built up mud, dirt and grime;

WHEREAS, the ramp leading up to the top floor of the Garage requires repair and improvement;

WHEREAS, the Property and the Garage 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, and faulty lot layout in relation to size, adequacy, accessibility and usefulness;

WHEREAS, the Garage is significantly underutilized;

WHEREAS, the condition of the Garage adversely impacts the value of surrounding properties;

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 5. This Resolution shall be in effect at the earliest date permitted 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

PASSED: _____, 2022

EXHIBIT A

LEGAL DESCRIPTION – GARAGE PARCEL

Parcel D

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 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;

LEGAL DESCRIPTION OF THE EASEMENT PARCEL

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being part of Parcel E-1, Developer Parcel, 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; Thence S. 01 deg. 14 min. 40 sec. W, along said northerly prolongation, 35.00 feet to a drill hole found at its intersection with the westerly prolongation of the southerly sideline of Cedar Road; Thence S 88 deg. 34 min. 25 sec. E, along the southerly sideline of Cedar Road and the westerly prolongation thereof, 1002.10 feet to a point therein and the principal point of beginning of the easement herein described;

Course No. 1 – Thence S 12 deg. 03 min. 27 sec. E, 41.65 feet to the northeasterly corner of Parcel B in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records;

Course No. 2 – Thence S 01 deg. 29 min. 30 sec. W, along the easterly line of said Parcel B and the southerly prolongation thereof, 385.82 feet to a point;

Course No. 3 – Thence along the arc of a curve deflecting to the right, having a radius of 89.00 feet, a chord bearing S 34 deg. 57 min. 12 sec. W, 49.09 feet, an arc distance of 49.73 feet to a point of tangency;

Course No. 4 – Thence S 50 deg. 57 min. 41 sec. W, 76.09 feet to a point of curvature;

Course No. 5 – Thence along the arc of a curve deflecting to the left, having a radius of 86.00 feet, a chord bearing S 26 deg. 13 min. 35 sec. W, 71.97 feet, an arc distance of 74.25 feet to a point of tangency;

Course No. 6 – Thence S 01 deg. 29 min. 30 sec. W, 18.50 feet to a point;

Course No. 7 – Thence N 88 deg. 30 min. 30 sec. W, 44.76 feet to a point in the easterly line of Parcel D in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records;

Course No. 8 – Thence S 01 deg. 29 min. 30 sec. W, along the easterly line of said Parcel D, 108.00 feet to a point therein;

Course No. 9 – Thence S 88 deg. 30 min. 30 sec. E, 9.00 feet to a point;

Course No. 10 – Thence S 01 deg. 29 min. 30 sec. W, 20.68 feet to a point.

Course No. 11 – Thence along the arc of a curve deflecting to the right having a radius of 100.00 feet, a chord bearing S 71 deg. 30 min. 16 sec. W, 68.36 feet, an arc distance of 69.77 feet to a point of tangency;

Course No. 12 – Thence N 88 deg. 30 min. 30 sec. W, 219.08 feet to a point;

Course No. 13 – Thence along the arc of a curve deflecting to the right, having a radius of 90.00 feet, a chord bearing N 79 deg. 09 min. 06 sec. W, 29.27 feet, an arc distance of 29.40 feet to a point on the southerly line of said Parcel D;

Course No. 14 – Thence N 88 deg. 30 min. 30 sec. W, along the southerly line of said Parcel D, 77.80 feet to the southwesterly corner thereof;

Course No. 15 – Thence N 01 deg. 29 min. 30 sec. E, along the westerly line of Parcel D, 23.76 feet to a point therein;

Course No. 16 – Thence along the arc of a curve deflecting to the right, having a radius of 26.00 feet, a chord bearing S 57 deg. 29 min. 00 sec. W, 29.08 feet, an arc distance of 30.87 feet to a point of tangency;

Course No. 17 – Thence N 88 deg. 30 min. 30 sec. W, 196.73 feet to a point of curvature;

Course No. 18 – Thence along the arc of a curve deflecting to the right, having a radius of 50.00 feet, a chord bearing N 83 deg. 01 min. 24 sec. W, 9.5 feet, an arc distance of 9.57 feet to a point of tangency;

Course No. 19 – Thence N 77 deg. 32 min. 17 sec. W, 80.94 feet to a point;

Course No. 20 – Thence N 80 deg. 36 min. 34 sec. W, 38.95 feet to a point in the easterly line of Parcel 2 described in deed to Starwood Wasserman University Heights Holding LLC recorded in Deed AFN 200104130249 of Cuyahoga County Records;

Course No. 21 – Thence S 01 deg. 34 min. 40 sec. W, along the easterly line of said Parcel 2, 4.02 feet to a nail found at a point of curvature therein;

Course No. 22 – Thence along the arc of the curved southerly line of said Parcel 2, deflecting to the right, having a radius of 20.00 feet, a chord bearing S 46 deg. 32 min. 05 sec. W, 28.26 feet, an arc distance of 31.39 feet to a nail found at a point of tangency therein;

Course No. 23 – Thence N 88 deg. 30 min. 30 sec. W, along the southerly line of said Parcel 2, 100.03 feet to a drill hole found at the southwesterly corner thereof, said drill hole being also in the easterly sideline of said Warrensville Center Road;

Course No. 24 – Thence S 01 deg. 34 min. 40 sec. W, along the easterly sideline of said Warrensville Center Road, 25.00 feet to a drill hole found therein, being also the northwesterly corner of Parcel 3 described in deed to Starwood Wasserman University Heights Holding LLC recorded in Deed AFN 200104130249 of Cuyahoga County Records;

Course No. 25 – Thence S 88 deg. 30 min. 30 sec. E, along the northerly line of said Parcel 3 and its easterly prolongation, 202.49 feet to a point;

Course No. 26 – Thence S 77 deg. 32 min. 17 sec. E, 65.35 feet to a point of curvature;

Course No. 27 – Thence along the arc of a curve deflecting to the left, having a radius of 150.00 feet, a chord bearing S 83 deg. 01 min. 24 sec. E, 28.68 feet, an arc distance of 28.72 feet to a point of tangency;

Course No. 28 – Thence S 88 deg. 30 min. 30 sec. E, 510.04 feet to a point of curvature;

Course No. 29 – Thence along the arc of a curve deflecting to the left, having a radius of 130.00 feet, a chord bearing N 46 deg. 29 min. 30 sec. E, 183.85 feet, an arc distance of 204.20 feet to a point of tangency;

Course No. 30 – Thence N 01 deg. 29 min. 30 sec. E, along the southerly prolongation of the westerly line of Parcel 2-A, New JCH Parcel, in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC as shown by the recorded plat I Volume 315 of Maps, Page 88 of Cuyahoga County Records, and along the westerly line thereof, 70.80 feet to a point of curvature therein;

Course No. 31 – Thence along the arc of the curved westerly line of said Parcel 2-A, deflecting to the right, having a radius of 45.00 feet, a chord bearing N 26 deg. 13 min. 35 sec. E, 37.66 feet, an arc distance of 38.85 feet to a point of tangency therein;

Course No. 32 – Thence N 50 deg. 57 min. 41 sec. E, continuing along the westerly line of said Parcel 2-A, 76.08 feet to a point of curvature;

Course No. 33 – Thence along the arc of the curved westerly line of said Parcel 2-A, deflecting to the left, having a radius of 130.00 feet, a chord bearing N 33 deg. 27 min. 30 sec. E, 78.20 feet, an arc distance of 79.43 feet to a point;

Course No. 34 – Thence N 01 deg. 29 min. 30 sec. E, continuing along the westerly line of said Parcel 2-A, 6.91 feet to a P.K. (Parker-Kalon) nail found at the northwesterly corner thereof, being also the southwesterly corner land now or formerly conveyed to Wasserstein Family Trs., and as shown by the recorded plat in Volume 219 of Maps, Page 29 of Cuyahoga County Records and more fully described in deed to M.M.B. Co. in Volume 14289, Page 135 of Cuyahoga County Deed Records;

Course No. 35 – Thence continuing N 01 deg. 29 min. 30 sec. E, along the westerly line of said Wasserstein Family Trs. Land, 425.25 feet to a drill hole found at the northwesterly corner thereof; said drill hole being also in the southerly sideline of said Cedar Road;

Course No. 36 – Thence N 88 deg. 34 min. 25 sec. W, along the southerly sideline of said Cedar Road, 50.74 feet to the principal point of beginning and containing 1.566 acres of land be the same more or less but subject to all legal highways and easements of record. Bearings cited within the above description are to an assumed meridian and indicate angles only.

1.566 Acres

PERMITTED EXCEPTIONS

1. Easement rights to be created in the deed from Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company to Target Corporation, a Minnesota corporation, of even date herewith.

(affects Easement Parcel)

2. Easement rights to be created in the deed from Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company to The May Department Stores Company, a New York corporation, of even date herewith.

(affects Easement Parcel)

3. Easement rights to be created by the Construction, Operating and Reciprocal Easement Agreement (“COREA”) dated of even date herewith between Target Corporation, a Minnesota corporation (“Target”), The May Department Stores Company, a New York corporation, (“May”) and Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company (“Developer”)

(affects Property and Easement Parcel)

As modified by:

Memorandum of May Supplement to COREA by and between May and Developer dated of even date herewith and

Memorandum of Notice of Option by and between Target and Developer dated of even date herewith.

(affects Easement Parcel)

4. Reciprocal Easement Agreement dated December 1, 2001 between the Cleveland-Cuyahoga County Port Authority, a port authority and political subdivision and body corporate and politic, (the “Authority”), Target Corporation, a Minnesota corporation (“Target”), The May Department Stores Company, a New York corporation, (“May”) and Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company (“Developer”)

(affects Property and Easement Parcel)

5. Easement rights created by the Air-Rights Easement Agreement by and between Target Corporation, a Minnesota corporation (“Target”) and Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company, dated of even date herewith.

(affects Easement Parcel)

6. Easement, for a Gas Line, from 2201 Warrensville Center Road Corporation, to The East Ohio Gas Company, filed for record November 12, 1953 and recorded in Volume 7887, Page 713 of Cuyahoga County Record over a strip 10 feet wide contiguous to Cedar Road.

(affects Easement Parcel)

8. Easement, for underground communication systems from The May Stores Shopping Centers, Inc. to The Ohio Bell Telephone Company filed for record September 25, 1974 and recorded in Volume 13672, Page 517 of Cuyahoga County Records.

(affects Easement Parcel)

9. “Utility Easements” and the “Bell Plaza Easement” as established in the Limited Warranty Deed and Easement Agreement from May Centers, Inc. (formerly The May Stores Shopping Centers, Inc.), to TransOhio Savings Bank, F.S.B., filed for record May 15, 1985 recorded in Volume 85-2905, Page 31 of Cuyahoga County Records as amended by:

B. Amendment to Deed and Easement Agreement from May Centers, Inc., to TransOhio Savings Bank, F.S.B. filed for record July 12, 1985 and recorded in Volume 85-3951, Page 25 of Cuyahoga County Records.

C. Second Amendment To Deed And Easement Agreement (“Second Amendment”) dated as of July 10, 2001 by and between Starwood Wasserman University Heights Holding, LLC, a Delaware limited liability company (“Developer”), and Charter One Bank, F.S.B., a federal savings bank, successor by merger to Home Bank F.S.B., formerly known as Home Federal Savings Bank, Northern Ohio (“Bank”) filed for record July 10, 2001 and being Cuyahoga County Recorder’s AFN 200107100001.

(affects Easement Parcel)

10. Gas Pipeline Easement Grant from Starwood Wasserman University Heights LLC, a Delaware limited liability company to The East Ohio Gas Company filed for record September 25, 2001 and being Cuyahoga County Recorder’s AFN 200109250923.

(affects Easement Parcel)

11. Ameritech Exclusive Easement from Starwood Wasserman University Heights LLC to Ohio Bell Telephone Company a.k.a. Ameritech Ohio Inc., an Ohio corporation filed for record December 11, 2001 and being Cuyahoga County Recorder’s AFN 200112110515.

(affects Easement Parcel)

12. Easement for access established in the Deed of Access Easement between Jewish Community Housing Inc., an Ohio not-for-profit corporation and Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company filed for record January 17, 2002 and being Cuyahoga County Recorder's AFN 200201170922.
(affects Easement Parcel)
13. Easement for parking established in the Deed of Access Easement between Jewish Community Housing Inc., an Ohio not-for-profit corporation and Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company filed for record January 17, 2002 and being Cuyahoga County Recorder's AFN 200201170923.
(affects Easement Parcel)
14. Ameritech Exclusive Easement from Starwood Wasserman University Heights LLC to Ohio Bell Telephone Company a.k.a. Ameritech Ohio Inc., an Ohio corporation filed for record February 1, 2002 and being Cuyahoga County Recorder's AFN 200202010526.
(affects Easement Parcel)
15. Restrictions established in the Indenture of Lease from 2201 Warrensville Center Road Corporation, to the National City Bank Of Cleveland, having a term ending August 31, 1967, together with the right to renew for terms ending August 31, 2007, filed for record September 16, 1959 and recorded in Lease Volume 378, Page 658 of Cuyahoga County Records.
(affects Property and Easement Parcel)
16. Declaration of Covenants by the City of University Heights, Ohio with regard to the Tax Incremental Financing Agreement by and among the City of University Heights, Cleveland Heights-University Heights City School District and Starwood Wasserman University Heights Holding LLC, dated as of April 12, 2001 filed for record April 13, 2001 at 11:49 A.M. and being Cuyahoga County Recorder's AFN 200104130246.

Affidavit on Fact Relating to Title by and among City of University Heights, Ohio, Cleveland Heights-University Heights City School District and Starwood Wasserman University Heights Holding, LLC, a Delaware limited liability company, of even date herewith.

(affects Easement Parcel)
8. Declaration of Restriction with respect to the land use by and between Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company and Ahold Real Estate Company, a Connecticut general partnership, filed for record April 13, 2001 at 11:49 A.M. and being Cuyahoga County Recorder's AFN 200104130250 as modified by:

Modification of Declaration of Restriction by and between Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company and Ahold Real Estate Company, a Connecticut general partnership, of even date herewith, and

Modification of Declaration of Restriction by and between Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company and Ahold Real Estate Company, a Connecticut general partnership, of even date herewith.

(affects Easement Parcel)

9. Tax Increment Financing Agreement by and among the City of University Heights, Ohio, Cleveland Heights-University Heights City School District and Starwood Wasserman University Heights Holding, LLC, a Delaware limited liability company filed for record December 21, 2001 and being Cuyahoga County Recorder's AFN 200112210903, as clarified by:

Affidavit on Fact Relating to Title by and among City of University Heights, Ohio, Cleveland Heights-University Heights City School District and Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company, of even date herewith.

(affects Easement Parcel)

17. Ground Lease dated December 1, 2001 by and between the City of Starwood Wasserman University Heights LLC, a Delaware limited liability company ("Ground Lessor") and the City of University heights, Ohio, a municipal corporation ("Ground Lessee") having a term commencing on December 1, 2001 and terminating on December 31, 2041; a Memorandum of which was filed for record December 28, 2001 and being Cuyahoga County Recorder's AFN 200112280563.

(affects Property)

18. Ground Sublease dated December 1, 2001 by and between the City of University Heights, Ohio, a municipal corporation (“Ground Sublessor”) to Cleveland-Cuyahoga County Port Authority; a port authority and political subdivision and body corporate and politic (“Ground Sublessee”) having a term commencing on December 1, 2001 and terminating on December 31, 2041; a Memorandum of which was filed for record December 28, 2001 and being Cuyahoga County Recorder’s AFN 200112280564.

(affects Property)

19. Affidavit of Facts Relating to Title by Starwood Wasserman University Heights Holding, LLC, a Delaware limited liability company, and acknowledged by Ahold Real Estate Company, a Connecticut general partnership, filed for record April 13, 2001 at 11:49 A.M. and being Cuyahoga County Recorder’s AFN 200104130252 with respect to the Additional Purchase Price, as clarified by:

Affidavit on Fact Relating to Title by and between Starwood Wasserman University Heights Holding LLC, a Delaware limited liability company and Ahold Real Estate Company, a Connecticut general partnership, of even date herewith.

(affects Easement Parcel)

ORDINANCE NO. 2022-15

Introduced By: Mayor Michael Dylan Brennan

**AN ORDINANCE AUTHORIZING PERMANENT APPROPRIATIONS FOR
CURRENT AND OTHER EXPENDITURES OF THE CITY OF UNIVERSITY
HEIGHTS, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2022 AND
ENDING DECEMBER 31, 2022**

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

Section 1. To provide for the current expenses and other expenditures for the City of University Heights, Ohio for the period commencing January 1, 2022 and ending December 31, 2022, City Council authorizes the Permanent Appropriations as herein set forth as Attachment A.

Section 2. 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.

City of University Heights

Michael Dylan Brennan, Mayor

First Reading: _____

Passed: _____

Attest: _____
Kelly M. Thomas, Clerk of Council

**Approved
as to form:** _____
Luke F. McConville, Law Director

CITY OF UNIVERSITY HEIGHTS
ATTACHMENT A - 2022 Permanent Appropriations
For the period January 1, 2022 to December 31, 2022

2/22/2022

Appropriations Grouping	2022 Expense Budget
Expense	16,666,313.00
1100 Public Safety	1,488.00
Other	1,488.00
1110 Police Department	4,463,508.00
Personnel	4,090,032.00
Other	373,476.00
1120 Fire Department	4,621,133.00
Personnel	4,225,723.00
Other	395,410.00
1121 Fire Prevention Bureau	385,063.00
Personnel	330,939.00
Other	54,124.00
1130 Dispatch	433,950.00
Other	433,950.00
1140 Traffic Control	207,017.00
Personnel	48,477.00
Other	158,540.00
1150 Animal Control	12,000.00
Other	12,000.00
1160 Prisoner Housing	108,546.00
Other	108,546.00
1170 Prosecutor	85,277.00
Personnel	81,908.00
Other	3,369.00
1180 Courts	39,656.00
Other	39,656.00
1190 County Health Department	73,788.00
Other	73,788.00
1210 Building Department	428,498.00
Personnel	484.00
Other	428,014.00
1220 Housing Department	359,127.00
Personnel	273,850.00
Other	85,277.00
1230 Community Development	75,114.00
Personnel	50,658.00
Other	24,456.00

*Report Contains Filters

CITY OF UNIVERSITY HEIGHTS
ATTACHMENT A - 2022 Permanent Appropriations
For the period January 1, 2022 to December 31, 2022

2/22/2022

Appropriations Grouping	2022 Expense Budget
1240 Economic Development	245,319.00
Personnel	108,653.00
Other	136,666.00
1310 Pool Activity	342,087.00
Personnel	239,520.00
Other	102,567.00
1320 Summer Recreation Activities	31,118.00
Personnel	27,271.00
Other	3,847.00
1330 Recreation - Entertainment	47,408.00
Other	47,408.00
1400 Public Service Department	583,740.00
Personnel	551,419.00
Other	32,321.00
1410 Lands and Buildings	385,328.00
Personnel	117,521.00
Other	267,807.00
1420 Refuse Collection	1,239,827.00
Personnel	887,326.00
Other	352,501.00
1470 City Engineer	81,237.00
Personnel	12,360.00
Other	68,877.00
1510 Civil Service Commission	18,385.00
Personnel	2,750.00
Other	15,635.00
1520 City Planning Commission	4,958.00
Personnel	2,500.00
Other	2,458.00
1530 Board of Zoning Appeals	4,966.00
Personnel	2,945.00
Other	2,021.00
1540 Architectural Review Board	4,200.00
Personnel	2,800.00
Other	1,400.00
1600 General City Administration	474,576.00
Personnel	74,730.00
Other	399,846.00

*Report Contains Filters

CITY OF UNIVERSITY HEIGHTS
ATTACHMENT A - 2022 Permanent Appropriations
For the period January 1, 2022 to December 31, 2022

2/22/2022

Appropriations Grouping	2022 Expense Budget
1610 Mayor's Office	208,725.00
Personnel	191,022.00
Other	17,703.00
1620 City Council	202,878.00
Personnel	155,116.00
Other	47,762.00
1630 Finance Department	693,218.00
Personnel	251,972.00
Other	441,246.00
1640 Law Department	326,318.00
Personnel	93,779.00
Other	232,539.00
1650 Civic Engagement	132,265.00
Personnel	88,978.00
Other	43,287.00
1660 Community Relations	21,595.00
Personnel	3,369.00
Other	18,226.00
1999 Not Defined	324,000.00
Other	324,000.00
101 Unclaimed Monies Fund	2,000.00
Expense	2,000.00
1600 General City Administration	2,000.00
Other	2,000.00
200 Street Maintenance Fund	1,072,448.00
Expense	1,072,448.00
1430 Street Maintenance and Repair	982,199.00
Personnel	208,093.00
Other	774,106.00
1470 City Engineer	90,249.00
Other	90,249.00
201 Sewer & Water Maintenance Fund	1,116,453.00
Expense	1,116,453.00
1440 Sewer and Water Maintenance	1,116,453.00
Personnel	89,040.00
Other	1,027,413.00
1470 City Engineer	0.00
Other	0.00

*Report Contains Filters

CITY OF UNIVERSITY HEIGHTS
ATTACHMENT A - 2022 Permanent Appropriations
For the period January 1, 2022 to December 31, 2022

2/22/2022

Appropriations Grouping	2022 Expense Budget
202 Shade Tree Maintenance Fund	364,056.00
Expense	364,056.00
1450 Shade Tree Maintenance	364,056.00
Personnel	42,594.00
Other	321,462.00
203 Street Lighting Fund	225,000.00
Expense	225,000.00
1460 Street Lighting	225,000.00
Other	225,000.00
210 Police Pension Fund	125,000.00
Expense	125,000.00
1110 Police Department	125,000.00
Personnel	125,000.00
211 State & Local Law Enforcement Fund	10,500.00
Expense	10,500.00
1110 Police Department	10,500.00
Other	10,500.00
212 Federal Law Enforcement Fund	9,622.00
Expense	9,622.00
1110 Police Department	9,622.00
Other	9,622.00
213 Community Diversion Grant Fund	14,000.00
Expense	14,000.00
1110 Police Department	14,000.00
Other	14,000.00
214 BCI & FBI Fee Fund	2,996.00
Expense	2,996.00
1110 Police Department	996.00
Other	996.00
1999 Not Defined	2,000.00
Other	2,000.00
220 Fire Pension Fund	125,000.00
Expense	125,000.00
1120 Fire Department	125,000.00
Personnel	125,000.00
221 Ohio Department of Public Safety (ODPS) Grant Fund	11,741.00
Expense	11,741.00
1120 Fire Department	11,741.00
Other	11,741.00

*Report Contains Filters

CITY OF UNIVERSITY HEIGHTS
ATTACHMENT A - 2022 Permanent Appropriations
For the period January 1, 2022 to December 31, 2022

2/22/2022

Appropriations Grouping	2022 Expense Budget
222 Federal Emergency Management Agency (FEMA) Grant Fund	4,632.00
Expense	4,632.00
1120 Fire Department	4,632.00
Other	4,632.00
230 Ohio Board of Building Standards Fee Fund	6,946.00
Expense	6,946.00
1210 Building Department	6,946.00
Other	6,946.00
231 Construction Deposits Fund	2,332.00
Expense	2,332.00
1210 Building Department	1,332.00
Other	1,332.00
1470 City Engineer	1,000.00
Other	1,000.00
232 Street Opening Deposit Fund	1,000.00
Expense	1,000.00
1210 Building Department	1,000.00
Other	1,000.00
240 University Square TIF Fund	320,303.00
Expense	320,303.00
1250 TIF Accounting	320,303.00
Other	320,303.00
242 Ohio Department of Natural Resources (ODNR) Grant Fund	645.92
Expense	645.92
1999 Not Defined	645.92
Other	645.92
250 Performance Bond Fund	6,000.00
Expense	6,000.00
1210 Building Department	1,000.00
Other	1,000.00
1600 General City Administration	5,000.00
Other	5,000.00
297 Local Coronavirus Relief Fund	1,049,506.00
Expense	1,049,506.00
1110 Police Department	0.00
Personnel	0.00
Other	0.00
1120 Fire Department	0.00
Personnel	0.00
Other	0.00

*Report Contains Filters

CITY OF UNIVERSITY HEIGHTS
ATTACHMENT A - 2022 Permanent Appropriations
For the period January 1, 2022 to December 31, 2022

2/22/2022

Appropriations Grouping	2022 Expense Budget
1121 Fire Prevention Bureau	0.00
Other	0.00
1400 Public Service Department	0.00
Other	0.00
1410 Lands and Buildings	0.00
Other	0.00
1420 Refuse Collection	0.00
Other	0.00
1430 Street Maintenance and Repair	847,026.00
Other	847,026.00
1470 City Engineer	182,480.00
Other	182,480.00
1600 General City Administration	20,000.00
Other	20,000.00
1610 Mayor's Office	0.00
Other	0.00
1630 Finance Department	0.00
Other	0.00
1640 Law Department	0.00
Other	0.00
1650 Civic Engagement	0.00
Other	0.00
299 Payroll Stabilization Fund	0.00
300 General Obligation Debt Fund	443,066.00
Expense	443,066.00
1600 General City Administration	443,066.00
Other	443,066.00
400 General Capital Improvements Fund	1,059,236.00
Expense	1,059,236.00
1110 Police Department	189,390.00
Other	189,390.00
1120 Fire Department	220,010.00
Other	220,010.00
1121 Fire Prevention Bureau	5,000.00
Other	5,000.00
1310 Pool Activity	125,500.00
Other	125,500.00

*Report Contains Filters

CITY OF UNIVERSITY HEIGHTS
ATTACHMENT A - 2022 Permanent Appropriations
For the period January 1, 2022 to December 31, 2022

2/22/2022

Appropriations Grouping	2022 Expense Budget
1400 Public Service Department	278,336.00
Other	278,336.00
1420 Refuse Collection	71,000.00
Other	71,000.00
1430 Street Maintenance and Repair	0.00
Other	0.00
1600 General City Administration	170,000.00
Other	170,000.00
401 Sewer & Water Capital Improvements Fund	193,304.00
Expense	193,304.00
1440 Sewer and Water Maintenance	193,304.00
Other	193,304.00
411 Facilities Capital Improvement Fund	0.00
800 University Heights City Beautiful Corporation	8,893.00
Expense	
2200 Community Improvement Corporation	
Other	
<hr/> Grand Total	<hr/> 22,840,992.92



Dustin Rogers
 Chief of Police
 (216) 932-1160

MEMORANDUM

City of University Heights Division of Police

2304 Warrensville Center Road
 University Heights, Ohio 44118



UNIVERSITY HEIGHTS

Michael D. Brennan
 Mayor/Safety Director
 (216) 932-7800

TO: University Heights City Council
 Michael Dylan Brennan, Mayor/Safety Director
 Dennis Kennedy, Finance Director

FROM: Dustin Rogers, Chief of Police *DR*

DATE: February 8, 2022

RE: Council Agenda Item – 2022 Police Annual Lexipol Invoices

The following relates to two police Lexipol Invoices/information:

1. Lexipol Annual Invoice INVLEX7309 Breakdown - \$13,049.96 Total
 - Annual L.E. Policy Manual & Daily Training Bulletins
 - This service provides a policy manual subscription that ensures our policies always currently reflect constantly evolving state laws, federal laws, case law, and recognized best practices; this is done by the constant review of the aforementioned by a team of L.E. policy experts and legal professionals, and in which the policy updates are automated through the subscription/Lexipol interface.
 - This service also allows for the modification of manual content to meet specific community needs/department operational needs.
 - Lexipol was very receptive to users regarding policy updates and content throughout 2020 when police use of force became a significant issue throughout the country.
 - This automated process/policy subscription is intended to enhance services to the public while managing industry related risk.
 - The policy manual is provided in a web-based platform to personnel through the Lexipol interface for easy access and use by officers in the field.

- The daily training bulletin function is streamlined for officer access and administrative tracking by the policy subscription/Lexipol interface.
 - DTB's provide mandatory daily training for all officers that requires them to read a policy and answer scenario-based questions regarding the application of the policy.
- Annual Law Enforcement Supplemental Manual
 - This service provides a procedure manual that contains more specific LE processes to supplement the policy manual, and with similar benefits.

2. Lexipol / Police One Academy Annual Invoice INVPR7346 Breakdown – \$1,966.50 Total

- This annual subscription service is an online training solution/curriculum through the Police One Academy interface that supplements our current internal/external training curriculums/requirements already in place for officers. This online platform has over 1,400 training courses/videos, with curriculums updated/added regularly, and allows unlimited use by our officers. As a result, the department administration can now efficiently and cost effectively mandate, track, and implement additional and comprehensive recurring training for all officers at the agency.
- This training solution has been essential to the agency over the past 2 years due to in-person training regularly getting postponed throughout the years as a result of the pandemic's impact.
- OPOTA can recognize up to 20 hours of Police One Academy training for officers per year.
- Police One Academy August through November 2020 department learning plan covered Ethics, Community Policing, Officer wellness, De-escalation, EDP Response, Mental Health Awareness, Implicit Bias, Civil Rights, Racial Profiling, Cultural Awareness, and should help assist our agency to continue a service track that embraces the community and their expectations while guarding constitutional rights for all we encounter. As was done in 2018 and 2020 (even years), this type of similar training will be mandated for all officers in 2022.

Total for the two Police Lexipol invoices: \$15,016.46

At this time, and given the aforementioned/subscription benefits, I respectfully request and recommend for council to authorize the 2022 police Lexipol annual subscription payments.



Invoice

POLICE1) CORRECTIONS1)
FIRE RESCUE1) EMS1) GOV1)

Date 12/2/2021
Invoice # INVLEX7309
Terms Net 30
Due Date 1/1/2022
PO #

NOTICE: WE HAVE A NEW MAILING ADDRESS.
Please change the address and remit payment to: 2611 Internet Blvd. Suite 100, Frisco, TX 75034

Bill To

University Heights Police Department (OH)
2300 Warrensville Center Rd
University Heights, OH 44118

End User**Contract Term**

1/1/2022 to 12/31/2022

Item

Annual Law Enforcement Supplemental Manual(s)
Annual Law Enforcement Policy Manual & Daily Training Bulletins

Your price includes a 5% discount.

Invoice Total 13,049.96
Amount Due \$13,049.96

Contact Information:
Phone: 844-312-9500
Email: receivables@lexipol.com

ACH Payments to:
Lexipol LLC
Routing# 031207607
Account# 8026454197
PNC Bank, N.A.
2 Tower Center Blvd
East Brunswick, NJ 08816
Payment Notice to receivables@lexipol.com

Please Make Checks Payable to:
Lexipol LLC
2611 Internet Blvd, Suite 100
Frisco, Tx 75034



POLICE1) CORRECTIONS1)
 FIRE RESCUE1) EMS1) GOV1)

Invoice

Date 12/28/2021
 Invoice # INV PRA7346
 Terms Net 30
 Due Date 1/27/2022
 PO #

NOTICE: WE HAVE A NEW MAILING ADDRESS.
 Please change the address and remit payment to: 2611 Internet Blvd. Suite 100, Frisco, TX 75034

Bill To
 University Heights Police Department (OH)
 2300 Warrensville Center Rd
 University Heights, OH 44118

End User

Contract Term
 1/1/2022 to 12/31/2022

Description	Qty	Rate	Amount
PoliceOne Academy Annual Rate Per User	30	65.55	1,966.50

Invoice Total 1,966.50
Amount Due \$1,966.50

Contact Information:
 Ceena Ninh
 CNinh@lexipol.com
 415-992-4252

ACH Payments to:
 Routing# 031207607
 Account# 8026458657
 PNC Bank, N.A.
 2 Town Center Blvd
 East Brunswick, NJ 08816

Please Make Checks Payable to:
 Lexipol
 2611 Internet Blvd, Suite 100
 Frisco, Tx 75034



UNIVERSITY HEIGHTS FIRE DEPARTMENT

Chief Robert D. Perko III
3980 Silsby Road
University Heights, OH 44118

Phone: 216.321.1939
Fax: 216.932.8584

Memorandum

TO: KELLY THOMAS, CLERK OF COUNCIL
FROM: CHIEF PERKO
SUBJECT: FEBRUARY 22, 2022 COUCNIL AGENDA ITEM – FIRE LEXIPOL INVOICES
DATE: FEBRUARY 10, 2022
CC: MICHAEL DYLAN BRENNAN, MAYOR/SAFETY DIRECTOR; CITY COUNCIL MEMBERS; DENNIS KENNEDY, FINANCE DIRECTOR

Since 2018 I have been researching and reviewing a risk management opportunity for the Fire Department with a company called Lexipol. Lexipol is a service that helps reduce risk in the world of public safety by providing clear benefits in terms of state and federal specific policy, policy training, as well as automatic policy updates.

The information below identifies how Lexipol *Policies* offers a significant enhancement to the risk management efforts of the department:

- Enhanced safety and accountability with proven policies to improve efficiency and operational excellence
- Policies that reflect federal and state laws and fire service best practices provide a strong legal defense
- State-specific policies vetted by fire service professionals and public safety attorneys
- Updates in response to legislation, case law and evolving best practices
- Scenario-based training to bring policies to life
- 24/7 access to policies via a web-based platform and mobile app
- Reporting features to track policy acknowledgment and training
- 165+ policies covering high-risk areas for the department, including:
 - Incident command, Personal protective equipment, Harassment, discrimination & retaliation, Fireground accountability, social media, Active-shooter incidents, Apparatus/vehicle operations, Physical fitness, HIPAA, & Technical rescue

The information below identifies how Lexipol *Procedures* offers a significant enhancement to the risk management efforts of the department:

- Command-level procedures that emphasize essential actions for the critical first minutes of an incident
- Administrative procedures that clarify key steps in handling high-risk tasks such as conducting investigations & purchasing
- Operational procedures target the tactics and situations most likely to lead to firefighter injury & death
- Clear guidance helps command staff address personnel issues consistently and without bias, while financial checks and balances reduce fraud & theft
- Scenario-based training to help firefighters apply procedures
- 24/7 access via web-based platform & mobile app with procedural issuance & acknowledgment tracking



UNIVERSITY HEIGHTS FIRE DEPARTMENT

Chief Robert D. Perko III
3980 Silsby Road
University Heights, OH 44118

Phone: 216.321.1939
Fax: 216.932.8584

- 97+ procedures covering high-risk areas, including:
 - Mayday, Fireground operations, On-scene rehab, Personnel complaints, Discipline, Administrative investigations, Civil unrest, Apparatus driving safety & Purchasing and procurement

The information below identifies how Lexipol GrantFinder offers a significant enhancement to the risk management efforts of the department:

- GrantFinder provides a real-time, online database of all relevant federal, state and private grants for local government
- GrantFinder also offers time-saving features, such as customized grant alerts, an interactive calendar, 24/7 access and enhanced features for tracking and submitting grant applications personalized to user needs and project areas
- Offers hundreds of grants updated and added daily

The information below identifies how Lexipol EVLAS offers a significant enhancement to the risk management efforts of the department:

- EVALS is the most dynamic mobile skills assessment and tracking solution for public safety, providing firefighters and instructors with powerful tools to enhance learning and performance
- EVALS is designed to promote successful firefighter development through efficiency of instruction and consistency of performance expectations, from initial training through an employee's entire career
- EVALS develops dynamic field skills solutions that aids fire departments to develop better performing employees via video assessments, field assessments, progress tracking, and mobile accessibility

The following is a breakdown of the 2021 invoice (for 31 users):

- Annual Fire Policy Manual & Daily Training Bulletins - \$7,372.46
- Annual Fire Supplemental Manual - \$1,195.94
- Annual Fire Procedure - \$384.10
- Annual GrantFinder - \$1,020.00
- Annual EVALS - \$495.00
- *Total Fire Lexipol Quote - \$10,467.50*

Upon review in 2018, Fire Department policies and procedures were found to be outdated and, in many instances, non-applicable to current standards or practices. A comprehensive review of policy and procedures had not been in place for approx. 20 years. In 2018, council authorized to enter into a contract with Lexipol to assist in the comprehensive update to our policies and procedures. Throughout 2019 all documents were cross-referenced and migrated into the Lexipol platform. In 2020 all policies were updated to Lexipol content and released to all Fire employees. In 2021 the goal was to update all procedures and release to all Fire employees by year end. This goal has carried over into 2022 as we have approached 95% completion. I have found this comprehensive review to be very effective through the Lexipol platform and therefore respectfully recommend council to authorize the total 2022 Lexipol payment quoted for Fire.



UNIVERSITY HEIGHTS FIRE DEPARTMENT

Chief Robert D. Perko III
3980 Silsby Road
University Heights, OH 44118

Phone: 216.321.1939
Fax: 216.932.8584

Memorandum

TO: KELLY THOMAS, CLERK OF COUNCIL
FROM: CHIEF PERKO
SUBJECT: MOTION TO APPLY FOR GRANT OPPORTUNITIES RELATED TO PUBLIC SAFETY DURING FY 2022
DATE: FEBRUARY 14, 2022
CC: MICHAEL DYLAN BRENNAN, MAYOR/SAFETY DIRECTOR; CITY COUNCIL MEMBERS; DENNIS KENNEDY, FINANCE DIRECTOR

There are a variety of federal, state, and local grant funding opportunities available to the Fire Department. These opportunities support the needs of public safety in local communities.

The primary goal of the of the Fire Department seeking grant funding is to enhance the safety of the public and firefighters with respect to fire-related hazards by obtaining direct financial assistance to our department. This funding is for critically needed resources to equip and training emergency personnel to recognized standards, enhance operations efficiencies, foster interoperability, and support community resilience. Although smaller grant funding sources may have a maximum award, many federal grant opportunities do not have a maximum award. This is also indicative of matching funds in which smaller grants typical do not require matching funds and some federal grants may require 5-15% of the total request.

This year the Fire Department has historically focused on capital items that are in need of replacement or nearing its end of service life. It has been the mission of the Department to seek this funding to assist the City financially to the best of our ability. Over the last ten years the Department has secured over one million dollars, approximately. Last year alone, approximately \$100,000 was awarded in Federal and State Grant funding.

During the onset of the COVID pandemic in spring of 2020 and its uncertainty, City Council members unanimously approved a motion to allow for blanket authority to apply for grant funding as long as each itemized item awarded was brought back to Council for approval prior to accepting any funds (April 20, 2020). This approval was requested and also unanimously approved in March of 2021. This allowed the Fire Department to apply for pop-up grant assistance related to the pandemic. It also afforded the Department to participate in grant opportunities in a manner that was timelier. Each grant opportunity that was awarded last year was brought to Council for approval to accept prior to the Fire Department accepting any awards or funding.

Therefore, I am respectfully requesting the approval to apply for any grant opportunities that support the mission of the Fire Department during FY2022, as long as all awarded grants are brought to Council for approval prior to the Department accepting the award or any related funds.

Thank you.