

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
TUESDAY, JANUARY 17, 2023**

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

Roll Call:

Present: Mrs. Michele Weiss
Mrs. Sheri Sax
Mrs. Barbara Blankfeld
Mr. Justin Gould
Mr. Brian King

Absent: Mr. Christopher Cooney
Mr. John Rach

Also Present: Assistant Law Director Michael Cicero
Clerk of Council Kelly Thomas
Fire Chief Robert Perko
Police Chief Dustin Rogers
Housing and Community Development Geoff Englebrecht
Economic Development Susan Drucker
City Engineer Joseph Ciuni
Service Director Jeffrey Pokorny

MOTION BY MR. KING, SECONDED BY MR. GOULD to excuse the absence of Mr. Cooney and Mr. Rach. On roll call, all voted “aye.”

Approval of Council Minutes:

Council Meeting January 2, 2023

The Council meeting minutes from January 2, 2023 were not ready for review and approval yet.

MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD to table the January 2, 2023 Council Minutes. On roll call, all voted “aye.”

Additions and Removals from the Agenda; Referrals to Committee

There were no additions/removals from the agenda or referrals to Committee.

Comments from Audience

Mr. John Pucella, Assistant Service Director for the City of University Heights:

Good evening Mayor, Vice-Mayor and members of Council. My name is John Pucella, I live at 11367 Commonwealth Ave, Mayfield Heights, Ohio 44124. I am the Assistant Service Director of the Service Department. I'm approaching my 32 year of service. I have served under five Service Directors; the Late John Marrelli, Robert Girardi, Chris Vild, Rob Jameson and currently, Jeff Pokorny, I have served under three mayors, the late Mayor Rothschild, or Susan Enfield, currently Mayor Brennan. From each of these mayors and received awards for what I've accomplished with the Service Department and how I serve the residents of University Heights. It was brought to my attention, Council's discussion, the recycling program and councils views on how to handle loose recycling. I'm here tonight to express my views on these discussions. My views are brought on by over three decades of service to the Service Department. Your one pro in this room is the Mayor, Council and all the Directors are all on the same page and are in agreement for an improvement that is needed to the current recycling program. To say anything else, other than that would be false. This is the one pro I see. The rest of my statements are the cons or the flipside to the current discussion. I'll limit it to three per time restraints. You have three downsides to this discussion. First, we do not have enough personnel. Second, we do not have enough equipment. And the third, we do not own our own transfer station. To take this on as a city and to discuss that. If you manage to hire two people to replace the two people, we lost the 2022 in which in today's climate is really

extremely hard to do, all cities surrounding us are doing the same thing. After COVID it seemed their mindset across the United States of people wanting coming to work. Even with these two that you might replace, you will still fall short for the methods you have discussed you will need more people on top of that. I perform a juggling act every day, every morning for last 17 years. It's just to put up basic service that we need. We are short-handed more now than ever. And you don't have to look for the proof. I couldn't transport leaves out in the city. I had an empty container. I had an empty truck. I did not have the personnel to load that truck or to haul that to Kurt Bros. It ended up at Purvis Park Pool, which I have now been hearing about for the last two months. There is another example of shorthandedness; we have volunteers currently working to maintain the Walter Stinson Park. Without these volunteers we only have enough personnel just to maintain this. And the other examples where we fall short are all the emails that you send to us. Where we could not timely get something done in the manner that you all want. This leads to the discussion of equipment. You need to purchase two additional recycled trucks to go along with this plan. We already have one, that one will end up on Route A, you need another one that route B and you need a spare one. And, also additional kubotas will be needed to take out loose recycling out of the back yards to take on this task. Which brings us to a transfer station. And this is a final topic, the third. The transfer station is a necessity when it comes to a refuse, recycle, brush and leaf collection. It manages and temporarily stores these items. It regulates personnel shortages, possible equipment failure, and the increased amount of what could be more recycling coming into this city, all of that can occur. If these trucks are to follow 7:30 in the morning to 3:50pm these trucks will get full. We do not have a transfer station in the city to shut down for two hours, and I'll explain the two hours. Our recycling goes to Kimball recycling transfer station located in Twinsburg, Ohio. It's a two hour round trip, including injection time alone. Our refuse goes to Glen Willow transfer station, it's an hour and three quarters round trip. Our brush and leaves go to Kurt's Brothers in Valley View, Ohio that is a two hour round trip. And even the bulk of our road salt we have to go to an outside source to go get it to salt our streets. Lastly, with this being said, if you're trying to achieve this method as you have discussed regards to lose recycling pickup in the back yard without increasing staff, equipment and proceeding to use these three transfer stations. All other services will suffer, way worse than they are suffering right now. The areas that these will suffer are: road repair, pothole repair, flooded basements, pool maintenance, brush collection, leaf collection, and most importantly snow removal. And, also special events such as hazardous waste collection, Memorial Day prep, Juneteenth prep, the collection of non-kosher food items left on the tree line on the eve before Passover. Mr. Pokorny is one of the smartest Public Works Directors I've ever met, but he's not a magician. To take on this change in the Service without an increase of staff or resources will only fail our residents. And that's what I'm here to serve. I thank you for your time.

Reports and Communications from the Mayor, and the taking of action thereon:

Mayor's Report

Today, I attended the Grand Opening in celebration of the new Heights Wellness Center at Heights High School, in partnership between CH-UH Schools and MetroHealth.

- The MetroHealth School Health Program offers physicals, chronic disease management, care coordination, immunizations, mental health screenings, urgent care, lab work and other services. Funding support has allowed to increase services to extend to district families and staff. The MetroHealth team can also connect families with resources that can help with housing needs, utility assistance, food insecurity, transportation access, legal issues and more.
- Funding for this initiative was made available through the American Rescue Plan Act of 2021. Additional funds have been made available through the Governor's Emergency Education Relief fund. Management of construction and capital expenses were coordinated in partnership with the Ohio Department of Education and the Ohio Department of Health

CH-UH District students, their families, and school staff in need of these health care services may visit CHUH.org or call 216-957-1303.

I have two notable passings to report this evening.

Steven Ciuni passed away on January 4, 2023. Steve was city engineer from 1978 to 1990.

The City Council minutes of Monday April 3, 1978 reflect that upon Motion by Councilman Jeffrey Friedman, the council approved the contract for the engineer, identified by the name of Steve's firm, Adache-Ciuni-Lynn Associates. Steve Ciuni served the city with honor and distinction.

His funeral mass and interment were last Wednesday, January 11, 2023.

On behalf of the City of University Heights, our condolences to the Ciuni family, his wife JoAnne, and especially to Steve's son, Joe Ciuni, who has been our city engineer since 1990. Thank you for Steve's service and dedication to our community.

This afternoon, we lost the honorable KJ Montgomery, who served on the Shaker Heights Municipal Court bench serving our community from 1994 to August 2021, when she retired early from her term for personal reasons.

KJ was more than a fair and impartial judge. She was a community leader. And she was a musician. I sang with her at the Sing Out events in support of the Cleveland Rape Crisis Center. Before going to law school at Cleveland State University, KJ was valedictorian of the school of music at Heidelberg College.

And KJ was a survivor. For 32 years, KJ was a survivor of ovarian cancer.

Between her time as judge and as a municipal prosecutor, law director, and tax administrator, KJ devoted 47 years of her life to public service. KJ Montgomery was 69 years old.

On behalf of the City of University Heights, thank you, KJ. Our condolences to her family and friends, the court staff who knew and worked with her (including former councilman Phil Ertel), and especially to Judge Anne Walton Keller who was mentored by KJ, and served as her magistrate before succeeding her as judge in late 2021.

Thank you. This concludes my report.

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

Mrs. Weiss reported that the City Council had had two committee meetings over the previous two weeks. A Service and Utilities Committee meeting and an Economic Development Committee meeting. Information from each of those meetings will be discussed later during this meeting.

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

A. Presentation by Laura Kleinman - Executive Director, Senior Transportation Connection (STC)

Mrs. Kleinman stated that the Senior Transportation Connection (STC) provides rides to comprehensive, coordinated transportation to adult seniors who are of at least 60 years of age or disabled. The agency has been in existence for approximately 18 years, services approximately 25 cities or 75% of Cuyahoga County and currently has 60 employees. Senior Transportation has 54 all accessible vehicles with either lifts or ramps and provides door to door service for its riders unlike paratransit. They are going to someone's house or apartment building, walking up to their door (but not going in their home). They assist the rider once they leave their home to the vehicle, help them get on should they be in a wheelchair, secure the wheelchair into the vehicle and proceed to take them to their destination. Pre-pandemic use was comprised of approximately 30 University Heights residents for a total of 700 rides/trips and post-pandemic the numbers of trips is slowly increasing where there were 400 trips last year. Half of the trips are for medical reasons, followed by shopping, etc. Each rider pays a small fare for each ride with each municipality subsidizing each fare per the contract with each municipality.

Mrs. Kleinman explained that each contract is unique to its individual city. Noting that the contract price has increased across the board to all municipalities due to the cost to operate the program, the biggest increased expense is the cost of fuel. Senior Transportation Connection makes all effort in trying to keep it rates reasonable and competitive. Monies are also raised by philanthropy, probably providing 15 to 20% of the income along with receiving other government support. Mrs. Kleinman added that they also rely on the funds from the municipalities they service as well as from other efficiencies they create. And, although they try to keep the operation and rates reasonable and competitive it is an expensive service they are actually providing.

Noting the contract made mention to performance logs, Mrs. Sax asked Mrs. Kleinman if they had any issues and if so what is the process for handling them and if could she share them at this time and if they are shared with the administration.

Mrs. Kleinman replied that in terms of their performance logs, we will provide data on the trips that are provided, to whom and the frequency. We also have data on the mileage, whether a personal care assistant is coming, have information about timeliness of our pickup and drop offs as well. And all of those reports are available. Mrs. Kleinman added that she did not have that information with her at the time.

Mrs. Sax asked if there were ever any complaints (from residents)?

Mrs. Kleinman answered sure everyone gets complaints every once in a while. They usually happen in regards with some of the rules for ridership and sometimes we have to remind passengers about the rules that deal with cancellations where passengers are asked that they call by 7am the day of their scheduled ride if they no longer can take the trip otherwise they can be charged. In terms of the clients requiring care in the case of an emergency the drivers and office have access to client's emergency contact information but first EMS or Police are call as well as the dispatch center.

Mrs. Sax asked Mayor Brennan how are the University Heights seniors made aware of this service.

Mayor Brennan stated that it is promoted on the City's website and from time to time it is in the city newsletter. And if the contract is renewed then another push could be given to remind people about the ride service. Mayor Brennan added that previously that was promoted especially by Walter Stinson when he was our Senior Services Coordinator. Currently the city does not have a Senior Services Coordinator as that position was eliminated in the 2022 Budget. Mr. Stinson served on the board of this organization for a time, was intimately involved in its activities, attended the annual meeting, and promoted it through the events at the library, which have not resumed yet. If the contract passes then the City's Communication Director will look to further promoting this service.

Mr. Gould asked what was the difference between the additional fees listed in the contract such as the fuel escalation clause and the contract price that Council approved; how does that interact with the amount that Council is approving with this contract. Or is the contract price that is to be approved an estimate based on everything inside of the contract?

Mrs. Kleinman responded that they price their contracts on a per trip basis so that within the contract there is a fee for each time they transport an individual at a cost of \$38 but there been some discussion about there being a small fare for the passenger to pay because of what is happening with fuel and oftentimes fuel escalators. That will protect STC a little bit should the price of fuel skyrocket. A fuel escalator would kick in once the price of gas goes beyond a certain price. The contract has it at \$3.75 but that may have a slight adjustment to actually bring the fuel escalator cost down. Mrs. Kleinman added that she would provide that figure over to everyone.

Noting that the individual ride cost was \$3 per individual trip, Mr. Gould asked if there was a group rate.

Mrs. Kleinman replied that there was not a group rate and that that would be up to the individual city to decide that. The City can determine what that individual cost should be in order to offset the fee that STC charges the city for the service. In terms of group rates, you may be looking at approximately \$60 for up to five people.

Mr. Gould asked Mrs. Kleinman if she was saying that there were still more negotiations that needed to take place before this contract was finalized and that they wanted to lower the fuel escalator cost down.

Mrs. Kleinman said that there was an error in the stated fuel escalator cost and it needed to be lowered. The way the contract is currently written the city would be charged up to two cents for every cent that the gas goes up beyond \$3.75 and that was the wrong figures. The up charge will not be more than one cent for every one cent the gas goes up beyond that \$3.75.

Mrs. Weiss thanked Mrs. Kleinman and commented that this was a valuable service but that she would like for the approval of the contract be tabled until the next Council meeting when the final contract has been received.

Mayor Brennan commented that if Council tabled the approval of the contract and because the city was already operating under the idea that this contract is retroactive to the first of the year for purposes of billing and to ensure continuity of service he would hope that would not be an issue.

Mrs. Kleinman replied that it certainly would not be an issue from their standpoint.

B. Motion to Approve Transportation Services Contract with Senior Transportation

There was no additional discussion for this item.

MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD to table the Approval of the Transportation Services Contract with Senior Transportation Connection. On roll call, all voted “aye.”

C. Motion to Approve Planning Commission’s Recommendation of Approval with contingencies from November 3, 2022 regarding Application from John Carroll University for the Site Plan Approval for the Construction of a New Athletic Wellness & Event Center on the current South Belvoir Blvd. Parking Lot Site at the corner of South Belvoir and Carroll Blvd. (Tabled November 7, 2022)

Mr. Jeremiah Swetel, Assistant Vice President of Facility and Auxiliary Services at John Carroll University; Mr. Rick Fort Myer from Bostwick Design Partnership, architect for the project; Mr. Brian Evans from Walsh Construction, acting CM at risk for the project were all present to present the project.

Mr. Swetel stated that they were present seeking full approval for the John Carroll Athletic Wellness and Event Center site plan. In November of last year, they were sent back to collect some more information to satisfy some additional safety requirements and he believed that those requirements have been satisfied. Mr. Swetel added that JCU uses the vernacular of the Athletic Wellness and Event Center mainly as internal jargon for their selves. They are not having large scale events where they would be selling tickets for a concert or something that would bring people from all over northeast Ohio into the Fieldhouse and that was a really important distinction to make. We do plan on at some point, hosting athletic events inside of the Fieldhouse, what we’re calling the athletic wellness and Event Center. It could be a backup for commencement, in the event that we get rained out on the quad. In addition to just being an athletic training facility, it will be made available for our academic team to host any variety of classes with speakers and maybe even have a career day for students, and so forth. Lastly on February 1st and February 8th we are planning on hosting the communities of University Heights and Shaker Heights at the Dolan Science Center to discuss the ongoing projects on campus and off campus directly in front of the Dolan Science Center. More information will be coming and shared with both cities’ Communication Directors.

Mr. Myers reported the proposed revised site plan and stated that they had been working with Fire Chief Perko in creating and satisfying a checklist for prospective developments to achieve what was important to the fire department in terms of physical development and how to maintain safety for everyone. Two different traffic studies were also conducted. One was what the impact would be in changing the exit from the parking lot to a right turn only onto South Belvoir and the ingress in only onto the current entrance and exit. The second part of that study talked about the warranting of a signal since the traffic pattern would be changed to be without outbound traffic. The last study was specific to events at the university and how the campus may anticipate the parking demand and corresponding traffic concerns that might happen for both a proposed number of drivers and participants in a field event and also for graduation, which would be the largest event.

Mr. Myers continued to explain with a PowerPoint presentation the traffic pattern that will be in effect during construction which will take a lengthy period of time longer than a year to complete while maintaining fire safety via primary fire access lanes and primary access lanes to the campus. The city’s safety forces expressed the importance of maintaining fire access to Pucelli Hall so some drivable landscape pavers were incorporated so that there would be grassy area but those areas would also be capable of handling the weight of the firetruck. Sidewalks south of the existing auditorium are proposed to be widened and accessible again to fire access to the part of the campus and the front door of the AWE. Regarding traffic there are many different options for the traffic signals on South Belvoir since the traffic demand will be lowered without the outbound traffic. But as a team and with the Police Chief is has been agreed that the existing lights would be left in place, which technically provides a safer intersection than the intersection needs but also allow pedestrians to still control and stop traffic to cross the street from back and forth across from the housing dorms area to the main part of campus. Another question was the existing fire lane that we already had this in place. Essentially that will formally be designated what will be in the short term drop off for big events but also be a designated fire lane immediately adjacent to the north east corner of the Fieldhouse.

Mrs. Weiss thanked Mr. Myers for his presentation and noted that he answered all of her questions and concerns as well. Mrs. Weiss said that she was secure in knowing that the safety concerns have been addressed.

Mr. Gould asked Chief Perko if it was a problem that the fire flow calculation was not provided yet or was that something anticipated to come at a later date once the more final plans for the building are set?

Chief Perko responded that was being worked on and that he was satisfied with where they are currently at plan wise.

MOTION BY MRS. BLANKFELD, SECONDED BY MR. GOULD Motion to Approve Planning Commission's Recommendation of Approval for John Carroll University's Site Plan for a New Athletic Wellness & Event Center on the current South Belvoir Blvd. Parking Lot Site at the corner of South Belvoir and Carroll Blvd. On roll call, all voted "aye."

D. Motion to Approve Payment to Software Solutions – 2023 Support Services for the Financial Accounting System used by the City's Finance Department in an amount not to exceed \$25,457.40

Mayor Brennan reported that the city's Finance Department uses the VIP accounting system. This particular payment is for the ongoing support for use of that financial accounting system.

Mrs. Weiss added that as the city look to move to a cloud-based software platform this VIP program is also cloud based and this payment would be adjusted accordingly where the city would not have to pay another \$25,000 the move to the cloud-based platform occurs in the middle of this year.

MOTION BY MRS. WEISS, SECONDED BY MR. KING Approving Payment to Software Solutions – 2023 Support Services for the Financial Accounting System used by the City's Finance Department in an amount not to exceed \$25,457.40. On roll call, all voted "aye."

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

Executive Session was not needed.

Director's Reports

Finance Department – Mr. Kennedy

Mayor Brennan reported that the Finance Department is in the process of closing out 2022 and preparing for the auditors.

Law Department – Asst. Law Director Mr. Cicero

Mr. Cicero reported the following: The Law Department would be filing the eminent domain suit against Yeshiva Adath B'nai (YABI) later this week with the Probate and Common Pleas Court. In regards to the So the old Cedar Taylor garage on Cedar Road the owner pled out last month, was fined \$20,000 and has six months to bring the property up to code, including the parking lot and the fence next door.

Fire Department – Chief Perko

Reported that the department is conducting regional training with other Fire Departments for the next few weeks over at Wiley. Chief Perko thanked Captain Robinson for his spearheading this training. Over 300 firefighters from nine different departments will go through this training.

Service Department – Mr. Pokorny

The tree pruning and removal contract continues and will be completed in the next month during the month of February. Regarding the leaves at the Purvis Park parking lot, those leaves have been removed and because it was warm weather the department was able to get the street sweeper there to clean it up the parking lot.

City Engineer – Mr. Ciuni

Mr. Ciuni publicly thanked everyone for prayers and acknowledgement of his father death, Steve Ciuni who had also served as the City's Engineer.

Communications and Civic Engagement – Mr. Cook

An article publicizing senior transportation (STC) will be placed in the next Mosaic issue if the contract is approved in time. STC will also be promoted at various city events, such as Memorial Day, etc.

There were no other director reports.

Standing Council Committees:**Building Committee – Mrs. Blankfeld**

Mrs. Blankfeld reported that the next meeting will take place on February 20 at 6pm.

Economic Development – Mr. Rach

Mrs. Weiss read Mr. Rach report. The Economic Development Committee met last Thursday after postponing its intended meeting date to discuss engineering services in the city. The committee is extremely satisfied with Mr. Ciuni's serving as our city engineer. However, we felt reluctant to transition this role to a corporation as suggested and proposed by the administration. There are three components of the meaning were to review the current 22 and proposed 23 contract between the City of University Heights and the City Engineer to discuss the implications of transitioning this role to accompany and to make a motion to refer the development of a request for qualifications for the role of city engineer to the building and infrastructure subcommittee. This was in agreement with Mr. Ciuni that a competitive process was warranted. Here are the following items that were discussed. Number one, the current contract between the city and Mr. Ciuni didn't expire, which we were not aware of, the committee discovered it was actually a two year contract and is valid through 12/31/23 which gives us time to be able to bid a new contract. The committee felt it was important to honor our commitment to the current contract. Therefore, unless either party chooses to terminate the contract, the committee wanted to see Mr. Ciuni fulfill this role through the end of the year, and he agreed. The committee reviewed and compared both contracts during its session. It's worth noting that the changes to the proposed contract were requested by the company vying for the position GPD group. As part of the review the committee discussed the scope of work for the city engineer, compensation and expectations. We discussed what would be considered a basic service, part of the engineering scope, engineer scope and what would be considered an additional service. What would that cost be? What would that exceed the estimated cost of basic services as proposed by GPD group was \$21,000 per year versus \$12,000 per year that Mr. Ciuni was being paid as an employee of the city. While 75% Jump in compensation is steep, the committee acknowledged the compensation had not changed in many years, and will review compensation level that is fair and equitable. The committee felt a general reluctance to transition this role to a company without formal competitive process and propose an RFQ to be prepared. And as we mentioned before Mr. Ciuni was an agreement. The committee generally felt there was a conflict of interest to award design engineering work to the same company as the company serving as City Engineer. And finally, there was a motion to refer the development of an RFQ to the Council of the Whole Subcommittee Facilities and Infrastructure so that this role can be advertised publicly in a competitive manner. Thank you.

Noting he was not present at that meeting, Mayor Brennan asked Mr. Ciuni if he had any comments.

Mr. Ciuni replied that he was not in full agreement with everything and had some reservations about some of it but it is being sent to a sub-committee for further review. Mr. Ciuni added that he was willing to honor the contract until the end of the year.

Finance Committee – Mrs. Weiss

The Finance Committee will meet on January 30.

Service Committee – Mrs. Sax

The Service and Utilities Committee met on January 4 2023. There were four recommendations. Based on the discussions that we had and that were voted for unanimously by the committee consisting of Chris Cooney, Justin Gould, John Rach as the alternate and myself as Chair. These recommendations were based on the results of the two surveys that residents received over the summer. The three items that came across

voiced by our residents were; #1 to maintain the current method of backyard side door collection, #2 to improve recycling, and #3 to maintain the service or the level of service staff personnel. So those recommendations are being worked on with the Law Director to bring to council meeting. And I guess a spoiler alert, we are looking to do away with blue bags, as one of the main things that's come across loud and clear from just about everyone. So, I want to thank the committee and we look forward to making improvements in modernizing our recycling and collection based on the will of the residents. There were no other Council Committee reports.

Council Committee of the Whole – Mrs. Weiss

Mrs. Weiss reported that there will be a Committee of the Whole Subcommittee for Facilities and Infrastructure committee meeting on January 31. Discussion will be what the Facilities Committee has been working on since the tour and what the next steps are going forward. And a poll will be going out tomorrow to start the process of the RFQ for the Engineering Bidding. We want that to be expedited, so by the end of our City Engineer's contract 12/31/23 we will have a company in place.

Reports of special committees, and the taking of action thereon

None

Unfinished and miscellaneous business

None

MOTION BY MR. GOULD, SECONDED BY MR. KING to adjourn the meeting. On roll call, all voted "aye."

There being no further business, the meeting was adjourned at 8:14pm

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council