

**MINUTES SPECIAL COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
MEETING HELD VIA ZOOM | 885 2076 5002
WEDNESDAY, SEPTEMBER 21, 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
City Planner Brennan Zak
Communications / Civic Engagement Michael Cook

Special Council Meeting July 15, 2020

There were no corrections to the July 15, 2020 minutes.

MOTION BY MR. RACH, SECONDED BY MRS. WEISS for the passage of the July 15, 2020 Special Council Minutes. On roll call, all voted “aye.”

Special Council Meeting July 28, 2020

There were no corrections to the July 28, 2020 minutes.

MOTION BY MRS. WEISS, SECONDED BY MR. ERTEL for the passage of the July 28, 2020 Special Council Minutes. On roll call, all voted “aye.”

Council Meeting September 9, 2020

Mrs. Pardee noted that on page 8, last paragraph the line that reads “If the city continues to use and pay for recycling \$16,000 is probably less than 1% of the city’s budget should read probably less than 0.1% of the city’s budget.

There were no other corrections to the September 9, 2020 minutes.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL for the passage of the September 9, 2020 Council Minutes as corrected. On roll call, all voted “aye.”

Comments from Audience

Mr. Rick Creger, 2592 Saybrook asked for an update regarding University Square. Mayor Brennan replied that the property bond holders and developers are negotiating the transfer of the property.

Mr. Paul Miller, 2170 Charney for over 40 years. Mr. Miller stated that one of the pluses to living in University Heights was having backyard rubbish pickup and had no complaints with this service. Mr. Miller added that he would be willing to spend extra money to have back yard rubbish collection service.

Mr. Colin Derkic, JCU Student Government was present to inform Council that the John Carroll community, student government and students are in support of the continuation of the City’s recycling program.

Mayor's Report

Mayor reported that the City's Special Pickup ordering page went live last week and is up and running. Special pickups can now be order from the City's website: www.universityheights.com/special-pickups using debit and credit cards. Resident can still send special-up payments using exact change or check via mail to hand delivery to the Building Department mail slot.

That concluded the Mayor's report.

Agenda Items:**A) Presentation by Representatives of the Citizens Advisory Committee on Policing Policies**

Mayor Brennan stated that the Citizens Advisory Committee on Policing Policies. The committee is broken down into six (6) sub-groups with each group having its own chairperson. The groups are as follows: Use of Force (GO 130 1-7); Reporting – Oversight (GO 130 8-14); Non-lethal Weapons (GO 131); Lexipol/Communication/Bridge Building w/Police; Outreach and De-escalation. Mayor Brennan added that the Committee will continue to meet monthly every 3rd Wednesday of the month beginning October 14, 2020. Each sub-committee provided a brief summary of their meetings.

Mrs. Pardee thanked everyone who worked on the committee. Mrs. Pardee added that she was interested in seeing all the recommendations in one place and asked what the immediate next steps for the committee would be and under what Administrative Department would the sub-committee fall.

Mayor Brennan replied that the committee would continue conducting monthly meetings and working with the Police Department.

B) Presentation by Diane Bickett, Executive Director, Cuyahoga County Solid Waste District

Ms. Diane Bickett reviewed recycling programs in Cuyahoga County, the domestic market for recyclables and what happens to recycled materials once they are collected from homeowners. Ms. Bickett also reviewed the cost associated with the City's recycling program.

C) Ordinance 2020-44 Authorizing the Mayor to Execute an Agreement for Recycling Processing Services between University Heights and Kimble Company (on second reading and emergency)

Mr. Pokorny reviewed the bids that the City received on June 26, 2020 by Cuyahoga County Solid Waste District on the behalf of the multi-city consortium. As Mr. Pokorny had reported in his memo provided and explained at the previous Council Meeting on September 9, 2020 he recommended that the City enter into contract with Kimble Company for its recycling processing services. University Heights only recycles about 285 tons per year and Mr. Pokorny recommended entering into contract with Kimble Recycling & Disposal, Inc. for recycling disposal and processing. The contract would be for two (2) years from October 1, 2020 through September 30, 2022.

Mrs. Blankfeld acknowledge the split between Council members regarding the recycling program and each of them has the City's best interest at heart but were coming from different viewpoints. Mrs. Blankfeld stated she found it disheartening what she was reading on Facebook that persons felt that Council was not concerned or didn't care about the environment because of their concern about the City's financial affairs. Mrs. Blankfeld said that one can care about the environment and the financial health of the City and have to be concerned with every dime to which why she would be voting as she will. Mrs. Blankfeld stated that this would be a temporary suspension of a very small recycling program. All recycling is important, but the current program has a small percentage of participation. Mrs. Blankfeld added that she was looking forward to a time when having a recycling program would not cost the City money it didn't have.

Mr. Ertel agreed with Mrs. Blankfeld in that the City's budget is in a distressed state and that Council needs to pay close attention to it. But, the environment is also very important and that it was their responsibility to

manage that. Personally, Mr. Ertel said he did not think the cost of \$16,000 a year would bust the bank and environmentally it was more important to put the City's resources to that.

tall of his colleagues' comments and that personally he felt it was the role of the government to do good towards the environment and the planet to make the world a better place for future generations. At times that may come at a cost and he was prepared to vote although he did not believe it needed to be approved on an emergency basis.

Mr. McConville recommended that Ordinance 2020-44 be amended to remove the emergency clause.

MOTION BY MR. RACH, SECONDED BY MRS. BERRY to Amend Ordinance 2020-44 and remove the emergency clause. On roll call, all voted "aye," except Mrs. Blankfeld, Mrs. Weiss and Mr. Gould who each voted "nay."

Amendment of Ordinance 2020-44 passed.

MOTION BY MR. RACH, SECONDED BY MRS. BERRY Approving Ordinance 2020-44 without the emergency clause. On roll call, all voted "aye," except Mrs. Blankfeld, Mrs. Weiss and Mr. Gould who each voted "nay."

D) Amended Ordinance 2020-31 Enacting Codified Ordinance Section 280.04 Entitled "Public Hearings; Notice."

Mr. McConville stated that reviewed that Council minutes from June when this legislation was originally considered and during that meeting he had indicated that he would review the language that Mr. Gould wanted to amend. In terms of presenting the Ordinance to Council for amendment, that should happen from the Council floor because there was no directive or vote at the initial meeting.

Mr. Gould commented that the notice provision which mirrors a change that was undertaken by the CIC after a certain plot of land which had been allocated as a Rain Garden was transferred to the CIC. That plot of land was the subject of a potential sale to a local developer and the response from citizens after learning of that plan. Mr. Gould stated that members of this Council shared a concern that the land would have been transferred to the CIC and may have been transferred out of the CIC's ownership without the notice provision to the citizens and their having the ability to go to their Council to raise their concerns. Mr. Gould continued to say that this would give Council the opportunity to hear from their constituents before they would make decisions that implicate surrounding parcels.

Mr. McConville noted that there are a few cases that emanated from a zoning context where municipalities are obligated to provide notice to property owners within a certain radius on impacted properties. Courts were ruling that failure to give notice was fatal to a project. There are a few instances in Ohio where Courts have, even in instances where construction has already begun on a project concluded that the zoning change made by a Board of Zoning Appeals whether it be for area variances or use variances were invalidated due to the lack of proper notice to neighboring property owners. Mr. McConville said CIC's were relatively new so he didn't find anything that was exactly as it relates to the transfer from a municipality to a CIC.

Mayor Brennan remarked that he thought that this was scheduled to go to committee and recommended that Council tables this item and send it to committee for discussion.

Mrs. Pardee stated that she would like to see this go to committee for further discussion.

Mayor Brennan commended that this go to the Economic Development committee.

Mr. McConville noted that language in this legislation was pulled from language for Board of Zoning and Planning Commission regulations.

MOTION BY MR. GOULD, SECONDED BY MRS. BLANKFELD to table Ordinance 2020-31 and to send it to the Economic Development Committee for further discussion. On roll call, all voted "aye."

E) 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 and for collection in 2021.

MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD to Approve 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. On roll call, all voted “aye.”

F) Ordinance 2020-45 Adopting Small Business Assistance Program Appropriating Funds in Cares Act Funding to Said Program

Mrs. Drucker stated that she and Mr. Zak researched and drafted the legislation in for agenda items f, g, h and i prior to the City having a clear directive as to the use and distribution of Cares Act funding. Legislation was prepared for consideration in the event that if there are any remaining funds not encumbered from the first two distributions for example to payroll and the purchase of PPE there would be a plan for the remaining dollars. In view of recent legal opinion from the City’s Law Director that referenced the Treasurer’s opinion that funds can be used for payroll for the safety forces. Mrs. Drucker recommended keeping Ordinance 2020-45 on first reading at this time for a backup plan.

Mrs. Drucker stated that the Small Business Program was created to mitigate the economic hardships that are being experienced by the City’s local small businesses due to Covid. There are several requirements listed on the application in order to apply for consideration to receive assistance from the program. An internal Administrative Committee would review all applications with a maximum grant amount of \$5,000 to each recipient. Mrs. Drucker added that the application states that application does not guarantee financial assistance.

Mr. Gould noted he wanted to be sure that the proposed programs met “Aims”. For example, in regards to the rental program Mr. Gould asked whether or not there could be some sort of mediation process with the tenant and landlord to come to an agreement that whatever amount that is provided as part of the grant would be the settlement of the rent in rears such that the aim of keeping people off the street and in their homes in University Heights is maintained.

Mrs. Weiss noted that the City’s Finance Director would know more information about the Cares Act Funding to the city in November so she was in favor of having Ordinances 2020-45, 46, 47 and 48 go to committee for discussion.

Mayor Brennan noted that there were deadlines in accepting the Cares Funding and that October was the deadline for incumbering monies. Mayor Brennan added that there was a housing crisis.

Mr. McConville added that currently the funds need to be incumbered by October 15, 2020 and that the funds have to be spent by the December 31, 2020.

Mayor Brennan suggested that the committee meet sooner rather than later in order to discuss the proposed Ordinances.

Mrs. Blankfeld asked who would comprise the committee to review the applications.

Mrs. Drucker stated that the committee would consist of herself, the Mayor, Mr. Kennedy, Mr. Zak and the Council Chair of which ever Council Committee that program fell under.

Mr. McConville noted that each Ordinance has language which states who will administer each program.

MOTION BY MR. RACH, SECONDED BY MRS BERRY to refer Ordinance 2020-45 Adopting Small Business Assistance Program Appropriating Funds in Cares Act Funding to Said Program to the Economic Development Committee for further discussion. On roll call, all voted “aye.”

G) Ordinance 2020-46 Adopting Mortgage Assistance Program and Appropriating Funds in Cares Act Funding to Said Program (on emergency)

Mr. Zak referred to data he received for 211 United Way where as of August 1, 2020 one resident called for mortgage assistance and 24 residents called for rental assistance. The proposed programs will help to keep residents in their homes and in University Heights.

Mr. Gould noted the importance of having programs such as this and noted the importance balancing these programs.

Mr. Gould asked Mr. McConville how far the City's Home Rule go regarding evictions from the Covid pandemic.

Mr. McConville stated that the Canton Test is a four-prong test that analysis whether any particular law is considered a general law. In broad terms a general law that is a matter of State-wide concern. When there are general laws and the municipal ordinance contradict those laws, they are considered to be unconstitutional. Which means that the Home Rule power does not extend to the point of being able to do away with the General Law. Landlord to tenant type relationships will violate that Canton General Law Test as stated in Chapter 5321 statute.

MOTION BY MRS. PARDEE, SECONDED BY MRS. BLANKFELD to refer Ordinance 2020-46 Adopting Mortgage Assistance Program and Appropriating Funds in Cares Act Funding to the Building and Housing Committee for further discussion. On roll call, all voted "aye."

H) Ordinance 2020-47 Adopting Rental Assistance Program and Appropriating Funds in Cares Act Funding to Said Program (on emergency)

Mr. Zak reported that the funding provided for the Rental Assistance Program would be a grand total of \$30,000.

Mr. Gould asked Mr. McConville how far the City's Home Rule go regarding evictions from the Covid pandemic.

MOTION BY MRS. PARDEE, SECONDED BY MRS. BERRY to refer Ordinance 2020-47 Adopting Rental Assistance Program and Appropriating Funds in Cares Act Funding to the Building and Housing Committee for further discussion. On roll call, all voted "aye."

I) Ordinance 2020-48 Adopting Utility Assistance Program and Appropriating Funds in Cares Act Funding to Said Program (on emergency)

Mr. Zak stated that the funding provided for the Utility Assistance Program would have a grand total of \$8,000 with a maximum of \$1,000 per household.

MOTION BY MRS. BLANKFELD, SECONDED BY MRS. PARDEE to refer Ordinance 2020-48 Adopting Utility Assistance Program and Appropriating Funds in Cares Act Funding to the Building and Housing Committee for further discussion. On roll call, all voted "aye."

J) Motion Authorizing Mayor to Apply for the Ohio Environmental Protection Agency Level 2 Electric Vehicle Charging Station Grant

Mr. Zak stated that this was a grant that would allow the City to purchase a Level 2 Electric Vehicle Charging Station. Typically, persons are using public charging stations are there between 30 minutes to two hours. The proposed charging station site would be in the City Hall parking lot in the two spaces closes to the Building Department, one of the charging spaces would be ADA accessible. The grant is for \$15,000 and thus far quotes for the station have been in the \$12,000 - \$13,000 range. There would be no expense to the city and the funding would cover 5 years of programming and software after which time there could be the potential for the City to earn money for having the charging station.

Mrs. Weiss asked if that was the most accessible area because it was a hard area to reach in that parking lot and asked if that area would be a workable spot for a charging station.

Mr. Zak explained that it is a difficult area but that the grant outlined specific criteria and one was that the charging station had to be within a quarter mile of a major roadway. In checking with the library, they were not able to commit for this year and John Carroll University doesn't have a public accessible parking lot.

Mrs. Weiss asked about the Walter Stinson Park parking lot on Saybrook Road.

Mr. Zak replied that it was just out of the range from the major roadway.

Mr. Gould asked what the maintenance and cost factors were.

Mr. Zak replied that it depends on which company the City went with but there would be a monthly \$7 fee to connect to the electric pole, plus the cost incurred by the user. There would also be a \$100 - \$400 yearly fee for the software and maintenance. The City would recoup some of the electric cost by charging the user.

MOTION BY MR. GOULD, SECONDED BY MRS. WEISS Authorizing the Mayor to Apply for the Ohio Environmental Protection Agency Level 2 Electric Vehicle Charging Station Grant. On roll call, all voted "aye."

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

There was no need for an Executive Session.

Director's Reports

Finance Director – Dennis Kennedy reported that the tax assessments were filed with the County Auditor's Office and that the tax rates would be filed soon. The State Auditors are auditing the City's financials and a post audit meeting will occur mid-October.

Law Department – Luke McConville stated that he was still working on the Heights Jewish Center contract.

Fire Department – Chief Perko stated that the number of structure fires has increased 5% over the last years. September is National Preparedness month and October is National Fire Prevention month. The department will begin its Fall fire hydrant flushing soon.

Service Department – Jeffrey Pokorny reported that sanitary sewer cleaning continues on the western part of the City with approximately 2 more weeks to do to completion. The storm laterals being checked as well as conducting road way and catch basin repairs.

There were no other director reports.

Standing Committees:

Building Committee – Mrs. Blankfeld reported that the committee will meet during the first or second week of October.

Community Outreach - Mrs. Pardee reported that the Tech Advisory Committee will meet on Sept. 24 at 6:30pm to discuss the RFQ to find a company to identify a comprehensive type of IT system that the City should employ and the kinds of services the City should have.

Economic Development Committee – Mr. Rach stated that the committee would be meeting in the next few weeks to discuss Ordinances 2020-31 and 2020-45.

Finance Committee - Mrs. Weiss reported that the Sub-Finance Committee met and discussed the strategic planning process and different opinions are being explored to find a facilitator for that. In addition, the budget process is beginning and there will be a Finance Committee meeting on October 27, 2020.

Service Committee – Mr. Gould reported that the first of a series of public hearings regarding the rubbish study would be on September 30, 2020 at 6pm via Zoom to shape how rubbish is picked up.

Safety Committee – Mrs. Berry thanked the Citizens Advisory Committee on Policing Policies for their hard work and presentation. The committee hopes to continue to meet monthly and reviews the recommendations.

There were no other committee reports.

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

There being no further business, the meeting was adjourned at 10:17p.m.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council