

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
MONDAY, MAY 16, 2022**

Mayor Michael Dylan Brennan called the meeting to order at 7:03p.m.

Roll Call:

Present: Mrs. Michele Weiss
Mrs. Sheri Sax
Mrs. Barbara Blankfeld
Mr. John Rach
Mr. Justin Gould
Mr. Brian King
Mr. Christopher Cooney

Also Present: Law Director Luke McConville
Clerk of Council Kelly Thomas
Finance Director Dennis Kennedy
Housing and Community Development Director Geoff Englebrecht
Economic Development Susan Drucker
Service Director Jeffrey Pokorny

Approval of Council Minutes:

Regular Council Meeting of March 21, 2022.

There were no corrections to the March 21, 2022 Council minutes.

Motion by Mrs. Weiss, Seconded by Mrs. Blankfeld, to approve the minutes of March 21, 2022. On roll call, Mrs. Weiss, Mrs. Blankfeld, Mr. Rach, Mr. Gould, Mr. King, and Mr. Cooney voted “aye”. Mrs. Sax abstained since she did not attend the March 21, 2022 meeting. On roll call, all voted “aye.”

Special Council Meeting of March 23, 2022

There were no corrections to the March 23, 2022 Special Council minutes.

Motion by Mr. Rach, Seconded by Mr. Gould, to approve the minutes of March 23, 2022. On roll call, all voted “aye”. On roll call, all voted “aye.”

Regular Council Meeting of April 4, 2022

There were no corrections to the April 4, 2022 Council minutes.

Motion by Mrs. Weiss, Seconded by Mr. King, to approve the minutes of April 4, 2022. On roll call, all voted “aye”.

Regular Council Meeting of April 18, 2022

There were no corrections to the April 18, 2022 Council minutes.

Motion by Mrs. Weiss, Seconded by Mrs. Blankfeld, to approve the minutes of April 18, 2022. On roll call, all voted “aye”. On roll call, all voted “aye.”

Regular Council Meeting of May 2, 2022

There were no corrections to the May 2, 2022 Council minutes

Motion by Mrs. Weiss, Seconded by Mr. Gould, to approve the minutes of May 2, 2022. On roll call, all voted “aye”.

Additions and Removals from the Agenda; Referrals to Committee

There were no additions or removals from the agenda.

Comments from Audience

University Heights resident, Neil Martin, 2411 Saybrook Road, was recognized. Mr. Martin had previously addressed Council regarding the relationship between Coventry Peace Campus and the Cleveland Heights Library and wanted to provide an update. In his prepared read statement, Mr. Martin explained that even though the Peace Campus is physically located in Cleveland Heights, the non-profit programs within (at least 30) serve the residents of University Heights as well and are also supported by tax dollars from University Heights. He has learned that there have been negotiations with the City of Cleveland Heights regarding the future of the Peace Campus occupancy, but nothing has been related to the organization directly. Mr. Martin is concerned because of the possibility the building may be sold and/or the current lease will not be renewed, many programs will cease. It was pointed out that there is not a problem with employees of the library, but rather the library director. Mr. Martin described miscommunication regarding the status of the campus and pointed out the positive results of the campus, which encourages education, diversity and community service. Mr. Martin further discussed that there is no library support to continue the cause and he wanted it known that there is a crisis; that the library is signing a contract with CRESCO Playhouse Square that will damage the campus. Mr. Martin provided the document from which he read to Council and Mayor Brennan.

Resident of 3924 Bushnell, Mrs. Amy Rawlinson, was recognized and discussed the right-hand turn onto Bushnell Road from McDonald's. Cars are ignoring the “no right-turn” sign; children may be playing in the streets and residents are hindered trying to exit their driveways, doing lawn work, etc.. She also noted that McDonald's no longer collects trash from the area as they previously did. Mrs. Rawlinson stated that there is an agreement in place that there should not be a right-hand turn on Bushnell from McDonald's and that she would like to see police visibility there to stop the cars from doing so.

Mayor Brennan thanked Mrs. Rawlinson for her concern and stated that Police Chief Rogers is not present this evening, but her comments will be passed on to him.

Reports and Communications from the Mayor, and the taking of action thereon:**Mayor's Report**

Mayor Brennan stated that in the interest of time, he would touch briefly on several items.

Thank you to the voters of University Heights who overwhelmingly approved Issue 20, the charter amendment allowing the City Civil Service Commission to make its own rules on the number of police and fire candidates that may be certified for hire. This is a charter amendment that failed last time it was before the people. This time, we came together united in support of the change, and the people passed the amendment.

Two years and two months since Governor DeWine declared the state of emergency in the State of Ohio, the number of COVID deaths in the United States now exceeds one million. Here in Ohio, it exceeds 38,550, with 3,001 here in Cuyahoga County. Please allow this to serve as a reminder to all in the community to please get vaccinated and boosted.

Regarding the Cedar Road Project. Last Friday I attended the Finance and Audit Committee meeting of NOACA. On the agenda that day: the Cedar Road Project was one of six projects in the NOACA region, in three of five NOACA counties, where supplemental funding was sought. A 15% funding increase was approved at committee level, providing an additional \$215,096 over the original award of roughly \$1.4m. At the committee, I spoke in favor of how essential the Cedar Road Project is to University Heights and South Euclid, and to the greater community that travels or commutes on Cedar through our cities. The full NOACA board will consider the supplemental funding request at the June 10, 2022 meeting. I will be at that meeting as well.

Rust Belt Riders is scheduled to deliver the drop off compost bins to The Walt this coming Wednesday, May 18. Once they are in place, at the Saybrook parking lot, we will be promoting their presence and availability for Rust Belt Riders subscribers. We are happy to promote composting for those residents who choose to pay for this additional service operated by this third party vendor. One day, I hope to see in University Heights a three-cart system, as exists in leading parts of the country, where there can be residential pickup of organics for composting, as an extension of our current yard waste composting program. Till then, we are happy to offer this alternative to those residents who care to opt in with Rust Belt Riders. Thank you to Councilmember Brian King, Councilmember Sheri Sax, and resident Jeffrey Pearl for their legwork on helping make this happen.

Tomorrow I will be going to Columbus for the 2022 Mayor Summit. I do plan to be back in time for tomorrow evening's Committee of the Whole. In preview, I support University Heights formalizing by resolution becoming a Partner for a Clean Future Ohio City. I was inspired to see last week's announcement that Cuyahoga County has become a PCFO county as well. We should welcome taking advantage of the resources PCFO has to offer to help set and attain sustainability goals in our city, including the reduction of the overall carbon footprint.

In further preview of tomorrow's Committee of the Whole, I will be expressing there as I have privately with Vice Mayor Michele Weiss, that the Charter Review Commission should be composed of elected citizens who do not currently hold elected city office. They can run in November, be empaneled in January, make their recommendations in June, have council consider those recommendations in a special meeting in July for the ballot in November 2023. Looking around, there are an array of ways local governments in our region organize charter commissions, from every elected official selecting a member, to the council president selecting 4 and the mayor selecting 5, to the mayor or executive selecting all the members subject to council confirmation, to holding an election and allowing the public to decide directly. In my view, and I'm not the first to say it, the cure for what ails democracy is more democracy, and is more direct involvement by an engaged citizenry. I support direct election by the people of our charter review commission. More on this at tomorrow's committee meeting.

FINALLY. Our hearts go out to the residents of Buffalo, to the families and friends of the victims of the mass shooting at a Tops Grocery store. Nearly all the victims were black. This was a racially motivated act of domestic terrorism. I share the public's frustration of the seeming lack of will to do anything about gun violence in this country, to implement even the most modest measures of gun control.

I have had residents contact me since Saturday about this. As a reminder, since 2006, the State of Ohio has preempted the ability of local government to legislate on the subject of firearms. Fireworks, the City is permitted to address, but firearms, the City may not.

Per O.R.C. 9.68, all firearms laws in Ohio, except those restricting the discharge of firearms and certain zoning regulations, are determined at the state level and supersede any local ordinances. Any effort by the City to legislate on firearms exposes the City to challenge, such that we can expect to be responsible for the attorney fees incurred by the party that challenges our legislation. Our efforts instead must be directed at Columbus and at Washington to finally do something.

Report and Communications from City Council, and the taking of action thereon

Vice Mayor Michele Weiss reported that both the Finance and the Sub-committee of the Strategic Planning Committee met about a week ago. Work is being continued on internal controls, including ways for residents to know what should be submitted for Board of Zoning, Architectural Board of Review with the assistance of flowcharts implemented by the city. Mrs. Weiss reported that work will begin on a long-term cashflow process, and that once completed a formal strategic plan for the city will begin. Vice Mayor Weiss echoed the Mayor's comment that the Committee of the Whole will meet tomorrow with a presentation from PCFO (Partner for a Clean Ohio), and that there will be a discussion of the Charter Review ordinance at the meeting.

There were no other reports from Council.

Reading and Disposition of Ordinances, Resolutions, Motions and Consideration of Agenda Items:

A. Motion to Approve Planning Commission Recommendation for the Demolition of house at 2325 Milton and site plan to build a replacement single family house

Joseph Calderwood, 6064 High Street, Mentor, Ohio, was present to discuss this item. Mr. Calderwood stated that he appeared before the Planning Commission last week, and pictures and existing site plan have been provided as well as the proposed site plan with the new house. He is requesting approval for the demolition of the existing house.

Vice Mayor Weiss requested that Councilman Rach, as a member of the Planning Commission, review the plan.

Mr. Rach stated that this was approved at the Planning Commission last Thursday, but the plan presented at that time was more of a schematic site plan and pictures of the home weren't provided. Mr. Rach stated that the home has an estimated construction cost of \$850,000 and would be a tremendous addition to the city as diversity in the housing stock is welcome. Also, Mr. Rach pointed out that since a second kitchen in the home is being proposed, a variance is needed; and this will be presented at the June 8, 2022 Board of Zoning Appeals meeting. Councilman Rach stated at this point, all that Council would be approving is the demolition of the home. A variance is not being approved here, because this has not been considered by BZA yet; Mr. Rach asked for clarification.

Mayor Brennan acknowledged that this would have to go to BZA and that the matter would not return to Council after that. He also noted that there were other recommendations made by the Planning Commission – a development plan, bonding requirements, meetings with neighbors, and that site plans and photos be provided.

Law Director McConville noted that he did not attend the Planning Commission meeting but his partner, Amy Hamilton did. It is Mr. McConville's understanding that approval was for demolition which falls under the city's demolition ordinance. He stated that since a development plan has been approved by the Planning Commission, this action allows for the issuance of a demolition permit. Mr. Rach reiterated that there was a schematic site plan, but not a final site plan submitted. Mr. McConville stated that Council has the authority to approve the site plan this evening, or this could go back to Planning Commission for the site plan approval.

Mr. Rach stated that the site plan presented this evening displays the footprint of the new house situated over the existing house footprint and does not exceed setback lines and no other variances are needed. It was noted that the only difference is that the driveway is moved from the north side of the property to the south side. Councilman Rach did not see a need to refer this back to the Planning Commission unless other Council members feel that way.

Mr. McConville pointed out that the Planning Commission consensus was that the site plan submitted, along with the supplementary one for the Architectural Review Board, not the detailed one presented this evening, was sufficient as long as Council was satisfied with the site plan as presented this evening, there is no need to go back to the Planning Commission. Mr. Rach commented that the site plan reviewed this evening is stamped by the engineer.

It was repeated by Law Director McConville that Council does have authority to approve the site plan this evening. Contingencies of the Planning Commission include: requirements set forth in Mr. Cooney's letter relating to a topographical site plan showing stormwater compliance; the applicant obtain Cleveland Water Department review and approval of their water connection; the applicant is to enter into a development agreement addressing items Mayor Brennan mentioned (neighbor notification, bonding), and finally the applicant obtains the variance from the Board of Zoning Appeals. It was also noted that the engineering fees incurred by the City would be the applicant's responsibility, and that the project should be completed within a year. These items will be in the development agreement (which has not yet been implemented); approval would be contingent upon same.

Motion by Mr. Rach, second by Mrs. Weiss, to approve the Planning Commission recommendation for the demolition of the house at 2325 Milton Road, University Heights, with the contingencies as passed by the Planning Commission.

Mr. Gould asked if the motion included conditions placed at the last meeting by City Engineer Ciuni. Mayor Brennan answered yes.

On roll call on the motion, all voted "aye" and the motion carried.

Mayor Brennan thanked Mr. Calderwood and his clients for investing in the City of University Heights.

B. Presentation by Northeast Ohio Public Energy Council (NOPEC) (Caitlyn Albright)

Ms. Caitlyn Albright, Community Outreach Liaison with the Northeast Ohio Public Energy Council (NOPEC), was recognized. Ms. Albright explained in detail the “No-Knock” Program which allows residents to ask the for-profit solicitors to avoid their address. She explained that in order to become a part of the process, the City must pass a resolution. Once that is done, NOPEC manages the registry, collects the names of those signing up and the advertising. Residents add their addresses to the registry which is given to all for-profit solicitors that obtain a permit to solicit in the city. She stated that the program does not apply to nonprofit solicitors such as Girl Scouts, religious groups and political organizations. Information was distributed further describing the program. In response to a question by Councilman Gould, Ms. Albright stated that NOPEC would be happy to work with the city in conjunction with the permit process through the Police Department and would welcome input regarding communication to the residents, including tips on non-emergency numbers and other information that this city may provide that others do not, including identification badges. This program is intended in part to allow customers to make decisions on energy, cable/internet, based on factual information. It was mentioned that sign-up tables with information could be arranged at Fall Fest and other events, and that NOPEC has established a 24/7 call center.

C. Appointments of Council Citizen Representatives and City Council Members to Cuyahoga County Solid Waste District Materials Management Collection Evaluation Team

Motion by Mr. Gould, second by Mrs. Sax to enter Executive Session to discuss appointments. On roll call, all voted “aye”.

Council resumed the regular session.

Discussion on Item C

Mr. Gould reported that at the Service and Utilities Committee meeting, Beth Biggins-Ramer, representative of the Cleveland Solid Waste District, agreed to allow Council to nominate its members and appointments to the evaluation team. Correspondence received by the Mayor and Council earlier today revoked that arrangement until such time as the Solid Waste District allows Council to make its appointments of council member representatives to the evaluation team.

Motion by Mr. Gould, Seconded by Mr. Rach, to table Item C. On roll call, all voted “aye”. The motion carried.

D. Motion Declaring Juneteenth as an Observed Holiday in University Heights

Director of Housing and Community Development Englebrecht explained that Juneteenth is also known as Emancipation Day or Freedom Day and celebrates the ending of slavery in the United States. It was initially celebrated in Galveston, Texas on June 19. On June 17, 2021, President Biden officially signed legislation making Juneteenth a national holiday. Governor DeWine also supported efforts to commemorate Juneteenth, and last year Mayor Dylan Brennan signed a proclamation designating June 19, 2021 as Juneteenth National Freedom day in University Heights. This motion would allow Juneteenth to be observed for all city employees.

Mayor Brennan noted that the City’s calendar reflects that the second Council meeting in June is moved to Tuesday, not Monday, because June 20 would be the observed Juneteenth holiday for all City employees. Mayor Brennan noted that a formal motion has not been made and it should be done before the City closed for the day.

Motion by Mr. Gould, Seconded by Mr. King, to declare Juneteenth as an Observed Holiday for all University Heights employees. On roll call, all voted “aye”.

E. Ordinance 2022-29 Enacted by the City of University Heights, Cuyahoga County, Ohio, hereinafter referred to as the Municipality, in the Matter of the hereinafter described

Improvements to Cedar Road and Requests the Cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the County, and Declaring an Emergency.

Mr. McConville stated that this is for the reimbursement of the Cedar Road Project. He explained that the County is explicit with the description of the ordinance, hence, the cumbersome language, and that the County uses this language to fit all municipalities.

Mr. Rach referred to the ordinance and asked if there were further construction plans and specifications needed. Mayor Brennan stated that is his understanding, although Mr. Ciuni is not here to report on the work done by Hovanscek. Regarding Section 3 of the legislation, Mr. Rach clarified that the City is responsible for arranging the supervision, but not actually conducting same.

Mayor Brennan stated that has been addressed.

Mr. McConville noted that the County uses this language to fit all municipalities.

Motion by Mr. Cooney, Seconded by Mrs. Weiss, to adopt Ordinance No. 2022-29, on emergency. On suspension of the rules, all voted “aye”. On roll call on the main motion, all voted “aye”.

F. Motion to Accept Purchase of one (1) Kubota for Service Department use based on bid results.

Service Director Pokorny was recognized and noted that only one bid was received and opened on May 13, 2022. The request is to purchase one new Kubota utility refuse collection vehicle from ABC Equipment, the only bid received, for \$18,487.

Mrs. Sax asked if there is a problem with supply chain and wondered why only one bid was received. Mr. Pokorny stated that it is not a supply chain issue, but there are only three dealers in the Cleveland area. He stated that previously bids had been received from all three companies. Specifications were sent to all companies, but this time only one responded.

Motion by Mrs. Weiss, second by Mrs. Sax, to accept purchase of new Kubota unit for Service Department use based on bid results. On roll call, all voted “aye”.

G. Motion to Authorize Accepting Bids for the Washington/Silsby Road Intersection Improvements

Mr. Englebrecht described the process for this action and noted that the current intersection allows for dangerous pitfalls in this area.

Motion by Mr. Cooney, second by Mr. King, to Authorize Accepting Bids for the Washington/Silsby Road Intersection Improvements. On roll call, all voted “aye”.

Mayor Brennan commented that he, Mr. Englebrecht and Mr. Cooney will make sure to take care of all notification requirements and expectations for neighbors in that area.

H. Motion to Authorize Mayor to Sign NOACA TLCI Grant Award for Curb Bump-outs on Warrensville Center Road at Traymore and Hillbrook

Mrs. Sax asked and received clarification that the city’s portion is 17% / \$51,228 and that is what is being voted on; it leverages \$251,000 from NOACA

Motion by Mrs. Sax, second by Mr. King, to authorize the Mayor to sign NOACA TLCI Grant Award for Curb Bump-outs on Warrensville Center Road at Traymore and Hillbrook. On roll call, all voted “aye”.

I. Motion to Accept Grant from Bureau of Justice Assistance Small Rural Tribal Body Worn Camera Grant in the amount of \$16,412.50 with a required match of \$16,412.50 for the purchase of body worn camera equipment

Chief Rogers is ill and could not be here this evening. Mayor Brennan referred to a self-explanatory memo distributed by Chief Rogers.

Motion by Mrs. Sax, Seconded by Mrs. Weiss, to Accept Grant from Bureau of Justice Assistance Small Rural Tribal Body Worn Camera Grant in the amount of \$16,412.50 with a required match of \$16,412.50 for the Purchase of Body Worn Camera Equipment. On roll call, all voted “aye”.

J. Motion to Enter Executive Session for the purpose of Discussing Legal Proceedings, Personnel and Real Estate Matters

Mayor Brennan stated that Mr. McConville would like to provide a brief update on a legal proceeding and asked for a motion for an Executive Session at the conclusion of this regular meeting.

Motion by Mr. Gould, Seconded by Mrs. Weiss, to Enter Executive Session for the purpose of updating Council on a Legal Proceeding. On roll call, all voted “aye”.

Director’s Reports

Finance Department – Mr. Kennedy.

Mr. Kennedy gave an update on income tax collections. He stated that compared to last year, our withholding collections have increased so far by 15.2%. Mr. Kennedy provided additional statistics and commented that it is good news. Mr. Kennedy stated that for the first meeting in June, the tax budget will be submitted; the purpose of which is for the County to approve the tax rates that are requested by the Council. He added that there has been no change to those rates in the last several years and he doesn’t anticipate any change. This requires two readings and will be considered at the first and second meetings in June.

Law Department – Mr. McConville

Mr. McConville will give his report in Executive Session.

Public Safety - Police Department

Police Chief Dustin Rogers is out ill.

Safety – Fire Department

Chief Perko is out; no report.

Service Department – Mr. Pokorny

Mr. Pokorny stated that work is being done to ready the pool and pool house for opening on Memorial Day.
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Housing and Community Development – Geoff Englebrecht

Mr. Englebrecht stated that grass cutting season recently opened up with a new contractor. Within the last two weeks, many property owners have been notified about their grass and there are a substantial number of lawns being cut by the city.

Mr. Englebrecht discussed scooters in the city. He described streets that people will be able to ride, legislation regarding same, and the safety issues.

City Engineer - Joseph Ciuni

Mr. Ciuni was excused; no report

Communications and Civic Engagement – Mike Cook

This is the last Council meeting before the parade; will hear a lot on social media. Mr. Cook stated that we are entering the fun season with summer concert series; Juneteenth is coming up and we are looking forward to working with Mr. Englebrecht.

Economic Development – Susan Drucker

Mayor Brennan stated that Mrs. Drucker gave her report in Executive Session.

There were no other director reports.

Standing Council Committees:

Building and Housing – Mrs. Weiss reported on Mrs. Blankfeld’s behalf. Mrs. Blankfeld is scheduling a Building and Housing Committee meeting.

Community Outreach – Mr. King

Mr. King reported that he hopes to provide information on RFP at next Council meeting for a motion.

Economic Development – Mr. Rach

No report.

Finance – Mrs. Weiss

Mrs. Weiss is trying to schedule Finance committee meeting to hopefully finalize the professional bidding service ordinance.

Recreation – Mr. Cooney

No report

Safety – Mr. Gould

Mr. Gould stated that he has received edits requested at the last committee meeting from Mr. McConville and anticipates this item will be considered at the June meetings, both at Safety and Council as a Whole regarding the “No-Knock” registration. Hopefully, this will be in effect for the city beginning in June and marketing materials can be distributed.

Service and Utilities – Mrs. Sax

Mrs. Sax stated that Service and Utilities committee met on May 11.

Committee of the Whole – Mrs. Weiss

Mrs. Weiss reported that there will be a meeting tomorrow at 6:00 p.m.

Reports of special committees, and the taking of action thereon

None

Unfinished and miscellaneous business

None

Motion by Mrs. Sax, second by Mr. Rach to return to regular session. On roll call, all voted “aye”.

Motion by Mr. Gould, second by Mrs. Weiss, to adjourn the meeting. On roll call, all voted “aye”.

There being no further business, the meeting was adjourned.

Jeune Drayton, Assistant Clerk of Council

Michael Dylan Brennan, Mayor