



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

TUESDAY, JANUARY 18, 2022

LOCATION:

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

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

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

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

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

1. Roll Call
2. Pledge of Allegiance;
3. Reading and Disposal of the Journal;
4. Additions and Removals from the Agenda; Referrals to Committee;
5. Comments from the Audience;
6. Reports and Communications from the Mayor, and the taking of action thereon;
(a) Announcement of Appointments to Board of Zoning Appeals (Ari Jaffe, Kevin Goodman, and Matthew Kaliff)
7. Reports and Communications from the City Council, and the taking of action thereon;
(a) Announcement of Appointments to Council Standing Committees
(b) Election of Council Representatives to Boards and Commissions
(c) Announcement of Council Liaisons to Committees and Commissions
8. Reading and Disposition of ordinances, resolutions, motions, and consideration of agenda items;

- Added Item**
- A. Motion to Approve Planning Commission’s Recommendation of Approving Application from Ronald Kluchin Architects, Inc. regarding 4461 & 4471 University Parkway for New Home Construction
 - 1. Request for demo of two houses (4461 & 4471 University Pkwy)
 - 2. Request for consolidation of the lots (721-21-056 & 721-21-057)
 - 3. Site Plan Approval
 - B. Resolution 2022-08 Necessity Declaring the Intent to Appropriate and Acquire the Fee Simple Interest in Certain Real Property Titled to University Square Real Estate Holdings, LLC, known as 2203 Warrensville Center Road, Bearing Permanent Parcel No. 721-01-001, City of University Heights, County of Cuyahoga, State of Ohio, as more fully described herein, for the Purpose of Eliminating Blight (on first reading)
 - C. Ordinance 2022-04 Amending Ordinance 2021-52 By Increasing the Spending Authority Authorized Therein for Costs Relating to a Joint Firefighter/Paramedic Entrance Exam Participation Agreement, and Declaring an Emergency (on emergency)
 - D. Ordinance 2022-05 Enacting Codified Ordinance Chapter 1615 Entitled “Fireworks.” (on first reading)
 - E. Ordinance 2022-06 Providing for Submission to The Electors of The City of University Heights A Proposed Amendment to the Charter to Amend Article 7 Section 3 Relating to the Civil Service Commission, for the Purpose of Expanding the Number of Permitted Eligible Candidates for Open Positions in the Police and Fire Service, and Declaring an Emergency (on emergency)
 - F. Ordinance 2022-07 Appointing Jeune Drayton as Assistant Clerk of Council, and Declaring an Emergency (on emergency)
 - G. Motion to Amend the 2022 Calendar of Meetings and Changing the Monday, June 20, 2022 City Council Meeting to Tuesday, June 21, 2022 to reflect City Hall Offices being Closed on June 20, 2022 for Juneteenth
 - H. Motion to Enter Executive Session for the purpose of Discussing Legal Proceedings, Personnel and Real Estate Matters
9. Reports and communications from the Directors of the Department of Finance, the Department of Law, the Department of Public Safety, the Department of Public Service, and other department heads as applicable, and the taking of action thereon;
- a) Finance
 - b) Law
 - c) Public Safety (Police/Fire)
 - d) Service
 - e) Building
 - f) Housing and Community Development
 - g) City Engineer
 - h) Communications / Civic Engagement
 - I) Economic Development

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

BUILDING/HOUSING

Chairperson Barbara Blankfeld

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

COMMUNITY OUTREACH

Chairperson Brian King

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

ECONOMIC DEVELOPMENT

Chairperson John Rach

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

FINANCE

Chairperson Michele Weiss

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

RECREATION

Chairperson Chris Cooney

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

SAFETY

Chairperson Justin Gould

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

SERVICE AND UTILITIES

Chairperson Sheri Sax

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

COMMITTEE OF THE WHOLE

Vice Mayor Michele Weiss

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

12. Unfinished and miscellaneous business;

13. Adjournment



TO: Mayor Brennan and Members of City Council
FROM: Kelly M. Thomas, Clerk of Council
DATE: January 14, 2022
RE: Planning Commission Decision

At its regular meeting held on Thursday, January 6, 2022, the Planning Commission made the following motions to be approved by City Council.

**A. Application from Levine Architecture Ronald Kluchin Architects, Inc.
regarding 4461 & 4471 University Parkway for New Home Construction:**

1. Request for demo of two houses (4461 & 4471 University Pkwy)

MOTION BY MR. RACH, SECONDED BY MR. SIEMBORSKI to approve the demolition of 4461 & 4471 University Pkwy. for the purpose of building a new home with the condition that the homeowner enters into a development agreement with the City for the new house build. On roll call, all voted “aye.”

2. Request for consolidation of the lots (721-21-056 & 721-21-057)

MOTION BY MRS. URBAN, SECONDED BY MR. SIEMBORSKI to approve the consolidation of lots 721-21-056 & 721-21-057 subject to the demolition of the two existing houses and the homeowner entering into a Development Agreement with the City. On roll call, all voted “aye.”

3. Site Plan

MOTION BY MR. RACH, SECONDED BY MR. SIEMBORSKI to approve the submitted Site Plan with the condition that the driveway is scaled back to 12ft. in width. On roll call, all voted “aye.”



GPD GROUP
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.

Cleveland Office

5595 Transportation Blvd
Suite 100
Cleveland, OH 44125

tel 216.518.5544
fax 216.518.5545
www.gpdgroup.com

Honorable Michael D. Brennan, Mayor
City of University Heights
2300 Warrensville Center Road
University Heights, Ohio 44118

Jan. 3, 2022
2022003.01

RE: Planning Commission Meeting Jan. 6, 2022

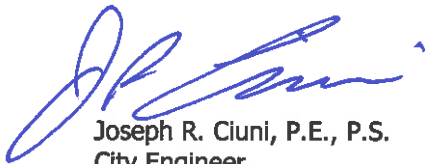
University Parkway S/L 11 and S/L 12 – Consolidation Plat

Dear Mayor Brennan:

We have reviewed the proposed Consolidation Plat for the above referenced project and the Plat meets all City and County standards. The proposed Consolidation of the two properties is hereby recommended for approval subject to the following:

1. The properties currently have a single-family homes on them. Since the City Codified Ordinances only allow 1 home per lot in the U-1 One Family Residence District, one of the homes must be demolished prior to recording the Plat at the County. This will keep the property in compliance with the City Code.

Very Truly Yours,



Joseph R. Ciuni, P.E., P.S.
City Engineer

Cc: Fred White, Building Commissioner
File 2022003.01

LOT CONSOLIDATION PLAT

Known as being all of Sublot Nos. 11 and 12 in the University Parkway
Subdivision No. 2, of part of Original Warrensville Township Lot No. 7, as shown
by the recorded plat in Volume 131 of Maps, Page 522 of Cuyahoga County
Records. Now situated in the
City of University Heights, County of Cuyahoga and State of Ohio.

Deed Reference:
P.P.N. 721-21-056 (Sublot No. 11)
Elliott Jacobs and Shoshana Dessler Jacobs
AFN 202104160631
P.P.N. 721-21-057 (Sublot No. 12)
Elliott Jacobs and Shoshana Dessler Jacobs
AFN 200906030294

Acceptance
(P.P.Nos. 721-21-056 and 721-21-057)
We, the undersigned owner of the land shown hereon, do hereby assent
to and adopt this lot consolidation plat of the same.

Elliott Jacobs

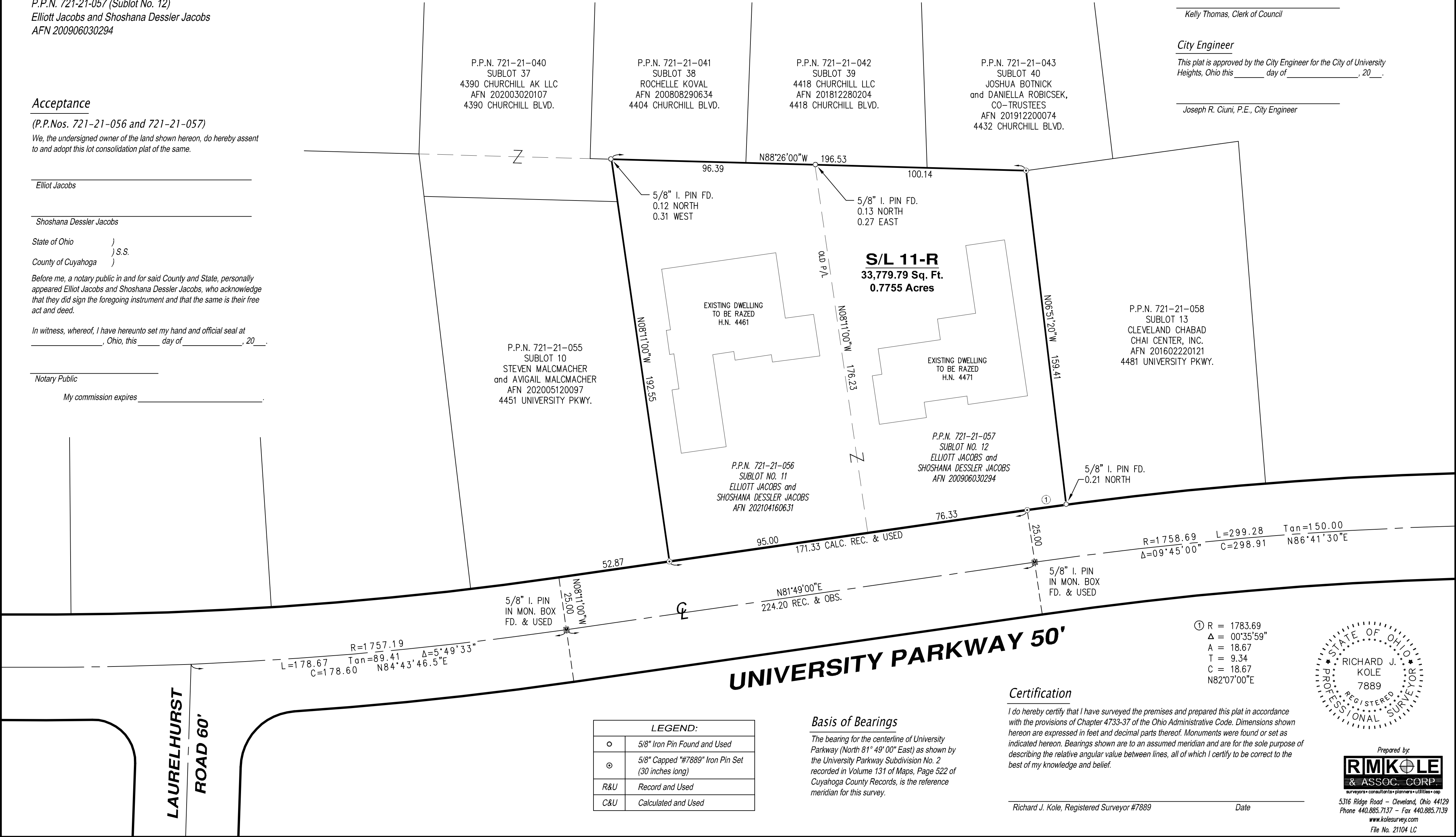
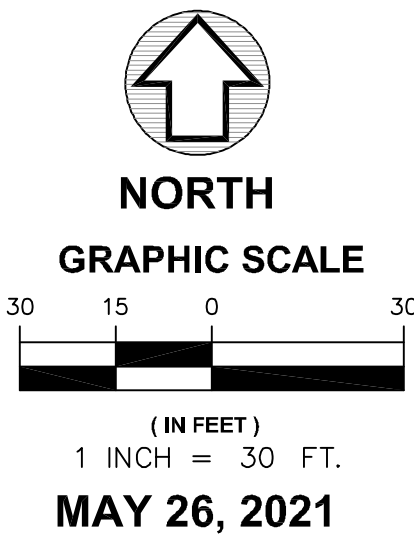
Shoshana Dessler Jacobs

State of Ohio)
County of Cuyahoga) S.S.

Before me, a notary public in and for said County and State, personally
appeared Elliott Jacobs and Shoshana Dessler Jacobs, who acknowledge
that they did sign the foregoing instrument and that the same is their free
act and deed.

In witness, whereof, I have hereunto set my hand and official seal at
Ohio, this day of , 20 .

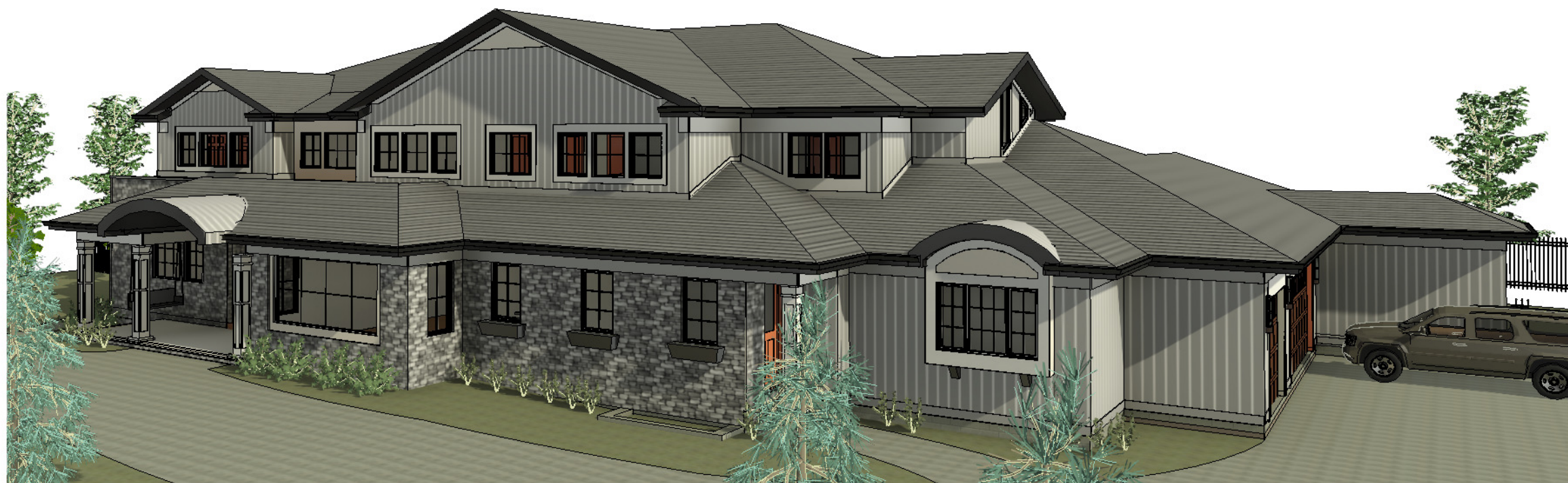
Notary Public
My commission expires .



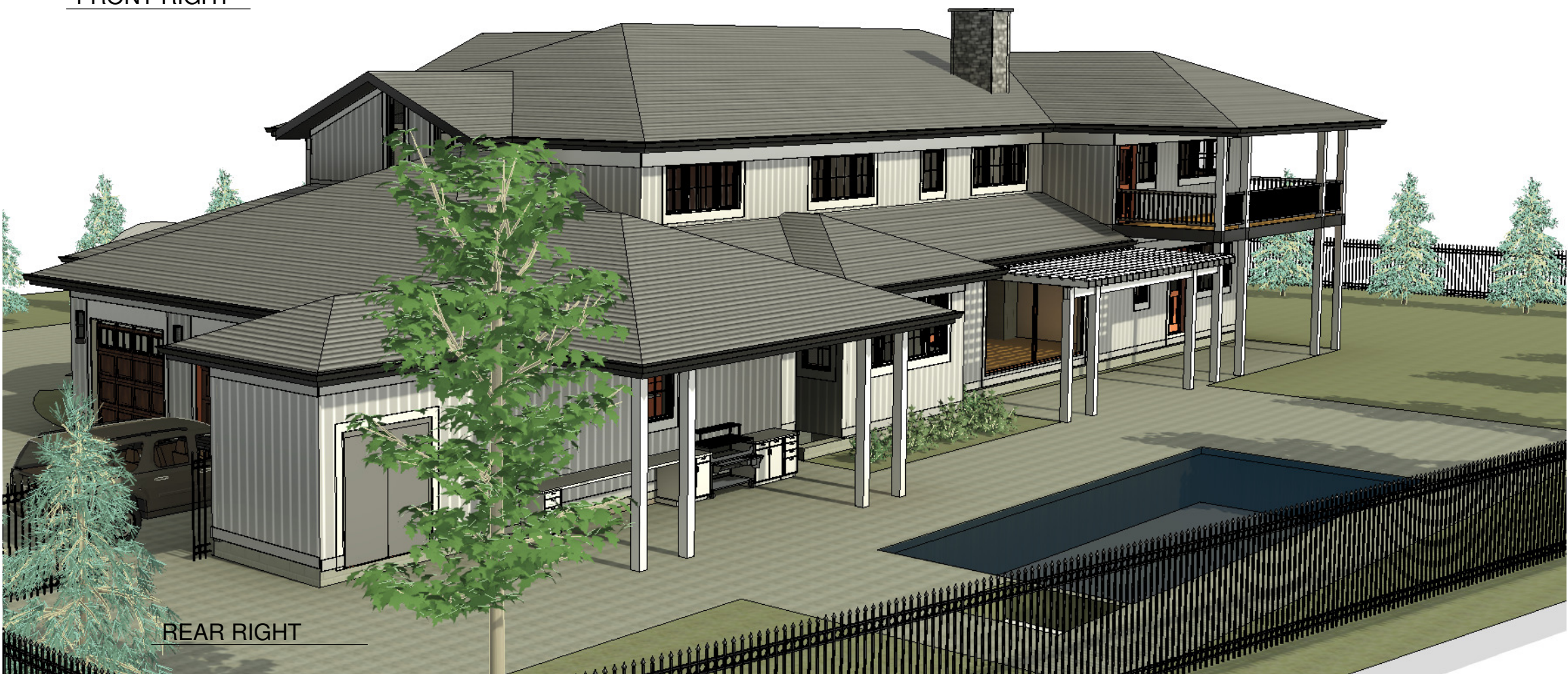
A NEW RESIDENCE
4471 UNIVERSITY PARKWAY
UNIVERSITY HEIGHTS, OHIO



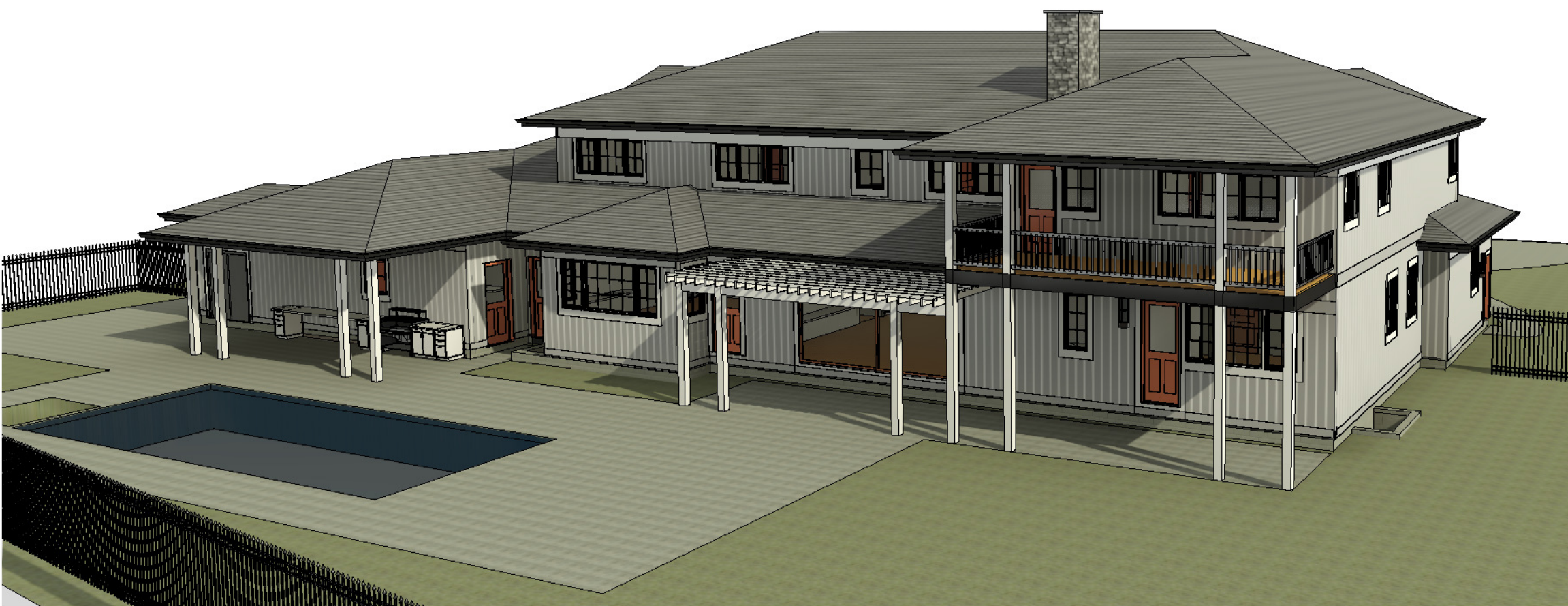
FRONT LEFT



FRONT RIGHT

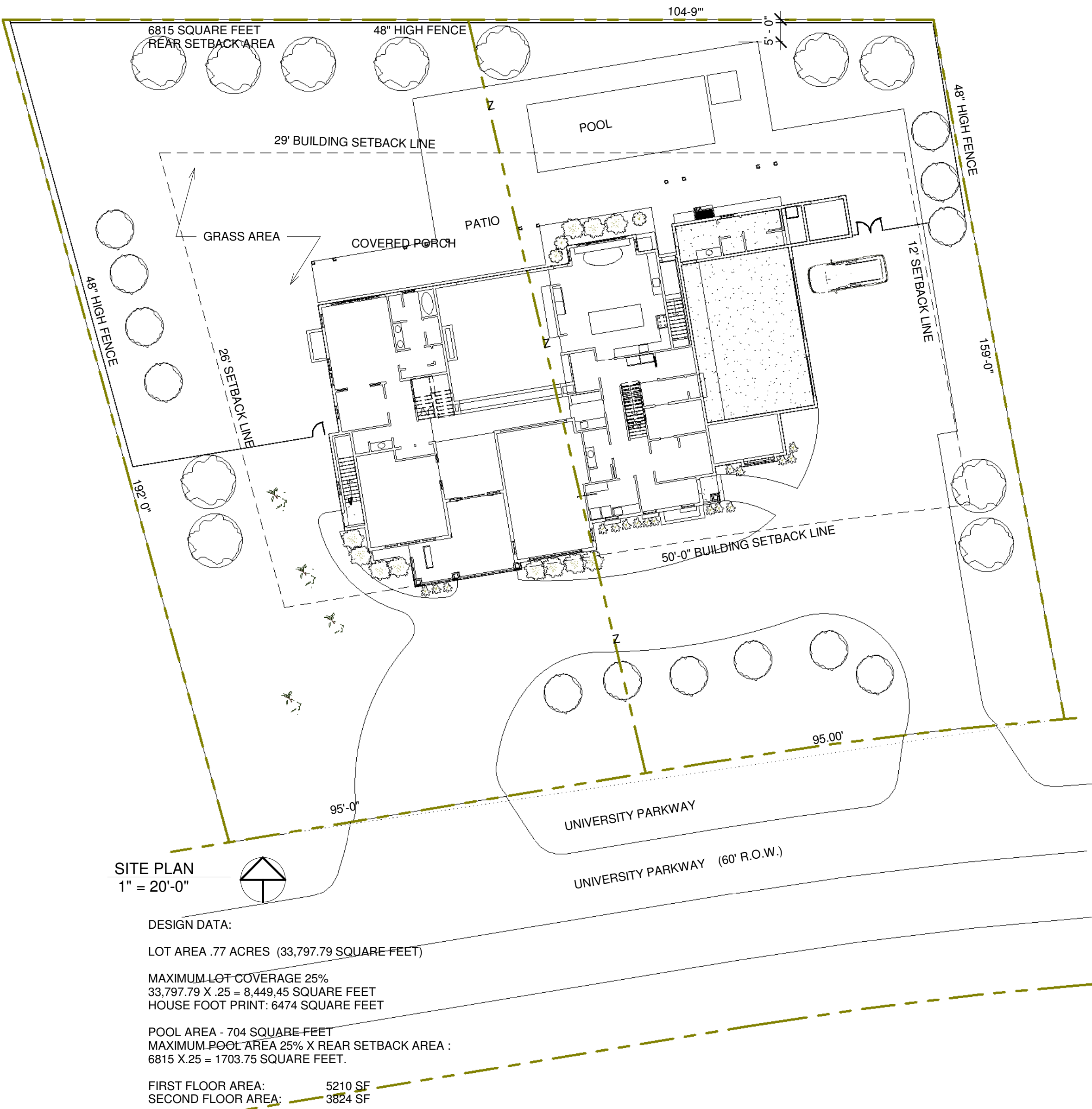


REAR RIGHT



REAR LEFT

EXTERIOR FINISH SCHEDULE	
ROOF	GREY
SIDING	WHITE
TRIM	WHITE
WINDOW TRIM	BLACK
GUTTER AND RAKE BOARDS	BLACK
GUTTERS & D.S.	BLACK
STONE FACE	LEDGESTONE
	HIGH PLANES



DRAWING SCHEDULE	
DWG. NO	DRAWING
A-1	TITLE SHEET
A-2	BASEMENT FLOOR PLAN
A-3	FIRST FLOOR PLAN
A-4	SECOND FLOOR PLAN
A-5	EXTERIOR ELEVATIONS
A-6	EXTERIOR ELEVATIONS
A-7	ROOF PLAN

A NEW RESIDENCE
4471 UNIVERSITY PARKWAY
UNIVERSITY HEIGHTS, OHIO

RONALD KLUCHIN ARCHITECTS INC.
23215 COMMERCE PARK ROAD, SUITE 316, BEACHWOOD, OHIO 44122

2103

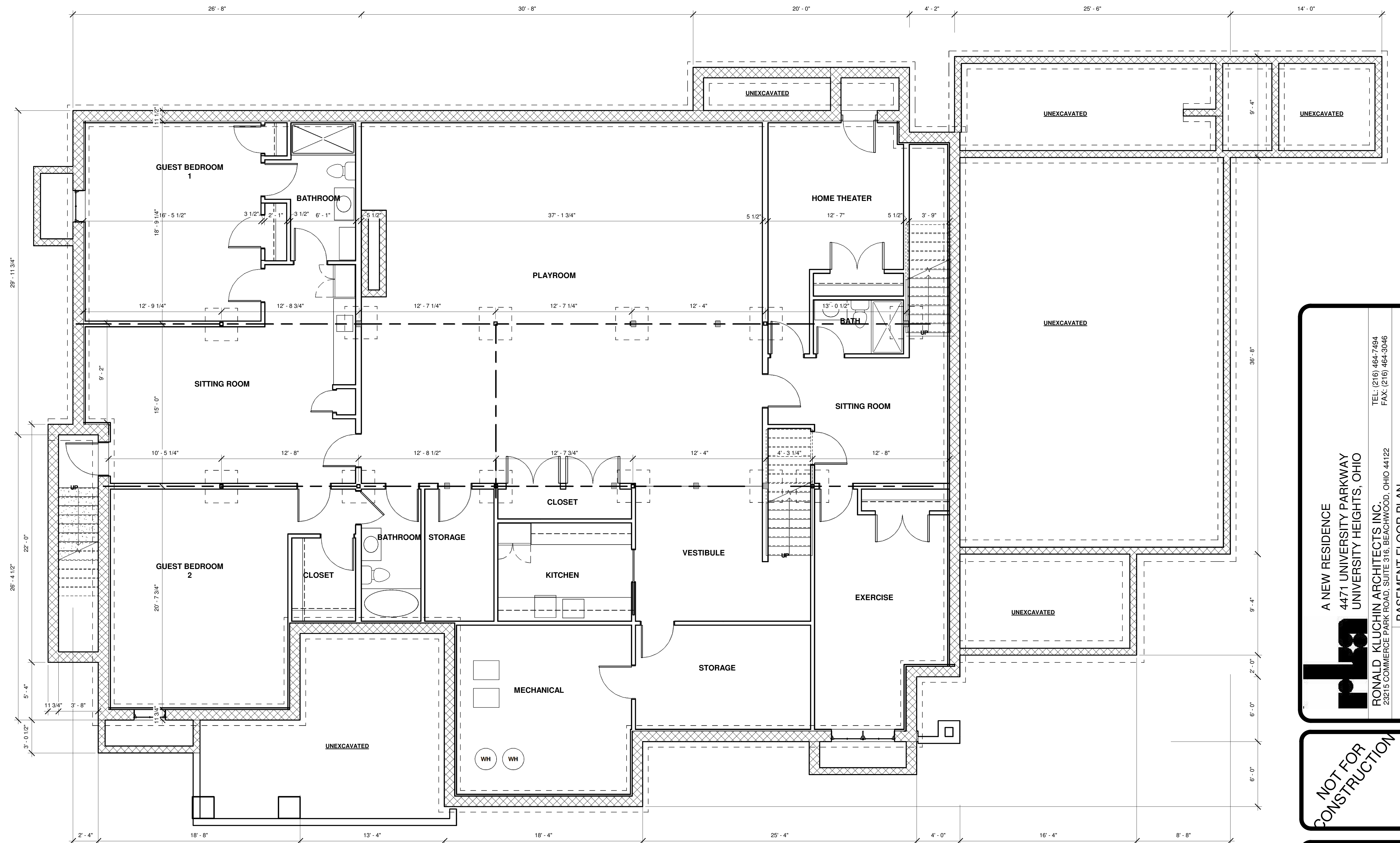
TEL: (216) 464-7494
FAX: (216) 464-3046

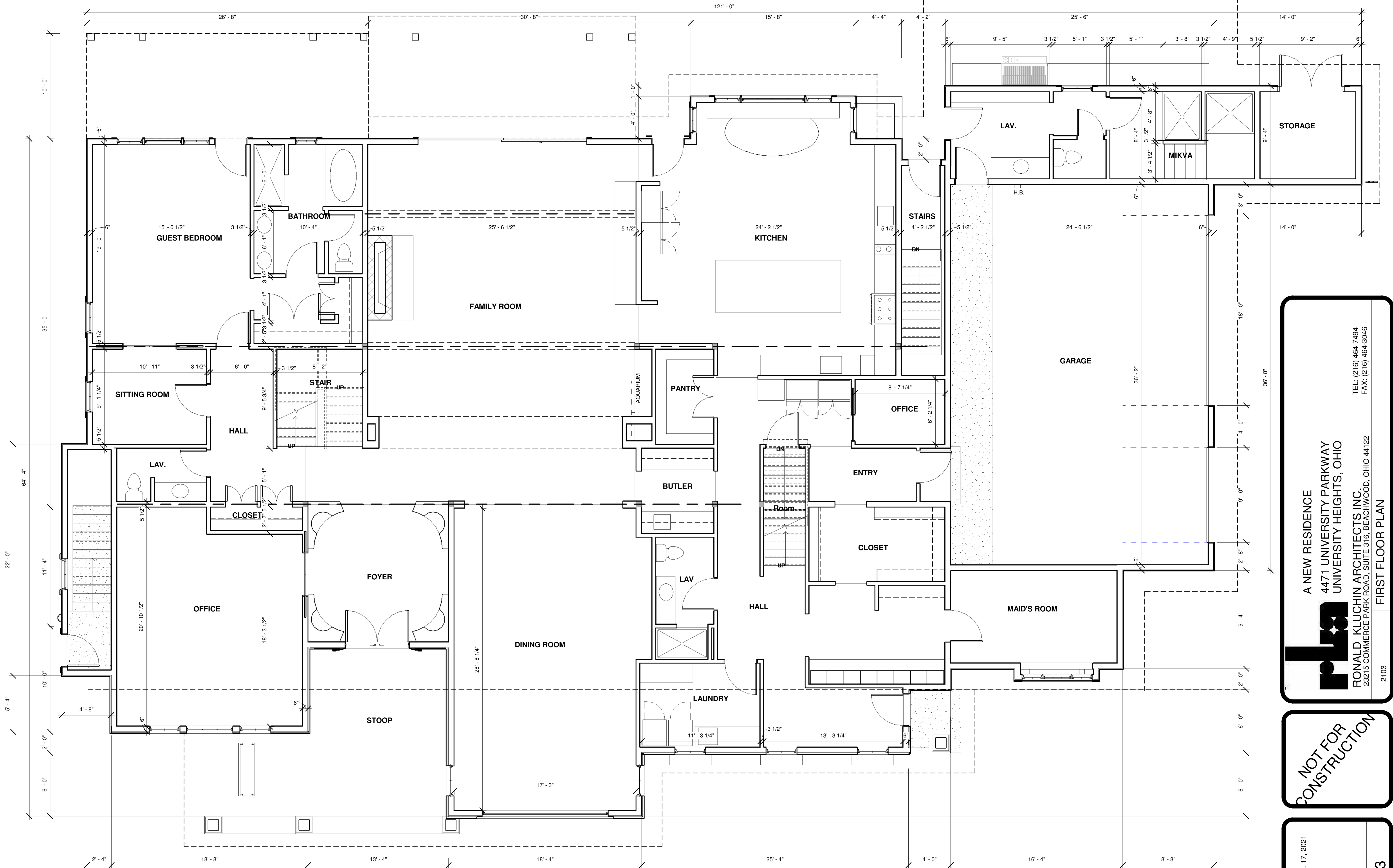
TITLE SHEET

NOT FOR
CONSTRUCTION

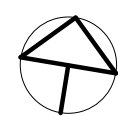
DATE: DEC. 17, 2021

A-1





FIRST FLOOR
1/4" = 1'-0"



A NEW RESIDENCE
4471 UNIVERSITY PARKWAY
UNIVERSITY HEIGHTS, OHIO

KL
RONALD KLUCHIN ARCHITECTS INC.
23215 COMMERCE PARK ROAD, SUITE 316, BEACHWOOD, OHIO 44122

NOT FOR
CONSTRUCTION

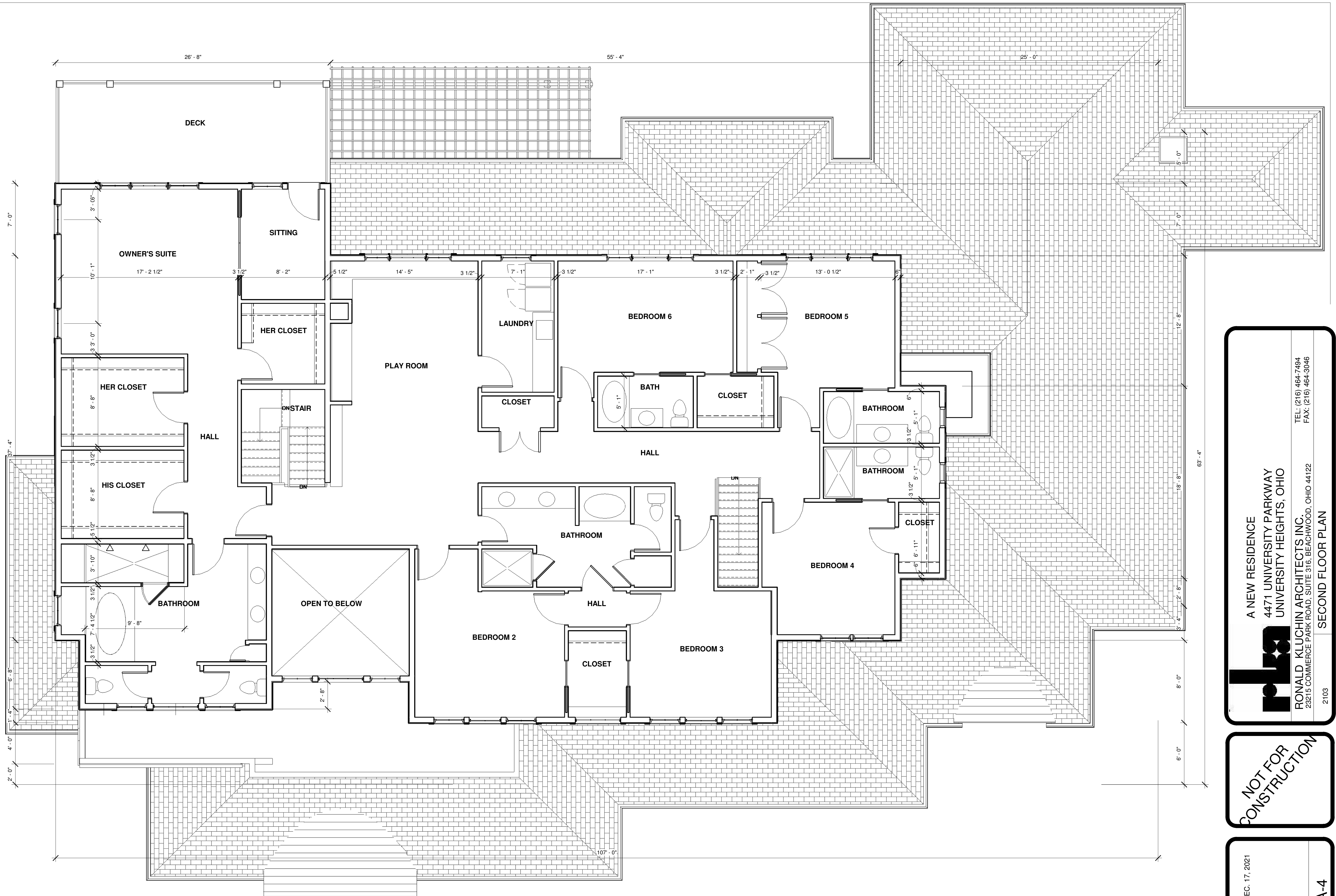
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A-3

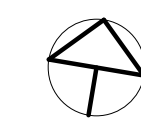
FIRST FLOOR PLAN

2103

TEL: (216) 464-7494
FAX: (216) 464-3046



SECOND FLOOR
1/4" = 1'-0"



A NEW RESIDENCE
4471 UNIVERSITY PARKWAY
UNIVERSITY HEIGHTS, OHIO

KL

RONALD KLUCHIN ARCHITECTS INC.
23215 COMMERCE PARK ROAD, SUITE 316, BEACHWOOD, OHIO 44122

2103

SECOND FLOOR PLAN

TEL: (216) 464-7494
FAX: (216) 464-3046

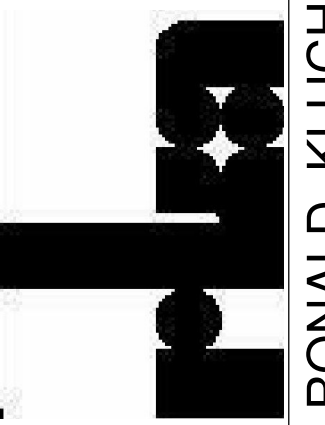
NOT FOR
CONSTRUCTION



FRONT / SOUTH ELEVATION
1/4" = 1'-0"

LEFT / WEST ELEVATION
1/4" = 1'-0"

A NEW RESIDENCE
4471 UNIVERSITY PARKWAY
UNIVERSITY HEIGHTS, OHIO



RONALD KLUCHIN ARCHITECTS INC.
23215 COMMERCE PARK ROAD, SUITE 316, BEACHWOOD, OHIO 44122

TEL: (216) 464-7494
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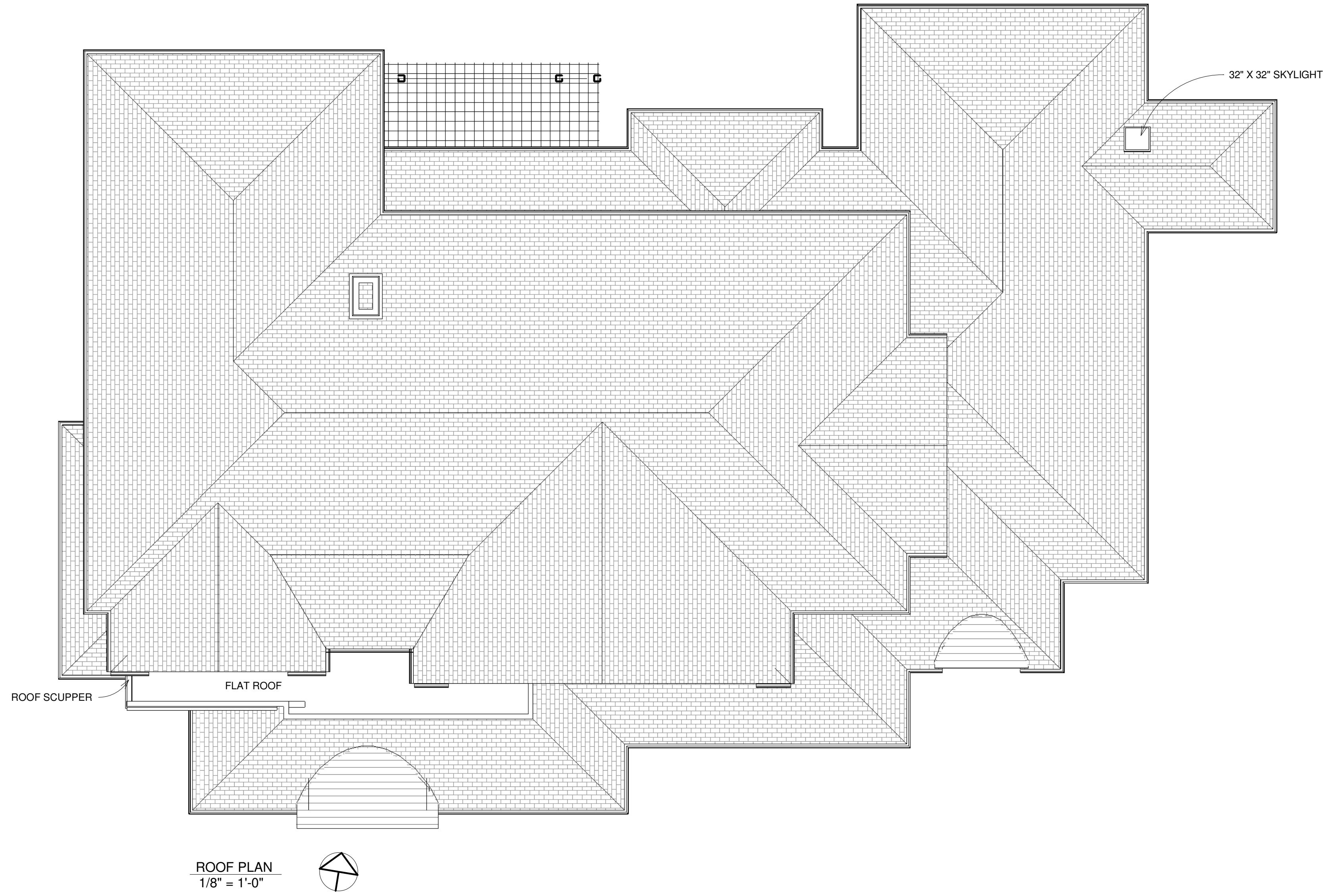
2103

EXTERIOR ELEVATIONS

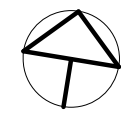
NOT FOR
CONSTRUCTION

DATE: DEC. 17, 2021

A-5



ROOF PLAN
1/8" = 1'-0"



DATE: DEC. 17, 2021

A-7

NOT FOR
CONSTRUCTION

rla
A NEW RESIDENCE
4471 UNIVERSITY PARKWAY
UNIVERSITY HEIGHTS, OHIO

RONALD KLUCHIN ARCHITECTS INC.
23215 COMMERCE PARK ROAD, SUITE 316, BEACHWOOD, OHIO 44122

TEL: (216) 464-7494
FAX: (216) 464-3046

2103

ROOF PLAN

RESOLUTION 2022-08

INTRODUCED BY:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING:

PASSED:

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

PASSED: _____, 2022

EXHIBIT A

ORDINANCE 2022 -- 04

INTRODUCED BY: MAYOR BRENNAN

AN ORDINANCE AMENDING ORDINANCE 2021-52 BY INCREASING THE SPENDING AUTHORITY AUTHORIZED THEREIN FOR COSTS RELATING TO A JOINT FIREFIGHTER/PARAMEDIC ENTRANCE EXAM PARTICIPATION AGREEMENT, AND DECLARING AN EMERGENCY

WHEREAS, the City wishes to participate in a Joint Firefighter/Paramedic Entrance Exam with neighboring communities in order to create a current list of available candidates for firefighter/paramedic positions;

WHEREAS, the cost set forth in the Joint Firefighter/Paramedic Entrance Exam Participation Agreement is \$3,000, and Council previously authorized the expenditure of \$2,000;

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

Section 1. Council hereby amends Section 2 of Ordinance 2021-52 to read in its entirety as follows:

The Finance Director is hereby authorized to pay the City's share of the costs of administering the Joint Firefighter/Paramedic Entrance Exam, including the costs of advertising for said exam, at a cost not to exceed \$3,000.00.

Section 2. Existing Section 2 of Ordinance 2021-52 is hereby repealed.

Section 3. 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 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, the emergency being the need to enter into the Participation Agreement promptly so that the City is included in the advertising, marketing and administration of the exam; 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 2022-05

INTRODUCED BY: VICE MAYOR WEISS

**AN ORDINANCE ENACTING CODIFIED ORDINANCE
CHAPTER 1615 ENTITLED “FIREWORKS.”**

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

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

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

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

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

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

CHAPTER 1615 -- FIREWORKS

1615.01 Definitions

1615.02 Possession, Sale or Discharge Prohibited

1615.03 Exceptions

1615.04 Penalty

1615.01 DEFINITIONS.

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

- (a) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in the Ohio Fire Code.
- (b) "Novelties and trick noisemakers" include the following items:
 - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.
- (c) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (d) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

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

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

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

1615.02 POSSESSION, SALE OR DISCHARGE PROHIBITED.

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

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

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

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

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

1615.03 EXCEPTIONS.

This Chapter does not prohibit or apply to the following

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

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

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

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

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

1615.04 PENALTY.

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

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: _____

PASSED: _____

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

INTRODUCED BY: MAYOR BRENNAN AND VICE MAYOR WEISS

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. Civil Service Commission. The Civil Service Commission shall consist of three electors of the City not holding other municipal office to be appointed by the Mayor

to serve for terms of six years, except that the first appointment shall be for six, four and two years, respectively.

At the time of any appointment not more than two members of the Commission shall be members of the same political party. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment. A member of the Civil Service Commission may be removed by the Mayor for neglect of duty, incapacity, incompetency, or malfeasance in office, but only after opportunity has been given for a public hearing before the Mayor, to be held at least ten (10) days after written charges have been made and notice thereof been given to the accused member. Such member shall be heard in person or by counsel; and such removal shall be final.

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

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

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

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

When a position in the competitive classified service is to be filled by appointment as a hire or as a promotion, the appointing authority upon making that determination shall

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 11. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 12. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, the emergency being the need to provide a certified copy of this Ordinance to the Cuyahoga County Board of Elections within a timeframe sufficient to allow the proposed Charter Amendments to appear on the ballot for decision by the electors of the City of University Heights on May 3, 2022; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor. This ordinance shall take effect from and after the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

PASSED:_____

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

ORDINANCE 2022 -- 07

INTRODUCED BY: ALL OF COUNCIL

AN ORDINANCE APPOINTING JEUNE DRAYTON AS ASSISTANT CLERK OF COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, Codified Ordinance Section 220.09 authorizes the appointment of an Assistant Clerk of Council;

WHEREAS, Council publicly posted the job opening for Assistant Clerk of Council, interviewed candidates, and has selected Ms. Jeune Drayton for said position;

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

Section 1: City Council hereby appoints Jeune Drayton as Assistant Clerk of Council commencing January 19, 2022. In said capacity, the Assistant Clerk of Council shall, under the supervision of the Clerk of Council, perform such duties as are necessary from time to time and as set forth in Exhibit A hereto, which is incorporated herein by reference as if fully rewritten.

Section 2: The Assistant Clerk of Council shall be paid at the rate of \$25.00/hour and shall perform services for up to 25 hours per week.

Section 3: The Mayor or his designee is hereby authorized and directed to take any and all steps necessary to facilitate Ms. Drayton's commencement of employment as of the date set forth in Section 1 hereof.

Section 4: The Assistant Clerk of Council shall serve at the pleasure of Council.

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 that the Assistant Clerk of Council can commence employment promptly for the benefit of Council and the City's administration, without delay or interruption; 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**

JOB TITLE:	Assistant Clerk of Council	WAGE SCHEDULE:	
DEPARTMENT:	Council	CLASSIFICATION:	Unclassified
REVISED DATE:	November 2021	FLSA STATUS:	Exempt

JOB SUMMARY

Assists the Clerk of Council to perform a variety of tasks and duties to coordinate internal and external activities for the City Council, Planning Commission and Board of Zoning Appeals. Furthermore, provides additional items for Architectural Review Board and Civil Service. Prepares agendas for Council and Commission meetings, as well as attends the meetings assigned by the Clerk of Council. Assists in maintaining official records of the Council, its Committees and Commissions. Performs a variety of secretarial/administrative duties at the request of the Council members. Uses independent judgment and initiative to determine the approach or action to take in non-routine situations. Interprets and adapts guidelines, including written and unwritten policies, precedents and practices. Handles a wide variety of standard and non-standard administrative matters and makes independent decisions.

PRIMARY TASKS AND RESPONSIBILITIES

- Under the direction of the Clerk of Council may attend meetings, special meetings, and caucuses of the Council, the Planning Commission and Board of Zoning Appeals.
- Prepares legislation for the Council's consideration
- Acts as Secretary to the Planning Commission, the Civil Service Commission, the Board of Zoning Appeals, and such other boards and commissions as the Council may establish by ordinance
- Coordinates agenda items and prepares a minimum of two (2) Council agendas, one (1) Planning Commission and one (1) Board of Zoning Appeals agenda per month
- Coordinates agenda items and prepares bi-annual Record Retention agendas.
- Along with Law Director provides orientation to newly elected or appointed Council representatives and provide notification to required entities such as Ohio Ethics Commission and Cuyahoga County Board of Elections
- Assists the public with questions, concerns, complaints, etc.
- Assists the Law Director, provides research and drafts legislations when necessary.
- Records and disseminates minutes of all Council meetings and of the boards and commissions of which she is secretary. Provides copies of the minutes and agendas as requested
- Prepares monthly and yearly meeting calendars
- Updates Codified Ordinances
- Maintains department fiscal records and accounts
- Prepares the City Council's annual budget for presentation. Oversees the monthly review of budget reports

- Examines warrants and disbursement checks approved by the Director of Finance and shall countersign checks in the manner provided by ordinance
- Sorts official correspondence and forwards it to the appropriate parties
- Sends requested documents to the public and other city employees
- Updates legislative databases
- Performs procedures necessary for submission of ballot issues to the Board of Elections including public notices and preparation of ballot language, etc.
- Performs all required procedures related to initiative, referendum and recall proceedings
- Publishes and distributes legal ads and notices of meetings, public hearings, referendums, etc., as required by law
- Reviews and organizes contracts, easements and other documents approved through the legislative process
- Processes liquor permit applications
- Works with department Directors to identify problems with application submissions, contacts applicants and addresses resident concerns
- Collects fees for Planning Commission applications and Civil Service Commission applications. Maintains accurate records of funds collected
- Acts as a liaison between the Council members and the public
- Performs and prioritizes other tasks at the request of the Vice-Mayor, Council members, Planning Commission members, Civil Service Commission members, Board of Zoning Appeals members, or other commission members
- Anticipates and prepares materials necessary to update Council members on various issues
- Keeps historical record of public officials and elections
- Must make independent judgment decisions on behalf of the Vice Mayor and Council who are not located at City Hall

SUPERVISION RECEIVED

Works under the supervision of the Clerk of Council and Vice-Mayor, or designee

LEVEL AND TYPE OF EDUCATION REQUIRED

Some college-level coursework in Government/Legislative Process required. Associate's or Bachelor's Degree preferred.

RELATED WORK EXPERIENCE REQUIRED

Minimum of four (4) years of related office experience, at least one (1) of which should be within a municipality or similar government agency

NECESSARY SPECIALIZED TRAINING, KNOWLEDGE, SKILLS AND ABILITIES

The following set of skills and knowledge is required for any occupant of this position:

- Knowledge of Council and legislative procedures

- Knowledge of Planning Commission/Board of Zoning Appeals procedures
- Knowledge of the Charter and Codified Ordinances of the City of University Heights
- Knowledge of the Public Records Law and Sunshine Laws
- Understanding of legal terms used in the government process
- Familiar with Ohio Revised Code requirements
- Ability to prioritize the requests of Council members
- Ability to work with and maintain confidential information
- Basic blueprint and map reading skills
- Knowledge of or training in basic computer applications used within the department
- Familiarity with Robert's Rules of Order
- Ability to operate audio-visual equipment
- Ability to work under pressure and meet deadlines
- Ability to establish and maintain effective working relationships with employees, supervisors, other departments, officials and the public
- Integrity, sense of responsibility and independent judgment

SPECIAL REQUIREMENTS (Certifications, licenses, etc.)

- Certified or Master Municipal Clerk Certification preferred
- Must have valid State's Driver's License or ability to obtain one
- The employee is expected to obtain Notary Public Certification within six (6) months of the hiring date

TOOLS AND EQUIPMENT USED

The occupant is expected to freely operate the following tools and equipment: audio-visual equipment, calculator, personal computer (including relevant software), telephone, printer, photocopies, typewriter, fax machine and motor vehicle.

WORKING ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job the employee typically works in a normal office environment. The noise level in the work environment is usually quiet to moderate.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job the employee is regularly required to use hands to finger, handle, feel, carry or operate objects, tools or controls, and reach with hands and arms. The employee frequently is required to stand, talk, hear, walk, sit, climb, balance,

stoop, kneel and crouch. Specific vision abilities required by this job include close vision and the ability to adjust focus.