

# THE CITY OF UNIVERSITY HEIGHTS, OHIO

## CITY COUNCIL MEETING

### AGENDA

**Due to the COVID-19 Pandemic All City Meetings will be held via ZOOM**

**7:00PM**

**MONDAY, APRIL 6, 2020**

**The City of University Heights is inviting you to a Public City Council Meeting hosted electronically by Zoom.**

**JOIN ZOOM MEETING**

<https://zoom.us/j/527395184>

Meeting ID: 527 395 184

One tap mobile

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Dial by your location

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+1 301 715 8592 US  
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+1 669 900 6833 US (San Jose)

**Meeting ID: 527 395 184**

1. Call to Order
  2. Roll Call
  3. Pledge of Allegiance
  4. Approval of Minutes
  5. Comments from the Audience (Speakers are limited to 5 minutes, total time allowed 15 min. per meeting, unless otherwise permitted by Council Ord. No. 91-25)
  6. Reports and Communications from the Mayor and the taking of action
  7. Agenda Items:
    - A) Ordinance 2020-18 Granting the Mayor Emergency Spending Authority (second reading and emergency)
    - B) Ordinance 2020-20 Establishing the City's Succession Plan to the Position of Acting Mayor or Mayor, as applicable, during the Covid-19 State of Emergency (on emergency)
    - C) Resolution 2020-21 Authorizing Participation in the ODOT 18-21 Winter Salt Contract for Road Salt
    - D) Motion to hold an Executive Session immediately following this regular meeting for the purpose of discussing personnel, legal and/or real estate matters
- Reports:
- |                                |                                      |
|--------------------------------|--------------------------------------|
| a) Finance                     | f) City Engineer                     |
| b) Law                         | g) Communications / Civic Engagement |
| c) Public Safety (Police/Fire) | h) Economic Development              |
| d) Service                     | i) Housing / Community Development   |
| e) Building                    |                                      |
8. Adjournment

**AGENDA**

**MONDAY, APRIL 6, 2020**

**REPORTS FROM STANDING COMMITTEES**

**BUILDING/HOUSING**

Chairman

Barbara Blankfeld

**COMMUNITY OUTREACH**

Chairman

Susan Pardee

**ECONOMIC DELVELOPMENT**

Chairman

John Rach

**FINANCE**

Chairman

Michele Weiss

**RECREATION**

Chairman

Phillip Ertel

**SAFETY**

Chairman

Saundra Berry

**SERVICE AND UTILITIES**

Chairman

Justin Gould

**COMMITTEE OF THE WHOLE**

Vice Mayor Michele Weiss

**ORDINANCE NO. 2020-18**

**INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN**

**AN ORDINANCE GRANTING THE MAYOR EMERGENCY  
SPENDING AUTHORITY, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the life, safety, and welfare of the residents of the City of University Heights are in jeopardy due to the outbreak of a deadly infectious disease identified as the Coronavirus disease (COVID-19);

**WHEREAS**, COVID-19 is rapidly spreading, as members of the community have been infected with the disease and the risk of serious illness is imminent. The resulting impact of the disease on City of University Heights residents and businesses is potentially catastrophic;

**WHEREAS**, as a result of the spread of COVID-19, Governor Mike DeWine declared a State of Emergency within the State of Ohio on March 9, 2020;

**WHEREAS**, Council wishes to remove any barriers to the administration making emergency expenditures when needed; and

**WHEREAS**, Council wishes to alleviate the need to conduct multiple special meetings to authorize the Mayor to make various expenditures;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, CUYAHOGA COUNTY, OHIO**, at least two-thirds of all the members elected thereto concurring, that:

Section 1. Since Governor DeWine has declared a state of emergency due to the Coronavirus pandemic, and pursuant to its authority in Codified Ordinance Section 212.02, Council hereby grants to the Mayor the authority to expend funds of the City up to the amount of \$50,000.00 without public bidding for personal services, for the joint use of facilities or exercise of powers with other political subdivisions, for the products or services of public utilities, or in the case of urgent emergency, for the immediate protection of public property or public safety, but no expenditure for any purpose other than those listed here of more than fifteen thousand dollars (\$15,000.00) shall be made, except pursuant to the terms and conditions of Codified Ordinance Section 212.01. The Mayor shall advise Council of any purchase made pursuant to this extraordinary authority, and shall do so in advance of possible, and otherwise immediately thereafter.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. 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 and its residents, to allow the City to expend funds in excess of the spending authority established by ordinance in the event of emergency and/or during the Coronavirus pandemic; 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, 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 NO. 2020-20**

**INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN AND ALL OF COUNCIL**

**AN ORDINANCE ESTABLISHING THE CITY'S SUCCESSION PLAN TO THE POSITION OF ACTING MAYOR OR MAYOR, AS APPLICABLE, DURING THE COVID-19 STATE OF EMERGENCY, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the life, safety, and welfare of the residents of the City of University Heights are in jeopardy due to the outbreak of a deadly infectious disease identified as the Coronavirus disease (COVID-19);

**WHEREAS**, COVID-19 is rapidly spreading, as members of the community have been infected with the disease and the risk of serious illness is imminent. The resulting impact of the disease on City of University Heights residents and businesses is potentially catastrophic;

**WHEREAS**, as a result of the spread of COVID-19, Governor Mike DeWine declared a State of Emergency within the State of Ohio on March 9, 2020;

**WHEREAS**, in an environment where events may unfold rapidly whereby the Mayor and multiple members of Council could become gravely ill at approximately the same time due to the rapid spread of COVID-19;

**WHEREAS**, the City's Charter indicates, in Article 5, Section 3, that "when the Mayor is absent and inaccessible, or is unable for any cause to perform his duties, the Vice Mayor shall be acting Mayor, but shall not thereby cease to be a councilman";

**WHEREAS**, in the event that the absence, inaccessibility and/or inability to perform the duties of Mayor befalls both the Mayor and/or the Vice Mayor, Council wishes by this ordinance to establish the order of succession to the position of Vice Mayor, to enable the City to respond swiftly in the event of a crisis; and

**WHEREAS**, the order of succession established by Council is based on the fact that the current Vice Mayor, as elected at Council's organizational meeting in January of 2020, is Councilwoman Michele Weiss, and thereafter, the order is based on seniority as determined by the aggregate amount of time served as a member of Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, CUYAHOGA COUNTY, OHIO**, at least two-thirds of all the members elected thereto concurring, that:

Section 1. Council establishes the following order of succession to the position of Vice Mayor during the COVID-19 state of emergency:

1. Vice Mayor Michele Weiss
2. Councilman Philip Ertel
3. Councilwoman Sue Pardee
4. Councilman John Rach
5. Councilwoman Barbara Blankfeld
6. Councilman Justin Gould
7. Councilwoman Sandra Berry

Section 2. Matters of succession shall be governed by Article 5 of the City's Charter, and nothing herein shall be construed to alter or change the rules of succession established therein. In the event that the Mayor or acting Mayor, as applicable, is either "absent and inaccessible" or "unable for any cause to perform his duties" during the COVID-19 state of emergency, the person then-occupying the position of Vice Mayor shall be automatically elevated to the position of acting Mayor or Mayor, as applicable,

in the order set forth in Section 1 hereof, and the position of Vice Mayor shall be filled by the next succeeding person, as indicated in Section 1 hereof.

Section 3. Any person elevated to the position of acting Mayor shall remain in said position until such time as the Mayor is no longer either “absent and inaccessible” or “unable for any cause to perform his duties,” at which time the Mayor shall resume his duties and the acting Mayor shall automatically return to the position of Vice Mayor.

Section 4. Any question or controversy relating to the interpretation of the order of succession established herein shall be resolved by the City’s Law Director, or, in the absence of the City’s Law Director, the City’s Prosecutor.

Section 5. This ordinance and the succession plan established herein shall expire upon the expiration of the State of Emergency in the State of Ohio related to COVID-19 as declared by Governor DeWine on March 9, 2020.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. 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 and its residents, to establish an orderly succession plan to the position of acting Mayor or Mayor, as applicable, during the COVID-19 pandemic; 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, OHIO**

\_\_\_\_\_  
**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  
SERVICE DEPARTMENT  
**MEMORANDUM**

To: Mayor Michael Dylan Brennan  
City Council

From: Jeffrey Pokorny, Service Director

Date: April 1, 2020

Re: Authorization to Participate in the ODOT 18-21 Winter Contract for Road Salt.

The State of Ohio, Department of Transportation has offered the City of University Heights an opportunity to participate in their 18-21 Winter Contract for Road Salt.

During the 2019-2020 winter season the City has used approximately 2,200 tons of salt. With the previously approved ODOT 18-20 Winter Contract the City of University Heights will have approximately 2,300 tons stored in the Cleveland Heights salt storage facility at the beginning of the season.

During the winter of 2020-2021 I anticipate that 2,000 tons will be required, 1,000 tons through our facility and 1,000 tons from the Cleveland Heights facility. The salt will be delivered during the winter to both our storage facility and the City of Cleveland Heights storage facility as needed.

I respectfully request City Council to authorize the attached resolution and allow the Mayor to enter into the agreement for participation in ODOT Contract 18-21 for the purchase of 2,000 tons of road salt. The agreement will require the purchase of between 90% and 110% of the contract quantity at the awarded bid price. (1,800 to 2200 tons)

Should you have any questions please feel free to contact me.

Cc: Dennis Kennedy, Finance Director

**Resolution 2020-21**  
**RESOLUTION AUTHORIZING PARTICIPATION**  
**IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2020**

**WHEREAS**, the City of University Heights, Cuyahoga County (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and**
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 24 **by 12:00 p.m.** The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

**NOW, THEREFORE**, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date  
\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date

**THIS RESOLUTION MUST BE UPLOADED TO THE SALT PARTICIPATION WEBSITE BY NO LATER THAN FRIDAY, APRIL 24, 2020.**

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.