

**MINUTES SPECIAL COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS, OHIO  
MEETING HELD VIA ZOOM | 885 2076 5002  
WEDNESDAY, SEPTEMBER 9, 2020**

Mayor Michael Dylan Brennan called the special meeting to order at 7:04p.m.

Roll Call:

Present: Mrs. Michele Weiss  
Mrs. Sandra Berry  
Mrs. Barbara Blankfeld  
Mr. Phillip Ertel  
Mr. Justin Gould  
Mrs. Susan Pardee  
Mr. John Rach

Also Present: Law Director Luke McConville  
Clerk of Council Kelly Thomas  
Finance Director Dennis Kennedy  
Fire Chief Robert Perko  
Police Chief Dustin Rogers  
Service Director Jeffrey Pokorny  
City Engineer Joseph Ciuni  
Economic Developer Susan Drucker  
Communications / Civic Engagement Michael Cook

Mayor Brennan reported on the tragic event that occurred on Thursday, September 3, 2020 City of Cleveland Detective James Skernivitz, badge 2249 was killed in the line of duty. Mayor Brennan stated that this loss has been felt deeply throughout the region including the University Heights Police Department. Last week consistent with the order of Gov. DeWine the flags at City Hall were lowered to half-staff and will remain at half-staff until Detective Skernivitz funeral on September 1, 2020. A moment of silence was held in honor of Detective James Skernivitz.

**Council Meeting June 19, 2020**

There were no corrections to the June 19, 2020 minutes.

**MOTION BY MR. ERTEL, SECONDED BY MRS. WEISS for the passage of the June 19, 2020 Council Minutes. On roll call, all voted “aye.”**

**Comments from Audience**

Mr. Meir Kamchaji, 2172 Vernon Road informed the City about the noise coming from delivery trucks delivering items to “The Sauce” a business at the corner of Cedar and Vernon during the early hours of the 5:20 in the morning. Mr. Kamchaji said that this has been on going.

Mr. Ron Collier, 4446 Silsby stated he was experiencing problems with his neighbor’s garage which abuts his yard. The garage is in very poor condition

**Mayor’s Report**

Due to the length of tonight’s agenda, I will be delivering a full report of the summer’s activities at our next regular meeting of September 21, 2020. Briefly, though, I will report now on the following three items:

The COVID-19 Pandemic and the State of Emergency continues. Today’s numbers of the state of Ohio: 132,965 total cases, 4,324 deaths. Worldwide: 27,994,782 cases, 906,898 deaths. In the United States of America: 6,547,454 cases, 195,153 deaths. The US has 5% of the world population, but nearly 22% of the reported deaths. Please wear your masks, and follow all orders and recommendations of the state of Ohio and of the CDC.

On Labor Day, Monday Sept 7, we experienced 3.98 inches of rain, the third highest rainfall in one day since 1901 in Cleveland. The 3.98 inches were recorded at Hopkins Airport near Berea. University Heights residents report higher measurements here, with some recording as much as 5.5 inches in their rain gauges. For comparison’s sake, we had 5.64 inches of rain for the entire month of August, 3.01 inches of that fell on August 28th.

Given that the largest rainfall on record happened in 1901, that was before this city was founded. That makes Monday's rainfall the second highest in the history of our city.

Given that it was Labor Day, anyone who had problems with flooding nevertheless could contact the City for assistance. Many residents whose basements flooded did call the dispatch/police non-emergency line at (216) 932-1800.

In response, we brought in a service crew to visit every address reported, and to check the city side of the sanitary sewer line for any blockages. Folks who contacted me directly were also put on that list. Thank you to Service Director Jeff Pokorny, and to the members of our service department who came in on Labor Day to serve our community.

I was out in the field on Labor Day, looking at drains and catch basins, and talking with residents about their experiences with the rain and with the flooding. We didn't begin to have the flooding seen on North Park in Shaker or MLK Drive in University Circle. But the flooding we did have was very real and disruptive to our residents, and it is something we take seriously.

Yesterday and today our Service Department was out continuing to visit addresses of homes that experienced flooding, over 50 that we are aware of. While the review of individual addresses is ongoing, in general the flooding was due to this being a capacity issue. Four or more inches of rain falling in such a short time simply overwhelmed the sewer system.

If on Labor Day you experienced basement flooding due to the sewer backing up, and if you have not already done so, please contact the City at (216) 932-7800 during regular business hours so that we may check the city side of your sewer line for any blockages.

More on this may be covered by Service Director Mr. Pokorny and City Engineer Joe Ciuni in their reports this evening.

Following the senseless murder of George Floyd at the hands of law enforcement officers in Minnesota, I took the mayors pledge to have a public review of our Use of Force policy and to hear recommendations for possible revision and update. Councilwoman Sandra Berry and I set up a citizens committee for that review, and we have had weekly meetings every Wednesday since July 22. Tonight is the first Wednesday since mid-July that we will not have had a meeting. We will meet one more time, next Wednesday, September 16 at 6pm. Representatives of the citizens committee will make their report at the next Council meeting of September 21, 2020. At this time, I thank Chief Dustin Rogers for his support of this sensitive initiative, Lt. Mark McArtor for his faithful participation in this process, as well as our city prosecutor and assistant law director Stephanie Scalise. I thank our citizen committee members:

This concludes my report

### **Agenda Items:**

**Added Item      \*\* Motion to Approve Planning Commission's recommendation from August 7, 2020 for the approval of application from Taylor Raymont, LLC | Mr. Steve Hom – 2115 South Taylor Road for an Easement allowing the encroachment onto Raymont Boulevard**

Mr. McConville reported that Mr. Hom went through both the Planning Commission process and Board of Zoning Appeals process in respect to his proposed site plan for the former KFC Building located at 2115 South Taylor. The Planning Commission approved the presented site plan contingent on the granting of a parking variance and easement to allow access to infrastructure. All the approvals were made contingent to a development agreement be successfully negotiated and entered into by Mr. Hom and the City. The development agreement will require that Mr. Hom develops the site according to the site plan that was approved by the Planning Commission. The agreement includes: allows the City to "quite title" and establish in a recorded document the release of any claim to the disputed Right of Way of the paper street Raymont Blvd. will make clear that the paper street known as Raymont and adjacent to that site is that is the Right of Way that is owned and controlled by the City of University Heights. Also, a 5ft. easement has been agreed upon by both parties allowing Mr. Hom access the Right of Way along a portion of the boundary so that he can maintain his existing infrastructure with a grease trap and transformer. Mr. McConville stated that the final development agreement document has been circulated but have not been returned signed yet. Mr. McConville asked that Council condition any approval on the City receiving final signed documents from Mr. Hom. Mr. McConville reminded Council that when this process started and Mr. Hom came into co-ownership of the property the City was dealing with a number of issues with the property that included both environmental issues and code violations. The Board of Zoning Appeals and City's Administration found Mr. Hom to be cooperative and effective in dealing with the remediating the environmental issues and correcting the violation issues.

Mayor Brennan agreed with Mr. McConville comments adding that with the change in the ownership group of that property ultimately led to a night and day difference in action and the seriousness which the new ownership took with regards to the outstanding city concerns so that this parcel will once again be a useful use to University Heights.

Mr. Ciuni reported that he reviewed the easements and recommend the approval of the Planning Commission recommendation. Mr. Ciuni noted that the area will be fenced in.

Mr. Rach asked for clarification on the 5ft. easement. Mr. Rach noted that in looking at the submitted plans it did not appear that there was a drive-thru, but Mr. Rach wanted to make sure that the development agreement would not allow there too ever be another drive-thru placed on the parcel.

Mr. McConville replied that the easement only covers the 4ft. x 5ft. area where the transformer and grease trap are located. Mr. McConville stated that the plan that was submitted does not show a drive-thru and they are obligated to build in accordance to the submitted plan.

Mayor Brennan added that did not meant that they could not at some point propose or make an offer depending on the situation seek to acquire to some degree the use of city property as the previous KFC did to have a drive-thru.

Mr. McConville stated the City would remain in control with respect to any type of future use.

Mr. Ertel asked what type of development would be in the space.

Mayor Brennan replied that nothing has been made public yet.

Mr. Ertel commented that he was disappointed that the City could not maintain control of this parcel because it is the gateway to University Heights and the City is talking about something that will be developed in the same and doesn't know what it is.

**MOTION BY MRS. BLANKFELD, SECONDED BY MRS. WEISS to Approve the Planning Commission Recommendation from August 7, 2020 for the approval of application from Taylor Raymont, LLC | Mr. Steve Hom – 2115 South Taylor Road for an Easement allowing the encroachment onto Raymont Boulevard conditioned upon the parties executing the Development Agreement. On roll call, all voted “aye,” except Mrs. Pardee, who “passed,” and Mr. Ertel who voted “nay.”**

- A) Resolution 2020-34 - Authoring the Mayor to Enter into an Agreement with the City of South Euclid to Share Proportionate Costs and Engineering Services associated with the 2021 Cedar Road Resurfacing Project.**

Mr. Ciuni reported that Resolution 2020-34 pertained to the resurfacing the asphalt areas of Cedar Road from South Taylor to Fenwick and from Miramar Blvd. to South Green Road. The project is sponsored by NOACA and is an approximate \$1.9mil project. NOACA will pay 80% or \$1.4mil with South Euclid and University Heights sharing the remainder of the cost just under \$500,000. There is also a Cuyahoga County grant for \$250,000 that can be applied to the Cities portion of the cost. The agreement is between University Heights and South Euclid with a 60/40 split. Mr. Ciuni recommend the approval.

**MOTION BY MRS. PARDEE, SECONDED BY MRS. WEISS Approving Resolution 2020-34 Authoring the Mayor to Enter into an Agreement with the City of South Euclid to Share Proportionate Costs and Engineering Services associated with the 2021 Cedar Road Resurfacing Project. Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”**

- B) Resolution 2020-35 Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Fiscal Officer.**

Mr. Kennedy stated that this was a follow-up to the Tax Budget that Council approved in July 2020. The tax rate of 13.2mil is the same rate as approved in July

Resolution 2020-35 was place on first reading.

**C) Resolution 2020-36 Levying Tax Year 2020 Special Assessments for the Cost of Constructing, Maintaining Repairing, and Cleaning of the Sanitary Sewer System within the City and Declaring an Emergency**

Mr. Kennedy reported that the rates are assessed by the property and that there were no changes in the assessed amounts from last year.

Mr. Rach clarified that the monies from this assessment was for the sewers. Noting that there were complaints throughout the city regarding sewers, Mr. Rach asked if those sewer repairs could be taking care of now with those funds.

Mr. Kennedy stated that there were currently sufficient funds to take care of the sewers.

Mayor Brennan replied that he would work with Mr. Pokorny and Mr. Kennedy to have the current sewer problems before winter time.

**MOTION BY MR. ERTEL, SECONDED BY MR. GOULD Approving Resolution 2020-36 Levying Tax Year 2020 Special Assessments for the Cost of Constructing, Maintaining Repairing, and Cleaning of the Sanitary Sewer System within the City. Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”**

**D) Resolution 2020-37 Levying Tax Year 2020 Special Assessments for the Cost of Street Lighting within the City on All Designated Properties Served by Street Lights at the Rate of Eighty Cents (\$0.80) Per Frontage Foot, and Declaring an Emergency**

Mr. Kennedy explained that this special assessment nets between \$195,000 to \$200,000 and pays for the street lighting on the city streets

**MOTION BY MRS. WEISS, SEONDED BY MR. ERTEL for the Passage of Resolution 2020-37 Levying Tax Year 2020 Special Assessments for the Cost of Street Lighting within the City on All Designated Properties Served by Street Lights at the Rate of Eighty Cents (\$0.80) Per Frontage Foot. Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”**

**E) Resolution 2020-38 Levying Tax Year 2020 Special Assessments for the Cost of Planting, Maintaining, Trimming, and Removing Shade Trees at the Rate of Seventy Cents (\$0.70) Per Frontage Foot, and Declaring an Emergency**

Mr. Kennedy stated that the proceeds from this Special Assessment provides funding to the City’s Tree Fund.

Mrs. Weiss asked how much money was currently in the tree fund.

Mr. Kennedy replied that the Shade Tree Fund has approximately \$488,000.

**MOTION BY MRS. PARDEE, SECONDED BY MRS. BLANKFELD for the Passage of Resolution 2020-38 Levying Tax Year 2020 Special Assessments for the Cost of Planting, Maintaining, Trimming, and Removing Shade Trees at the Rate of Seventy Cents (\$0.70) Per Frontage Foot. Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”**

**F) Ordinance 2020-39 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions (Lawn Care) at Various Locations throughout the City of University Heights and Declaring an Emergency**

Mr. Kennedy stated that these collections get filed with the County for the collection of unpaid assessments that relate to fees and fines associated with having to address nuisance situations within the city. The list of properties is attached to the Ordinance and several attempts have been made to reach the homeowners to either settle their debt or make payment arrangements.

**MOTION BY MR. ERTEL, SECONDED BY MR. RACH for the Passage of Ordinance 2020-39 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions (Lawn Care) at Various Locations throughout the City of University Heights. Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”**

**G) Motion Authorizing the Mayor to Extend and Enter into Contract for the City’s Natural Gas Contract with NOPEC for one (1) year at a rate of \$3.27mcf**

Mr. Kennedy was recommending the approval of using NOPEC with the rate of \$3.27mcf because the city receives considerable funding through NOPEC for other projects that the City and the CIC does. Also, in looking at the “apples to apples” comparative pricing sheet the average rate for gas for small business on the commercial side is \$4.00. Prior to this the city’s rate was \$2.91mcf.

Mr. Gould asked if the city would have the ability to request a new rate if the rates went down after we enter into contract.

Mr. Kennedy relied that the city could make application but the rates would be subject to rolling averages and other issues. The cost of \$3.27mcf is considered to be a fixed rate until the contract is renegotiated and perhaps extended at some point during the first year at a different price.

**MOTION BY MR. ERTEL, SECONDED BY MRS. WEISS Authorizing the Mayor to Extend and Enter into Contract for the City’s Natural Gas Contract with NOPEC for one (1) year at a rate of \$3.27mcf. On roll call, all voted “aye.”**

**H) Ordinance 2020-40 Amending the Authorized Permanent Appropriations for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2020 and Ending December 31, 2020 and Declaring an Emergency**

Mr. Kennedy stated that this represented a catch up of appropriations for the year in order to balance out the funds. Mr. Kennedy reviewed the appropriations as listed in attachment “A” of this Ordinance.

Mr. Rach asked Mr. Kennedy how much the city was down in R.I.T.A. collections for the year in comparison to last year?

Mr. Kennedy replied that R.I.T.A. collections was currently down \$300,000 but the city is also down in the expected growth that was projected for the year. Thus, the city is totally down approximately \$550,000.

Mrs. Berry asked when would the city receive guidelines on the approved usage of CARES money.

Mr. Kennedy stated that he hoped to receive that information within a week or so and noted that the grey area regarding the use of the CARES money relates to payroll.

**MOTION BY MR. RACH, SECONDED BY MRS. BLANKFELD to the Passage of Ordinance 2020-40 Amending the Authorized Permanent Appropriations for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2020 and Ending December 31, 2020. Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”**

**I) Ordinance 2020-41 Authorizing the Transfer of Funds from the General Fund (100) to the Payroll Stabilization Fund (299) and Declaring an Emergency**

Mr. Kennedy explained that Ordinance 2020-41 was for the initial transfer of funds to cover the extra payroll periods occur at the end of the year every few years according to how the calendar cycles. The payroll stabilization fund purpose is to protect the City General Fund when extra payroll periods occurs within a calendar year.

**MOTION BY MRS. PARDEE, SECONDED BY MRS. BLANKFELD for the Passage of Ordinance 2020-41 Authorizing the Transfer of Funds from the General Fund (100) to the Payroll Stabilization Fund (299). Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”**

**J) Ordinance 2020-42 Advance of Funds from the ODNR Fund (242) to the General Fund (100) and Declaring an Emergency**

Mr. Kennedy stated that this advance of funds was the results of monies that were initially transferred from the General Fund to the ODNR Park Improvement Fund the \$40,000 remained and will be returned back to the General Fund.

**MOTION BY MR. ERTEL, SECONDED BY MRS. WEISS for the Passage of Ordinance 2020-42 Advance of Funds from the ODNR Fund (242) to the General Fund (100) and Declaring. Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”**

**K) Ordinance 2020-43 Authorizing the Mayor to Execute an Agreement for the Transfer and Disposal of Solid Waste Services and Declaring an Emergency**

Mr. Pokorny reported that the Solid Waste District opened bids for rubbish and recycling services on June 26, 2020. The city’s current contract for solid waste deposal ends on September 30, 2020. The Solid Waste District bid out the solid waste and recycling together but bids also showed the separate pricing for solid waste and recycling. Based on the pricing Mr. Pokorny recommended entering into contract with BFI of Ohio for solid waste disposal and transfer services as the most cost-effective bid and entering into contract with Kimble Recycling & Disposal, Inc. for recycling disposal and processing as the most cost-effective bid. Both contracts would be for two (2) years from October 1, 2020 through September 30, 2022.

Mr. McConville noted that there had been quite a bit of negotiation between him and Kimble’s legal counsel. Mr. McConville read into the record the portion of the contract titled Title to Waste. “Contractor shall acquire title to solid waste when delivered to the disposal facility. Title to and liability for any unacceptable waste shall at no time pass the contractor but shall remain with the generator of the unacceptable waste.” Mr. McConville stated that there were two (2) noteworthy points; (1) they are reserving the rights to bring something back to the city that they picked up before they delivered it to the disposal facility; and (2) they are indicating that they will not accept title to any unacceptable waste, which is a defined term and essentially includes hazardous chemicals, flammables, radioactive materials and other types of material that are governed by environmental laws in terms of their disposal.” Mr. McConville added that this language was settled on because he did not want anything in the contract indicating that the city was ever acknowledging having title to and having unacceptable waste. In speaking with Mr. Pokorny, the city doesn’t know when it picks trash up from the backyards, what the residents are placing in their trash bags, the bags are not examined for their content.

Mrs. Blankfeld asked if this was a common enough occurrence that the company felt it was needed language in the contract?

McConville replied that was truly a lawyer’s issue and in speaking with Mr. Pokorny this issue doesn’t come up.

Mrs. Weiss asked if the contract could still be cancelled.

Mr. McConville replied yes.

Mr. Gould noted the procedure of rubbish collection and the time period in which the vendor could identify the particular item/bag to University Heights.

Mr. McConville stated that once the debris is delivered to the disposal site it is deemed accepted.

Mr. Pokorny added that once the City pushes the debris out of our trucks and leave it is considered accepted.

Mr. McConville commented that there is nothing that states the City has to take back the debris once it is delivered and accepted.

**MOTION BY MR. RACH, SECONDED BY MRS. PARDEE to Ordinance 2020-43 Authorizing the Mayor to Execute an Agreement for the Transfer and Disposal of Solid Waste Services. Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”**

- L) **Motion to Authorizing the Mayor to enter into Agreement for the Transfer and Disposal of Solid Waste with Browning Ferris Industries of Ohio, Inc. (BFI) for a period for two (2) years October 1, 2020 through September 30, 2022 (MOTION NOT NEEDED)**

Item L was not needed given the passage of the ordinance and thus removed from the agenda.

- M) **Ordinance 2020-44 Authorizing the Mayor to Execute an Agreement for Recycling Processing Services between University Heights and Kimble Company and Declaring an Emergency**

Mr. Pokorny stated that this relates to the transfer and processing of the City’s recyclables. Mr. Pokorny recommended that the City entering into contract with Kimble Recycling & Disposal, Inc. for recycling disposal and processing as the most cost-effective bid. The contract would be for a two (2) year period from October 1, 2020 through September 30, 2022.

Mrs. Weiss noted that this agreement will cost the city about \$16,00 and this is at a time when the City is in pretty dire budget constraints, not just for 2020 but going into 2021. Mrs. Weiss added that \$16,000 could be a vehicle, someone benefits, a part-time employee and that she was not for recycling when there is not currently a demand for recycled goods. Mrs. Weiss said that she was also concerned as has been highlighted in the City of Cleveland will the recycling actually be recycled. That is not just an issue for the City of Cleveland, but for other cities as well and until that is clear up it is another reason (not the main reason) why Mrs. Weiss wasn’t for the approval of this. This can be readdressed when recycling numbers raise back up and there is either no cost or a breakeven cost.

Mr. Gould stated that he also was concerned about the expense of recycling in its current form. The city pays a premium for having the blue bag system and there currently is not a mechanism for curbside recycling that is loose materials. Mr. Gould noted that during the Service Committee meeting a middle ground was discussed where the residents would bring in their loose recycling to the City Hall campus. That way people who really want to recycle can and it would not cost the city extra money. Mr. Gould added that he reviewed the rubbish report and in looking at what the city uses of these services Mr. Gould asked that the manpower that is used for the recycling program be broken out from the rubbish collection aspect. In doing away with the curbside recycling gives the potential not only of saving money from not using bags but also one full-time Service Department employee position that could be allocated elsewhere. Mr. Gould said he would not support the proposed option for recycling because it would not be fiscally irresponsible. The City can’t continue to spend like this and have everything we want. Mr. Gould stated that personally he wanted to maintain backyard rubbish pickup instead of spending money on the way recycling is currently handled. Council will have to make some difficult decisions regarding expenditures for the services that the city has. Mr. Gould said that he was willing to compromise to find solutions that will save the citizens money and hopefully citizens who want to maintain those services will have the option to do so.

Mrs. Blankfeld stated that although she was a proponent for recycling the city was in a financial position where those monies could be spent elsewhere so she could not vote in favor of the proposed recycling plan. Hopefully later there will be more of a demand for recyclable materials and the city’s recycling program can be picked up again. But to currently pay to have the recycling taken and with the city not robustly recycling as other communities she could not vote in favor of this.

Mrs. Pardee commented that she was happy and appreciated that this was a council that was closely watching the city’s money because the city has not always had that. A lot of latitude was provided to Mayor Brennan by the older members of City Council, not the newer members, when the Mayor first came in to do a lot of spending and now this Council is standing up and reining in. That must be done and it was also important to focus on the bottom line. Council has the entire budget to look for savings and not to just frighten residents about backyard rubbish pickup. If the city continues to use and pay for recycling \$16,000 is probably less than 0.1% of the city’s budget. Mrs. Pardee stated that her position was that recycling was a value that she and others believe in. Although there is an argument for saving and it is important to save right now, this is a service that we provide to the residents and saving the estimated \$16,000 by not having a recycling program is not the place to start saving money. Mrs. Pardee stated that this was a value situation and that she supported recycling even if the city has to pay for the future of the planet by putting recyclable goods back out for potential reuse.

Mr. Rach agreed with Mrs. Pardee's statement. If Council ends the recycling program because of a cost of \$16,000, then Council does not know the value of recycling. There is still a cost for rubbish removal and there is not much difference between recycling items and throwing items away. As a government entity, Council has to do what is right for the environment and planet. This is the market price for recyclable goods which is not currently marketable, but this may change. But to end the program and then to bring it back at a later time for residents to have to relearn doesn't make sense.

Mr. Ertel stated that he respected everyone's opinion and Mr. Pokorny's abilities and decision making when it comes to the Services of the community. Mr. Ertel said that he felt \$16,000 was not too much to ask for a recycling program. Perhaps it is a matter of whether Council makes their decision based on what they think is best for the City or does Council take advice from all the residents and if there is an over whelming opinion about an issue than that is what gets followed. Mr. Ertel felt that there would be an over whelming output of comments and discussions for the residents if the recycling program is ended.

Mrs. Blankfeld commented that it has been evidenced by the study and Mr. Pokorny has informed Council repeatedly how extraordinary little the community cares about recycling based on how little it recycles. Mrs. Blankfeld said that she and the Service Committee cares about recycling and how heartbreaking it is to see how many land fields are closing because of the amount of rubbish that goes there daily. The residents will be able to re-learn how to recycle if the program came back. Mrs. Blankfeld added that she wasn't saying to end recycling forever, but for the small amount of recycling that is being done that money could be used elsewhere at the present time.

Mr. Rach replied that people are recycling but because once the small recycling bins in the front of the scooters get filled the remaining recycling items goes in the trash.

Mrs. Weiss noted that committee did have a middle ground, but only a couple of members were willing to have loose recycling materials brought to City Hall at a much lower cost.

Mrs. Pardee stated that the middle ground suggestion from the Service Committee was problematic because the City limits the time in which people can go.

Mrs. Weiss replied that per Mr. Pokorny the lot is open all the time.

Mr. Ertel clarified that Mr. Pokorny had stated that the City Hall lot was not setup to handle that type of recycling program where everything was brought to City Hall.

Mayor Brennan stated that it was difficult to know the right answer because there are competing interest that need to be considered. The discussion that was held during the committee meeting was very thoughtful. The City of Cleveland is not recycling because they are not under a contract to do so and the City of Cleveland has not decided to pay for recycling. University Heights is considering to pay \$396 per ton whereas before the city was paid a grand total of \$400 for the recycling items last year. In the long run Mayor Brennan said he hoped that the recycling program can be revisited once recycling materials are valuable enough not to be thrown away. Historically University Heights lags behind other communities in recycling partly because of the blue bag program and part some other community's level of recycling are inflated. If someone is a proponent for recycling then \$16,000 is not too much to be a good steward of the planet. University Heights should lead on this issue. Richmond Heights stopped their recycling program. University Heights does not have the area to designate for recycling, so the recycling numbers would go down further. Residents would not like having to bring their recycling to city hall and there would be blow back if residents could not do recycling from their homes. Mayor Brennan added that this is about \$32,400 over the next two years but also over the next two years the City will be spending \$800,000 conducting backyard rubbish pickups. If the City had a contract like South Euclid has with Kimble the City would spend less than \$15 per house per month for solid waste and recycling for a savings. There are other decisions that the City could be making to save a lot more money than this seemingly drop in the bucket. Mayor Brennan stated that he did appreciate that small savings do accumulate but if you support recycling and want to be a good steward of the planet we should find a way to spent this \$16,000 this year. The solid waste rate is reduced from \$41.90 to \$40 for a savings there. If someone rather land fill than recycle then they can do that from their own home, but if you value what it means to recycle then you use the blue bags instead of placing recyclables in your regular trash bags even though the City has to pay for that. Mayor Brennan said it was his hope that Council will support recycling and passes this and lead better than the City of Cleveland has on this issue. Residents have said that the city should go ahead and pay for this.

**MOTION BY MRS. PARDEE, SECONDED BY MR. RACH approving Ordinance 2020-44 Authorizing the Mayor to Execute an Agreement for Recycling Processing Services between University Heights and Kimble Company.**

Mr. Rach asked if this had to be on emergency, because it may not pass on emergency and asked if there was a time constraint where it had to be passed this week.



Mr. McConville stated that Council would have to modify the agenda in order to take it off emergency. If the question was called then it could be voted down; but if there were not enough votes to suspend the rules then the legislation would go on second reading.

Mr. McConville explained the difference between emergency and suspension of the rules. Suspension of the rules suspends the two readings rule that is required the City Charter. You cannot have instance of suspension without emergency. If Council suspends it is enacting on emergency by definition. However, Council can also enact on emergency without suspending by going through the two readings and pass on emergency after the second reading in which case the Ordinance becomes immediately effective. Any emergency ordinance whether the rules are suspended or not requires a 2/3 majority vote (5 votes for passage on emergency).

Mayor Brennan commented that the consequence of not passing this tonight or passing it at the next Council meeting means that if it is not passed on emergency it will be 30 days before it becomes law and 30 days before the Mayor would be able to enter into contract and well into the month of October without a contract for recycling. So, no recycling will happen during that timeframe.

Mr. Rach asked if there was a month to month continuance on the last contract.

Mayor Brennan stated that the contract ends at the end of September.

Mr. Gould called for the question.

**MOTION BY MRS. PARDEE, SECONDED BY MR. RACH approving Ordinance 2020-44 Authorizing the Mayor to Execute an Agreement for Recycling Processing Services between University Heights and Kimble Company. Roll call on suspension of the rules, all voted “nay.”**

Mayor Brennan stated that the motion to suspend the rules failed so the matter will not be considered for emergency and will be placed on the next agenda for a second reading.

Ordinance 2020-44 was placed on first reading due to the lack of votes to declare the emergency.

**N) Motion to Authorizing the Mayor to enter into Agreement for Recycling Processing Services with Kimble Company, dba Kimble Transfer & Recycling for a period for two (2) years October 1, 2020 through September 30, 2022 (MOTION NOT NEEDED)**

Agenda N was removed from the agenda.

**O) Motion for Authorization to Bid the 2020-1 City Wide Fall Tree Planting Program Contract**

Mr. Pokorny reported that this was the annual city-wide tree planting program. This year the focus will be in zone 2 which is the NE side of the city. 120 trees will be planted with an expected cost of approximately \$45,000. The funds to cover this program comes from the Tree Improvement Fund.

Mrs. Weiss stated that the city’s tree program is fabulous but even though the fund has money in it, it is still cash being spent.

**MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL for the Authorization to Bid the 2020-1 City Wide Fall Tree Planting Program Contract. On roll call, all voted “aye.”**

**P) Motion for Authorization to Bid the 2020-2 Tree Pruning and Removal Contract**

Mr. Pokorny stated that this was the city’s annual tree pruning and removal project. There are approximately 600 trees that either need pruning or removing. Trees that are removed are placed on the list for tree planting. The estimated cost is \$100,000, this is also paid out of the Tree Improvement Fund.

**MOTION BY MR. RACH, SECONDED BY MRS. PARDEE for the Authorization to Bid the 2020-2 Tree Pruning and Removal Program Contract. On roll call, all voted “aye.”**

- Q) Motion to Accept Radiological Instrumentation from the Ohio Emergency Management Agency (OEMA) the Receiving and the Calibration of one (1) Ludlum 26-3 High Range Frisker and five (5) Pocket Dosimeters**

Fire Chief Perk stated that the department has had the current dosimeters for 20 years and that they can't be calibrated any more because of their age. Dosimeters are used in the field for the detection of different types radiological alpha, beta and gamma rays. Dosimeters are valued at \$1,000 and there is no cost for their maintenance.

**MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD to Accept Radiological Instrumentation from the Ohio Emergency Management Agency (OEMA) the Receiving and the Calibration of one (1) Ludlum 26-3 High Range Frisker and five (5) Pocket Dosimeters. On roll call, all voted "aye."**

- R) Motion Authorizing the Mayor to Enter into a Memorandum of Understanding (MOU) with Cuyahoga County for the Permanent Transfer of Ownership of one (1) Ludlum 26-3, CDV-750 Charger and Direct Reading Dosimeters**

Fire Chief Perko stated that in order to accept the CDV-750 Charger and Direct Reading Dosimeters from the Ohio Emergency Management Agency (OEMA) the City has to enter into a MOU. Chief Perko added that the MOU was reviewed and approved by the City's Law Director.

**MOTION BY MRS. BLANKFELD, SECONDED BY MRS. PARDEE Authorizing the Mayor to Enter into a Memorandum of Understanding (MOU) with Cuyahoga County for the Permanent Transfer of Ownership of one (1) Ludlum 26-3, CDV-750 Charger and Direct Reading Dosimeters. On roll call, all voted "aye."**

- S) Motion to hold an Executive Session immediately following this Regular Meeting for the Purpose of Discussing Personnel, Legal and/or Real Estate Matters**

Mayor Brennan stated that there was a need to hold executive session for the purpose of discussing real estate matters regarding University Square and for legal personnel matters pertaining to union negotiations.

**MOTION BY MR. ERTEL, SECONDED BY MR. RACH to hold an Executive Session immediately following this Regular Meeting for the purpose of discussing real estate matters regarding University Square and for legal personnel matters pertaining to union negotiations. On roll call, all voted "aye."**

### **Director's Reports**

**Finance Director – Dennis Kennedy** stated he was closing out the month of August and noted that he would be reviewing parcel by parcel the assessments that have to be presented to the County Auditor's Office for collections.

**Police Department – Chief Rogers** reported that the monthly "coffee with a cop" would be returning virtually.

**Fire Department – Chief Perko** stated that the department continues to track the city's PPE needs and that at this time there is an adequate amount on hand. Grants for various items continue to come in.

**Service Department – Jeffrey Pokorny** reported that regarding the recent flooding issues the service department will be working on the approximate 50 locations of which 16 issues have been corrected. The cleaning and filming of the sewer mains continue, as well as the road repairs for curbs and catch basins.

### **Building Department – Mayor Brennan provided the following report**

Since mid-April, we have not had a full time Building Commissioner or director level employee of the Building Department or the Housing and Community Development Department. I have been managing these departments directly to do a deep dive in the works of these departments. The essential functions of Certified Building Officials have been done on a contract basis with our retired former building commissioner, James McReynolds, and with Howard Sonenstein. Our housing inspectors have continued the Rental Registration

Program, the modified Point of Sale Program (exteriors only through the emergency), and we resumed the Exterior Maintenance program.

The essential work of the departments has continued. Plans are reviewed. Inspections are performed. And the work is done timely.

Working with Mr. McReynolds and Administrative Assistants Ruth Griswold and Dee Dellas, administration has developed and issued a recommended update to the schedule of fees for Building. There has not been an update since the Beryl Rothschild was mayor. The current fees do not reflect the cost of the services actually provided. The proposed update does a much better job of recapturing the cost of the service. This recommendation was provided to the Chair of Council Building and Housing Committee Councilwoman Barbara Blankfeld, as well as all members of council. I would ask that these fees be enacted to take effect by the first of the year or sooner.

I am preparing and will be issuing a report reorganizing the Building Department and Housing and Community Development Department into a single Department of Community Development, overseen by a single director level employee, with three divisions: Building Division, Housing Division, and Planning Division, together with an organizational chart of employee responsibilities among the divisions. I have been working closing with the personnel in the departments, not only to oversee the essential work of the departments, but to prepare them for the changes that will be coming.

Of particular interest to much of the public, and among those changes that is in the works, and will soon be deployed in beta form, will be to move the ordering of special pickups out of the building department and onto our website. Historically, the fee has been collected by the building department because, unlike our service department, they have had a counter open to the public for accepting payments for permits and fees, and because our inspectors needed to be able to check on orders of special pickups to know whether to tag items left on tree lawns. Due to COVID-19, we have not had that physical counter open. Payments have been left in the slot of the Building dept house, or in the City Hall mailbox, and processed from there.

With the new system under development, the special pickup will be ordered on our city website, with a description of the items to be picked up, paid for by credit or debit card, and the information transmitted simultaneously to three departments: Service, to perform the pickup; Community Development, to let the Housing Inspectors know if a special pickup order is pending at an address before tagging a rubbish pile; and Finance, to reconcile the payments. At the next meeting I will announce the date by which we expect the new service to go live.

**City Engineer – Joseph Ciuni** reported that the Laurelhurst Watermain Replacement Project is ongoing and that the entire waterline has been replaced. The next step is for the waterline to be tied in to each home and for the water to be tested and received two positive results. The project should be completed by the end of October 2020.

**Communications Department – Mike Cook** stated that he continues to work on the US Census with a plan to reach out to the home and apartment renters.

#### **Economic Development – Mayor Brennan read Susan Drucker report in her absence**

- 1) The first version of the RFP for the Comprehensive Zoning Code has been drafted and will be ready to review by the Economic Development Committee at their next meeting.
- 2) B.R. Knez is moving forward with their developments. The house on Northwood has been sold and is currently under construction. The property located at 3505 Tullamore has been sold and permits were picked up on 8/31. Construction on that site will begin by month's end. As a reminder the resident meeting for this property was held on June 25, 2020. Knez is completing a set of drawings to submit to ARB for the S. Green lot. The developer is also in the process of working with their outside architects on a set of drawings for the S. Taylor residential attached site. Once those are completed, they will begin the approval process with the City.
- 3) Dommos Construction purchased the property at 4499 Groveland. The plan is to demolish the existing home and build two new houses. The builder will need to submit plans for a lot consolidation and lot split. When this item is placed on either the Council or the Planning Commission agenda, Council will want to ensure surrounding property owners are notified of the proposed development per the notification provisions. This is not a CIC project and therefore will fall under Council holding the resident meeting.
- 4) I have drafted a Small Business Assistance Program and Brendan Zak has drafted a Rental Assistance Program, a Mortgage Assistance Program, and a Utility Assistance Program to be implemented as part of the CARES Act funds received by the City. Upon review from the Mayor and Law Director, these programs will be on the September 21<sup>st</sup> Council agenda.
- 5) The plans for the parking lot improvements to 2115 S. Taylor, which is the former KFC site, were approved contingent upon the approval of the easement by the City.

There were no other director reports.

**Standing Committees:**

**Building Committee** – Mrs. Blankfeld reported that the committee met a few times over the summer and will meet again in September. The committee continues to review codified ordinance 1280.10 Rental Registrations; 1280.11 (a)(9) occupied regulated apartment structures and review Building Department permit fees.

**Finance Committee** - Mrs. Weiss reported that there will be a Strategic Planning Committee (a sub-committee of the Finance Committee) in the next few weeks on Tues., Sept 15<sup>th</sup> at 7pm to develop a strategic plan for the City both short-term and long-term. Mrs. Weiss said she hopes to start budget meeting in October.

**Service Committee** – Mr. Gould reported that the series of public hearings regarding the rubbish study would be in the near future to receive the resident’s viewpoint.

There were no other committee reports.

**MOTION BY MRS. BLANKFELD, SECONDED BY MRS. PARDEE to adjourn executive session and resume regular session. On roll call, all voted “aye.”**

**MOTION BY MR. ERTEL, SECONDED BY MRS. BLANKFELD to adjourn the meeting. On roll call, all voted “aye.”**

There being no further business, the meeting was adjourned at 10:54p.m.

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Michael Dylan Brennan, Mayor

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Kelly M. Thomas, Clerk of Council