

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
TUESDAY, FEBRUARY 21, 2023**

Mayor Michael Dylan Brennan called the meeting to order at 7:08 p.m.

Roll Call:

Present: Mrs. Michele Weiss
Mrs. Sheri Sax
Mrs. Barbara Blankfeld (left meeting at 7:56pm due to illness)
Mr. John Rach
Mr. Justin Gould
Mr. Christopher Cooney
Mr. Brian King

Also Present: Law Director Luke McConville
Clerk of Council Kelly Thomas
Finance Director Dennis Kennedy
Fire Chief Robert Perko
Police Chief Dustin Rogers
Housing and Community Development Geoff Englebrecht
City Engineer Joseph Ciuni
Service Director Jeffrey Pokorny
Communication and Engagement Mike Cook

Approval of Council Minutes:

Council Meeting February 6, 2023

There were no corrections or additions to the Council meeting minutes from February 6, 2023.

MOTION BY MRS. WEISS, SECONDED BY MRS. SAX for the approval of the February 6, 2023 Council Minutes. On roll call, all voted “aye.”

Additions and Removals from the Agenda; Referrals to Committee

Mayor Brennan asked for a motion to remove Agenda item “E” Ordinance 2023-10 from the agenda because the ordinance was not distributed to members of council as it had not been drafted yet.

MOTION BY MRS. WEISS, SECONDED BY MR. KING to Table Agenda item “E” Ordinance 2023-10 Ordinance Establishing the Compensation of the Vice-Mayor and the Members of Council. On roll call, all voted “aye.”

Mrs. Sax asked that Agenda item “C” be moved before comments from City Council.

Mr. Cooney asked Mrs. Sax to provide information as to the need to move this item.

Mrs. Sax replied to ensure that all Council members can fully participate in the discussion.

Mayor Brennan noted that there was a guest present to discuss Agenda item 9 “A” and that it would be courteous to her to also move that item up if we're if anything up this item.

Mrs. Sax replied that she understood what the Mayor was stating and that she looked forward to hearing that presentation. But she thought that everyone was familiar with the information so everything should be fine with that agenda item so she would like to proceed with just moving up agenda item “C” as she requested.

MOTION BY MRS. SAX, SECONDED BY MRS. BLANKFELD to move Agenda item 9 “C” Ordinance 2023-05 be moved to Agenda item 7 after the Mayor’s report but before comments from City Council. On roll call, all voted “aye,” except Mr. Cooney and Mr. King, who voted “nay.”

Mayor Brennan asked if there were any other motions for additions or removals from the agenda or referrals to committee. Being none, Mayor Brennan stated he would like to entertain a motion to move agenda item 9 “A”.

There was no motion regarding the Mayor’s request for motion moving agenda item 9 “A.”

Comments from Audience

There were no public comments from the audience.

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

Mayor’s Report

Last Wednesday, I delivered the 2023 State of the City address the transcript of which I have provided to the Clerk of Council and I incorporated herein by reference Thank you This concludes my report.

Due to the motion made and approved at the beginning of the meeting by Mrs. Weiss, agenda item 9 “C” was to this point of the meeting. But for the record of these minutes item 9 “C” will appear in chronological order with the other agenda items.

Mrs. Blankfeld excused herself from the meeting after agenda item 9 “C” due to illness.

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

Mrs. Weiss reported that the Council the Whole/Facility and Infrastructure committees met last week and discussed the professional services specifically the engineering piece of the professional services. Mrs. Weiss added that she was working with the Law Director to tighten the amended Ordinance so that it can be presented at the next Council meeting. Mrs. Weiss thanked Mr. Ciuni, adding that he has been extraordinarily helpful and collaborative in this process. The committee also began the discussion of an RFQ for the next year engineering contract beginning January 1, 2024 and the draft will be presented in a Council of the Whole meeting within the next month to begin the process. The proposal will have to be bid out and council wants to make sure that the proposal is secured by December 31, 2023.

Reports and Communications from the Directors, and the taking of action thereon

Finance Department – Mr. Kennedy

Mr. Kennedy provided the January 2023 monthly summary statements for the various funds. The audit for 2022 has started with the hope that it will be completed in time for the financial statement filing deadline of May 31, 2023.

Fire Department – Chief Robert Perko

In regards to the inquires Chief Perk received from councilmembers about hydrants and watermain in the city; he reported on a few of them. The only pending projects with Cleveland Water to the Chief’s knowledge was the hydrant valve replacement at 2184 Warrensville Center Road by Boston Market, that work was completed this past Sunday night. There is a water main break on 2340 Saybrook that Cleveland Water has on their list to be replace the next three days. Everything else appears to be completed at this time.

Service Department – Jeffrey Pokorny

Mr. Pokorny stated that with the upcoming time change weekend on Friday, March 10. Friday the Service Department will be opened for the City’s Bi-annual household hazardous waste and paper shredding event Friday, March 10 during business hours and Saturday, March 11 from 9am until 1pm. Anything dropped off on Friday will get shredded on Saturday, March 11 when the shredding truck will be there.

City Engineer – Mr. Ciuni

Mr. Ciuni reported that the Waterline project on Northcliff and one block of Saybrook Road will receive funding from Cleveland Water and the work will be done sometime in the Spring.

Communications and Civic Engagement – Mr. Cook

Mayor Brennan reported from Mr. Cook that the Mosaic would be in mailboxes by weeks end.

There were no other director reports.

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

A. Motion to Authorize the Mayor to Enter the Contract for Transportation Services Contract with Senior Transportation Connection in an amount not to exceed \$20,000. (tabled 01/17 & 02/06/23)

Mayor Brennan reported that Ms. Laura Kleinman was present to answer any questions Council had about the contract.

Ms. Kleinman explained the fuel escalation fee process. Activity/usage monthly billing is calculated by going backwards to the month that is being charged for and looking at gas fuel gauge website that shows the different average rates throughout the country, throughout the state and the particular local government region. If in looking back and the average gas price in the previous month was \$4, that would be a difference of 25¢ over the \$3.75 which is the set fuel price. If the City of University Heights provided 75 trips to individuals during that month, that 25¢ would get multiplied times the 75 trips so it is penny for penny anything in excess of \$3.75. Group trips are billed a little differently.

MOTION BY MR. GOULD, SECONDED BY MRS. SAX to Authorize the Mayor to Enter the Contract for Transportation Services Contract with Senior Transportation Connection in an amount not to exceed \$20,000. On roll call, all voted “aye.”

B. Motion to approve the Engagement of Letter of Stefanik Iosue & Associates, LLC for the provision of Labor Counsel Services for 2023 at an amount not to exceed \$70,000.00

Mr. Kennedy stated that the Labor Counsel did not have an up to date engagement letter, the original contracts got delayed somewhat because of COVID and other things and were up three years ago. This year the administration is in negotiations with the three different unions; police, fire and service and Mr. Kennedy wanted to have a new engagement letter in effect to cover.

Mr. McConville added that the rate was the same rate that the Law Director is permitted to charge on litigation and outside matters and the rate is favorable to the city.

Mrs. Weiss commented that she was glad to see that it is also at the same rate and that the new professional services ordinance will take care of this going forward in terms of bidding out proposals that are favorable to the city. Mrs. Weiss also noted that everyone will need to keep in mind that the contract ends on December 31, 2023 and hopefully the negotiations will be completed by then.

MOTION BY MRS. WEISS, SECONDED BY MR. GOULD to approve the Engagement of Letter of Stefanik Iosue & Associates, LLC for the provision of Labor Counsel Services for 2023 at an amount not to exceed \$70,000.00

Mr. Gould asked Mrs. Weiss how would that foresight and with that being in the radar, what would the intention be on a contract like this where Mr. Iosue’s contract would run to the end of the year and where the professional services ordinance would require future contracts to be bid out. With the foresight of seeing kind of where things are at the end of the year would the intention be to extend Mr. Iosue’s contract without betting?

Mrs. Weiss replied that she would assume that because they would be in the middle of a contract that they would act to extend it in this case going forward and that any other contracts would be bid out.

On roll call, all voted “aye,” except Mrs. Sax, who voted “nay.”

Mayor Brennan stated that with a vote of five to one the motion carried.

C. Amended Ordinance 2023-05 Enacting Codified Ordinance Section 1064.021 Entitled “Loose Recycling Services” and Declaring an Emergency (on first reading)

The following is the report as prepared by Mrs. Sax along with the added comments received during the discussion.

Thank you, Mayor Brennan. And thank you very much for indulging me to move this forward towards the beginning of the meeting.

I would like to take a moment to provide a summary of the background and merit pertaining to Ordinance 2023–05. I shall also provide clarification of recent questions that were asked at this public meeting, since it has been challenging to view public meetings due to technical difficulties with the A/V and IT equipment.

When Councilman Justin Gould was the Chair of the Service and Utilities Committee, he embarked upon the important task of following up to University Heights’s 2020 Solid Waste Study. I want to take this opportunity to recognize Councilman Gould’s efforts which started us on the path leading to this ordinance 2023-05 which positions University Heights to have a more positive modern impact on the environment. Thank you, Councilman Gould.

As the successor assigned to Chair University Heights’s Service and Utilities Committee, I continued following up on the 2020 Solid Waste Study recommendations to address University Heights’s rubbish and recycling collection methods. Our committee fulfilled this goal to the greatest extent that the legislative branch of government can do.

With the passage of this ordinance, it will be time to move forward from publicly debating policy to working collaboratively so we can achieve our agreed upon objectives to modernize and finally improve our city’s methods of recycling.

We look forward to working with the Mayor, Service Director and administration in a public committee setting on a plan that incorporates the points in the legislation before us that are in accordance with University Heights’s residents expressed wishes.

So, striving to provide the highest level of rubbish and recycling collection customer service, ordinance 2023-05 has been written to reflect University Heights’s Residents preferences which has been expressed in two (2) customer service surveys...

- You, the Residents of University Heights, have made it very clear in both surveys that the majority want better recycling
- Your highest responses in both surveys are to maintain the current method of backyard/side door collection
- You indicated your preference not to reduce service personnel staffing levels

University Heights Residents...We take your stated preferences very seriously!

On January 4, 2023, the Service and Utilities committee, consisting of Councilman Chris Cooney, Councilman Justin Gould, & Councilman John Rach, voted unanimously to use your preferences to formulate ordinance 2023-05’s directives & recommendations

On February 6, 2023, City Council voted 6 to 1 in favor of the first reading to move forward with ordinance and Include the collection at the side door/back yard.

Therefore, ordinance 2023-05 IS THE NEXT STEP for our city to finally modernize recycling while maintaining the current method of backyard/side door collection and service staffing levels in support of University Heights’s residents’ stated preferences

Now I'm now going to take a moment to clarify some points:

Point #1 Regarding costs

Using current data from December 2022 and from the 2023 budget, there is little cost difference between collection methods when staffing levels are unchanged because rubbish and recycling collection is labor-driven and labor-intensive.

The numbers used in the cost comparison spreadsheet presented to the Service & Utilities Committee on January 4th, passed a cursory review by our finance director, attesting to the validity of its numbers.

As a postscript, there are additional cost savings not incorporated into the spreadsheet resulting from 1) eliminating the current afternoon truck redeployment to collect blue bagged recycling from street corners and perhaps due to operational efficiencies that may be gleaned by reassessing collection routes for the first time since 2004.

Point #2 Regarding options to modernize recycling by transitioning from bagged to loose recycling using the current collection method.....It can be done!

John Pucella University Heights's veteran foreman in charge of rubbish and recycling collection came to our meeting and I would like to thank Mr. Pucella for informing City Council on January 17, 2023, that there is a path to moving AWAY FROM bagged recycling without sacrificing University Heights' residents preferred method of rubbish collection! So, let's get working on a plan!

Point #3 Regarding the possible need for more staff and equipment

One of the main reasons that additional resources may be needed across the various collection methods would be to achieve the goal of increased recycling by transitioning from bagged to loose collection. This expected increase in recycling requires an administrative plan to accommodate the increase in loose recyclables – no matter where collected - whether in the backyard or at the curb.

Point #4 Regarding “Opting-In” for the Purpose of Households Obtaining City-Issued Recycling Bins and Updated Recycling Education and Awareness

Ordinance 2023-05 directs the administration to devise a plan to support University Heights' households to improve the quality of recycling and improve percent recycling rates by reducing contaminated recyclables through this very process.

There are ~~seven~~ several realities to recognize and achieve the goal of improving our city's percent recycling rate using the “opt-in” sign-up approach:

Reality #1: Recycling is voluntary and optional

Reality #2: “Wishful recycling”, without proper and consistent on-going education leads to contaminated recycling. Consistent and on-going education increases recycling confidence by reducing confusion and misinformation in real time.

Reality #3: Contaminated recycling spoils clean recycling when mixed up together

Reality #4: City-issued appropriate-sized recycling bins for households signing-up to opt-in, will demonstrate tangible support for this effort. It will eliminate the obstacles of cost and of households needing to obtain recycling bins because they will be issued by the city. However, issuing large plastic recycling bins or carts to all 4200 households whether or not they voluntarily choose to sign-up to opt-into recycle can lead to contaminated recycling if these city-issued bins are instead used for solid waste

Reality #5: It comes down to the reality of the “Haves” and the “Have Nots” of our neighboring municipalities in Cuyahoga County

- They almost exclusively HAVE curbside collection and many having automated curbside collection
- They do NOT HAVE sign-up for opting-in to receive recycling bins or carts but instead may be issued them by their city or required to purchase them if they wish to recycle
- Of the 59 municipalities in Cuyahoga County, 48% of them HAVE reported negative percent (%) recycling rates and 71% HAVE had either no change or negative percent (%) recycling rates from 2020 to 2021

The reality is that neighboring cities in Cuyahoga County that do not have backyard collection do not have sign-up for opt-in recycling education and bin-issuance, DO NOT HAVE the solution or the recipe for improved recycling.

Simply put, “Opting-in” is the way to “Sign-up” for the tools needed at no cost to improve the city’s percent (%) recycling rate cost to the residents.

- Residents who choose to sign up, are opting-in for training on correct loose recycling based on current MRF specifications. The caveat to receiving recycling bins is to engage in a training, to recognize clean and acceptable recyclables that are not contaminating. This is a direct and clear way to supply residents with the understanding of the importance and reasons that some items are acceptable, and some are not at any given time.
- Households that choose to sign-up, are opting-in to receive appropriately sized bins as identified by the service director. The bin size would balance maximizing the amount of loose recyclables that can be lifted safely by service collection staff, noting that loose recyclables are lighter than solid waste.
- Resident households would hopefully be given several ways to easily sign-up to “opt-in” for recycling supports that we can discuss in committee public meetings.
- The administration of signing-up through the opt-in recycling program is actually quite simple and not much more labor-intensive than the administration’s past proposal to purchase and issue 4,200 recycling bins for all University Heights’ households would have been. There would still need to be a location to house the bins until distributed, there would still need to be a plan for bin distribution, and there would still need to be maintain the list of where the bins were distributed. A main list of issuances would be required to match to the quantities purchased and stored in an on-going manner as is done with any other city commodity
- Tracking households engaged in recycling should be relatively easy because service staff will simply drive up the driveway see the city-issued bins and collect the recyclables at the point of rubbish collection in the very easiest scenario.

In summary, I want to thank all who have provided opinions and insights throughout this entire process – especially University Heights residents from whom I’ve learned quite a bit. Once again, the passage of ordinance 2023-05, will make it be time to transition to modernize loose recycling; it will make it time to achieve the goal of improving our percent recycling rate; and it will be time to shift away from a policy debate and move our city forwards in a way to achieve our goals together in a thoughtful, constructive, collaborative, and expeditious manner.

I am now calling the question to make a motion on emergency for Ordinance 2023-05.

Mayor Brennan: There is no motion on the floor to call the question on.

Mrs. Sax: Okay.

Mayor Brennan: I know Mr. Pokorny, did you have anything you want to say on this?

Mr. Pokorny: Absolutely. The Service Department staff makes every effort to serve the residents of this city and be responsive to their requests. When Mr. Pucella addressed this council. He addressed it with an attempt to maintain service, remain responsive and meet city council and requested Council not act on this unfunded mandate, which will require additional resources. What Mr. Pucella told council was accurate. To comply with this ordinance the Service Department will need a minimum of two additional recycling trucks and two additional staff members to team those trucks and that equipment. This should be no surprise to council. The 2019 study was a look at improving solid waste collection. It was not strictly about recycling. Improving solid waste collection they analyzed all the routes we ran, they analyzed the staff were using. And the recommendation was clear that automation would be the way to reduce all costs and improve solid waste collection. And the solid waste study indicated that its additional staffing and equipment would be necessary if council wanted to go and add recycling bins to the process. In the council's request to the consultant at the time, the consultant was asked to look at supplying bins and collecting loose material curbside, now here we are. On page 14 of the report, you'll see question number nine answered by the consultant indicating the estimated costs in 2018 was \$93,574. And the additional staff would be necessary, and an additional truck would be necessary. And that was doing it curbside

which now you're talking about doing it rear yard which is going to require two additional staff at least, and two additional trucks. The curbside is not rear yard. When the residents bring something out curbside is easier to collect because the truck is already curbside. If you're talking about going into the rear yard, you have to handle the material first, putting it somehow onto the buggy and then somehow off of the buggy. Once you get it out to the solid waste truck or recycled, whichever one you're going to do it. So, curbside is not rear door collecting. Again, the Service Department is unable to comply with the proposed mandate ordinance. And I concur with the Assistant Service Director's expression of those other services to residents will suffer without additional staffing without additional equipment to do this method under this mandate will require that we alternate staff off of other things that we're doing like pothole patching, special services for concerts and other events and it will impact responsiveness to the resident's requests.

Mr. Cooney: Looking at my notes from Mr. Pucella when he spoke. Will the transfer station be required if we were to move to towards backyard recycling?

Mr. Pokorny: Without adding any additional staff and equipment to transport that material? Yes, the transfer station would be required.

Mr. Cooney: Could that be done within the city of University Heights at this time?

Mr. Pokorny: Currently, we have no place to do that now.

Mr. Cooney: There was again also a comment made that it can be done in Twinsburg. But that's at least a two hour round trip.

Mr. Pokorny: That is correct. Our recycling truck, any recycling collected has to go to Twinsburg, that is our current contract for disposal of recyclables.

Mr. Cooney: What is the total number of services, if the service department were fully staffed; how many employees would you have at this time? Not what you currently have, if you were 100% staff, how many employees?

Mr. Pokorny: Twenty (20) unionized staff that also includes one who is the phone operator and two mechanics. So, there would be 17 laborers drivers and one of those 17 would be a class C Foreman.

Mr. Cooney: Are you at 100% fully staffed at this time?

Mr. Pokorny: We are not.

Mr. Cooney: And how many open positions do you have?

Mr. Pokorny: Currently we have three (3) full time and four (4) part time positions open.

Mr. Cooney: How long have those positions been open?

Mr. Pokorny: Very, very depending on when people left but we currently have those open for approximately a month now.

Mr. Cooney: Would there have to be any modifications to the Kubotas or the current trucks we use now, in order to achieve backyard lose for cycling?

Mr. Pokorny: It would depend on the method finally select to do the lose collection. More to keep the bins on the front of the Kubota, 30 Gallon Trash cans and dump loose containers into those. When they got out onto the street and they were full, they would have to empty them somewhere, that would require the recycling truck to be out of the route.

Mr. Cooney: Has there been any determination as to the size of the bins that would be used or the maximum allowable weight per bin? Similar to what we currently use for our refuse. There's a container size.

Mr. Pokorny: There have been no rules written for that but our current requirement is less than 50lbs.

Mr. Cooney: Essentially, my understanding, the sense I got from Mr. Pucella was that as the Assistant Director and also his speaking for the staff, they were not in favor of backyard loose recycling. And they wouldn't they would support curbside automated pickup.

Mr. Gould: Mr. Pokorny, I understand the frustrations of you and your Deputy Assistant, Service Department Assistant. In that when I hear you say things like unfunded mandate, I can understand the frustrations. I too have felt frustrations when it came to the collaborative creation of a plan like you've just discussed. I remember when Councilwoman Sax asked for the plan to do loose recycling in the backyard. And the response from the administration was that we're not going to engage in the process of creating a plan for backyard trash pickup. And therefore, you have here an ordinance, which creates a mandate without the benefit of an administrative plan. I will say for myself, that I have no problem hearing what you've just said, and taking from you a plan to fund and staff this position or this mandate. When you asked for two additional staff in the last budget cycle, there was some conversation about whether or not those specific two additional staff members were necessary for only if the loose recycling plan. And when I say last, I don't mean the most recent I mean the one before that, were necessary for some type of move to curbside or if we would be able to maintain current services based on without those additional two staff members. And there was a - I think Council was disinclined to provide additional bodies for a move to curbside, which wasn't going to happen. And I think what this Year has shown us is that you mean there are general understaffing in your department and you need more bodies. And you certainly will need the additional two bodies and some additional equipment, whatever the plan is that you come up with to meet the mandate in order to do this without it being a sacrifice to other services. So, in response to the you know, the frustrations, I hope that that plan is put together if it is a request for two additional bodies and two additional pieces of equipment in order to avoid the need for some transfer station, which is an impossibility. Let's find the possible way forward. I think Councilwoman Sax's view of Mr. Pucella's statements are the most positive, which is there is a possibility a way forward. It's not feasible now based on the resources we have. But there is certainly a way forward that could be devised. I hope that your department would devise that way forward and present the costs to council. I have not heard any of my colleagues say they are unwilling to make expenditures, not even substantial expenditures in order to get this done in a way that is feasible. It's just when we didn't try to engage in that process before this resolution was brought we didn't receive that cooperation from the administration. I am pleased with the process that Councilman Sax has taken. It's been reported in the media and stated by various members that you know, we had this study in 2019 and that Council has taken no action on it since. And that's inaccurate. In 2021, November of 2021, this Council passed a resolution 2021-48, which was a resolution to declare that after that study, and after our public hearings, and based on what we were able to achieve to that point, that the method of backyards or the method of trash collection in the City of University Heights would remain in the backyard. That was a resolution. It was a finality. It was an act of this body. It was not no action. It certainly wasn't the action that I think the administration was very clearly advocating for, and advocated for thereafter in its budget, but it was an action. And when Councilwoman Sax says that we take your preferences very seriously. I think that this ordinance is a representation of that, taking seriously. That we are moving off of our very clearly set position that the method of trash collection in the city of University Heights would be as it was, and making some modification. Here, we've heard that the benefits of loose; both financially and in terms of what could be collected, we know that we have a contract available to us, which we can immediately change to which would lower the price of our recyclables if we switch to loose collection. And I don't know how much of that savings would offset the additional costs that you've talked about. But that certainly will be a discussion if and when that plan is presented to council. So, I think that this is a departure from that position. And something that I am in support of. The one thing that I wanted to clarify was the in-pyrene portion of this item. C, and that says on first reading, I believe the intention was to pass this on emergency. Is that right Mrs. Sax?

Mrs. Sax: Yes.

Mr. Gould: Then I'll make a motion to amend item "C".

Mr. McConville: Can I interrupt you. I want to clarify what has been become the source of some confusion. Any ordinance that is on first reading and presented as an emergency ordinance can either be adopted on the first reading, in which case there are two roll call votes. The first roll call vote is a vote to waive the two-reading rule that's in our charter. And then the second roll call vote if that vote passes is a vote to adopt. Or alternatively, it can roll over to a second reading and be adopted on emergency as a second reading.

Mr. Gould: As written just gives us the option to do either.

Mr. McConville: Correct.

Mr. Gould: Thank you for that clarification. Then I withdraw the motion I don't need to make a motion to amend. But I understand I'm sure that others have discussion that they'd like but I will make a motion to pass amended ordinance 2023-05 Enacting Codified Ordinance Section 1064.021 entitled Lose Recycling Services and declaring an emergency on emergency.

MOTION BY MR. GOULD, SECONDED BY MR. RACH to Approve the Amended Ordinance 2023-05 Enacting Codified Ordinance Section 1064.021 Entitled "Loose Recycling Services" and Declaring an Emergency

Mayor Brennan: Is there any further discussion, Mr. King?

Mr. King: We all agree that loose recycling is our goal. However, continued investment in backyard waste collection is not fiscally responsible way to get there. Strategic capital investment in modern automated equipment will enable the city to control future costs and become more sustainable. You need to commit to investing in our future, not our past. Thank you.

Mr. Pokorny: If I might address some of the council peoples issues yes raised. First of all, frustration is not with council dictating the way that recycling is going to be done. The frustration was with the whole address of the report that was provided to council not only in 2008, but also in 2020, which was the process all the way through 2019. The frustration is that we should be moving forward to automate our methods. No longer manually collecting things, having men pick the stuff up, and then transport it and pick it up again, put it into a truck manual. The results of both of those studies was to automate, was to make them easier and the frustration is that now we are adding another manual method of doing recycling. So, we're stepping backwards, as you say, to doing things, the way people did things 25 years ago, that's the frustration. The additional people have been asked for, we're needed on staff because of the expansion of the park. Other things, the programs that we added that we had not done in the past. That was the request for those two additional people. It was council's misunderstanding and twist where they became part of the solid waste study, they were denied. We didn't change our methods, we also didn't have way of doing anything to add those additional events that we were taking care of. So, we added in overtime. Okay, there's only so much overtime, these men will work on a manual basis. So, you need to understand that we are stretched very thin, automation was the recommendation to free that up. We told the council that we were not planning on cutting staff, even if we automated and that it was many Year process to getting there. So, the frustration is adding additional manual work to our people in order to do loose recycling, which is a minuscule part of our solid waste stream.

Mr. Rach: I respect what you're saying here. And I certainly understand and I'm certainly open to adding staff, that is something that we need to do to make this a success. But I really just want to reiterate that although the study says X, Y, and Z, at the end of the day, we as representatives were the voice of the residents here in the city, and they've had their chance to speak in a survey. And they overwhelmingly supported keeping backyard pickup. And when the administration didn't like the result, they submitted another survey with cost. And it too, came back with a plurality of chosen votes towards backyard pickup. So, I myself, I want to honor the will of the people. They understand the cost; the cost was included in the second survey. The study was included on the first and second survey of link towards it, there were pictures of what the manual labor would look like, there were pictures of what the automated labor would look like. And at the end of the day, I want to honor the will of the people and that's what they've asked for. So, we have to find a way to make this work with what they have asked us to do.

Mr. Cooney: My concern right now. I understand that Mr. Rock is open to discussing adding two additional positions. And we already have three to four positions are not filled right now. So, we can add them. But the bodies aren't there. We have a potential we're not trying to do something that is cutting edge with maintaining backyard pickup 48 out of was a 50 to 51 cities within the county have curbside pickup, or one of three. There's a reason for that. The staff is looking for efficiencies and it's laying at our feet. And for some reason, which I'm not much I understand as a resident, do I like backyard pickup? I do. I think it's super convenient. I like being able to move it 10 feet and have it picked up. I get it. I understand Mrs. Sax, she's trying to put together a comprehensive discussion and plan for loose recycling to improve the rates. And I think she's done that, I really do because I know she's put in the work. But if we take a step back, we're looking at the new facilities that we're moving forward with and the financial impact that it's going to have. And Mrs. Sax with the information she presented several council meetings ago. There's a potential for \$500,000 difference that could be realized within the budget for that by going to curbside loose recycling. And we should not ignore that fact. Staff would not be laid off, it would be reassigned to where it's needed. And we know that it's needed with Walters Stinson Park and other service issues, roadside repair and I just don't see this as a potentially good long-term decision because eventually we're

going to be back here again. And we, I mean my city council, whether it's sitting in the chairs or somebody else, we are going to be back having the same discussion regarding curbside pickup, because I just don't see it as being financially viable service that we can offer the city when we have other needs. And I think we have to remember that, we have to consider that. Especially when one of the questions was, have you ever talked to those that are doing the work, and we have them coming here saying, move forward. Everybody else has, but we're dragging our feet for some reason. We have a potential to do that. Improve services, improve efficiency, reduced costs overall. And we should really remember that if we are being financially responsible for the citizens.

Mrs. Weiss: The one thing that we are missing in this whole equation is that we have asked the administration a number of times at this point, to give us a plan, either A or either B in terms of cost reductions. Now, when Mrs. Sax put together the spreadsheet of what automated looks like versus our current method, there was no dollar difference, because we need to reduce costs. And if that is not done, then it's a moot point anyways. And that comes down to staffing. So, if you when you have automated, I think it was six or seven people, I don't have the data in front of me right now, that would that you would need to be doing the curbside collection. So then you have your 17 other, you know, employees, those other and 13 are, are served our refuse collections right now. So you have seven other people at this point that would be freed up to do all of the other work that we need to do. But, five? Is that what you just said Mr. Pokorny?

Mr. Pokorny: You have to realize that when staff, people have vacation days, they have sick days,

Mrs. Weiss: For sure.

Mr. Pokorny: Right now, it's taking 11 People just to get the garbage route done, the way it is done today.

Mrs. Weiss: So, my point is, though, if the staff is reduced, you would; And let's just say it's automated, you would have the staff you'd free up to do all of the other things, but there has been no plan that has been presented. The automated cost is the same as the backyard costs right now. And until there's a plan to change that there is no cost reduction unless we have a strategic plan going forward.

Mr. Pokorny: Cost, the spreadsheet that Councilwoman Sax prepared. We had no input on that. I have no idea. The reports that you received the solid waste collection analysis showed there were costs of doing that. There are costs to doing a bin and having somebody collect loose recycling.

Mrs. Sax: The costs were taken directly from the payroll. The costs were taken directly from the budget. You weren't really talking to me weren't responding to my emails, weren't responding to pretty much anything. So, I couldn't get information from you as much as I tried.

Mr. Pokorny: We've provided that information repeatedly.

Mrs. Sax: So, I took it straight from the books. It's not made up. And it was based on reality. And it was based on current not 2018 or anything before then before December 2022. Just for the record. Thank you.

Mr. Pokorny: I don't know what those numbers show and how you could possibly come up with no additional costs for adding loose recycling. That's not going to happen.

Mayor Brennan: It left a lot out.

Mrs. Sax: You were not at that meeting, but it was public record and it was available. And I did say at the meeting and I've said since that may be two or three times that I did provide it for cursory review from the Finance Director. There were options available, you could have called me. You could have reached out to me, I would have gladly shared everything. I've been trying very hard to speak with Mayor Brennan, to speak with you and you refuse. And you've said publicly in a meeting that you received my questions, you received my emails, and you deliberately refused to respond. They were frivolous, they were, I don't know, so many interesting adjectives. So those are real numbers. And I'm glad to talk to you anytime. And I look forward to a comprehensive plan, give us a plan and then we'll review it. So, if we do agree on loose recycling, if we do agree that we want to achieve a better percent rate of recycling, then we'll look at the data. And we'll work together, give us a plan. And we'll base our decisions on that going forward. Thank you.

Mayor Brennan: Thank you, Mr. Sax. Mr. Pokorny to do a response.

Mr. Pokorny: No, thank you.

Mayor Brennan: I didn't want to get into this, but I feel like now in light of that last comment, I'm going to have to. You know, the Executive and Administrative power of the City is held by the Mayor. And the Mayor is the City's only full-time elected official. And generally, since 1941, since the Charter was implemented, you know, the administration sets the policy for the city. The City Council is here to help enact that policy and it does that by funding it. When you go out of your way, when you go on your own way, and create legislation contrary to administrative policy, then that's not only an overreach, but that's a hostile act. Especially in this case, where what has been proposed in this ordinance is contrary to all the experts in the field, contrary to our own solid waste studies, two of them. And it's contrary to administrative policy. And I will also put forth because it's been said this evening, it's contrary to the surveys themselves, it's contrary to the statistical analysis. It is contrary to the to the actual outcomes, not looking at raw data. But when you analyze the data, when you weigh the data for population proportions, when you do the cross tabs and look at people who have had residents who have had curbside automated and other communities, and thus are familiar with it. With also having used curbside on or rather backyard pickup in our own community, there is a slight preference for curbside automated, and that is compelling. There's a built-in bias asking people what they want, when it's do you like what you have? Or how about this other thing over here that you don't know anything about because you haven't used it yet. So, the fact that four (4) in 10 people want to keep things exactly the way they are; in five (5) and 10 are open for a change. Those aren't strong numbers for keeping what we have. Those are numbers that suggest we need to be looking at doing something better, something sustainable, something that controls costs, something that is less risky for our employees, something that reduces our carbon footprint. And something that also improves recycling. The one part of this, which is the council's job is funding. And that is the one thing that still is not addressed here at the Service and Utilities Committee meeting when I asked you, Mr. Sax, I asked about funding and you told me that the that the Administration, that the Service Department was going to have to figure out how to implement this with the equipment we have, with the people we have and the funding we have. That is not a serious suggestion. That is not serious policy. That is that is something that does not serve our community and does not move this process forward at all. You know, we've been working on this since 2019. Jeff has been working on it much longer. And this is not the correct outcome. It simply isn't. And, you know, I knew there was going to be a committee meeting on this, it wasn't held. I feel like this work is not complete and kind of like the engineering ordinance last week. We shouldn't be passing something without having done all the work in committee. This work is incomplete. You need to go back and look at this again.

Mr. Gould: One of the things that is seem repeatedly is a pattern by which you obstruct the work that committees are doing, by not providing the data and input and collaboratively coming up with a plan. I get it politically, for environmental reasons, it is part of your platform that we switched to automated curbside collection. And you've been clear on that point. And you have said in committee meetings that you are not going to engage in the process of planning contrary to that plan. And that has been the position that you have taken. So, to say, you know, to characterize Councilperson Sax as saying, well, you are going have to do with the number of people you have and the number of machines you have? Well, that's true, because you haven't planned with us the way to change that, according to the number of votes that you have on this council. We can keep it the way it is, which would be backyard bagged collection, I think what we've suggested is a switch away from blue bags so that we can save money, and on the amount of the poundage that goes down. We can join our other communities and sending it down at a lower price, we can join the other communities that have signed on to a contract that was renewed last fall. And the same thing with the taskforce that was put together to talk about these personal service costs, professional service costs, we had a committee put together of lay people and council members. And as Vice Mayor Weiss outlined on the record at our last meeting, you stop that process from going forward. And so to say that; this council will continue to move forward, I think that the point that is being made time and time again, is that when presented with the option to stop working and to stop moving forward and to stop implementing, you know, the will of the people and the view of this council, and its work, what is the best plan forward or to just not do it, because you're not going to work with us. We will continue to pass ordinances, we will continue to attempt to move the city forward. And if we can do that in a way that is collaborative, wonderful. And if we can't, then you are stuck with exactly the resources you have. And that's not the best way forward. For the people that work for the city. The best way forward is to make sure that they are resourced, and I appreciate what Mr. Pokorny said that this is not what the preference would be. Would be automation. And that is not the number of votes that we have on this council right now. And I think that there are improvements along the line of environmental impact. And for all of the other things that I already outlined, of switching to a loose backyard collection. But to characterize, you know, the work that Ms. Sax did as incomplete, it isn't complete. But, that's not because she hasn't worked tirelessly to gather that data. I have seen the emails that she has sent time and time again asking you and members of your administration for a response, you ignore her. It's a matter of public record. These are

public emails, they are emails that go out and they are not a response. I don't know why she is not responded to. I do not know why her view as the Chair of the Service Committee is belittled. And the questions that she asks as the Chair are ignored. But that is the response or lack of response from this Administration. And then to say, Well, you didn't have a full information or this isn't a full and complete point. You're right, it's not. Then engage us in the process of creating one. I think you've heard from multiple members of this Council that they're willing to resource the Service Department in the way that the Service Department has said that it needs to be resourced in order to make this plan work. And it is not the 100% desire that the Administration had for curbside automated pickup. And if there was somewhere in the middle to meet around that that was acceptable to the citizens, then I'm sure this Council will be willing to vote on that. But what we have now is a move away from the position that we took in November of 2021. That provides several benefits that have already outlined and that is why I support it. I call the question.

Mayor Brennan: The question has been called. If there is no further debate, Mrs. Thomas, we will take two roll calls. The First is on the suspension of the rules.

Roll call on the suspension of the rules, all voted "aye," except Mr. Cooney and Mr. King, who voted "nay." Roll call on passage, all voted "aye," except Mr. Cooney and Mr. King, who voted "nay."

Mayor Brennan stated that by a vote of five to two the motion carries. Thank you.

Mrs. Blankfeld: Before you go further, I am going to have to leave the meeting. I've been extraordinarily ill. I came but I am unable to stay.

Mayor Brennan; Ok, so noted. Mrs. Blankfeld is exiting at this time.

D. Ordinance 2023-09 Transfer of Funds from the General Fund (100) to the Capital Improvement Fund (400); Facility Improvement Fund (411); Street Lighting Fund (203); Payroll Stabilization Fund (299); Sewer Operating Fund (201); Sewer Capital Fund (401) and Shade Tree Fund and Declaring an Emergency (on emergency)

Mr. Kennedy reported that this represented a series of transfers that were included as part of the 2023 permanent budget. The \$210,000 transfer to the Capital Fund will allow budgeting for all the appropriations that were approved in the permanent budget. The annual transfer to the facility Improvement Fund is for \$50,000 and that fund currently has a balance of \$154,000 and the transfer will take the fund to over \$200,000 that will be used at some point in the future on facilities development. The streetlight lighting fund transfer is \$50,000 and that is more than is done traditionally in the past several years because the assessments were not adjusted and street lighting costs have gone up considerably over the past three to four years. The payroll stabilization fund is \$27,000, that fund was set up to protect the extra pay period that occurs once every 11 years. The remaining three transfers are for the sewer operating, sewer capital and shade tree funds are additional transfers that support the assessments. The assessments usually are calculated on a rate of approximately 95% of the total needs of the funds.

MOTION BY MRS. SAX, SECONDED BY MR. KING Approving Ordinance 2023-09 Transfer of Funds from the General Fund (100) to the Capital Improvement Fund (400); Facility Improvement Fund (411); Street Lighting Fund (203); Payroll Stabilization Fund (299); Sewer Operating Fund (201); Sewer Capital Fund (401) and Shade Tree Fund and Declaring an Emergency. Roll call on the suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."

E. Ordinance 2023-10 Ordinance Establishing the Compensation of the Vice-Mayor and the Members of Council

As per motion at the beginning of the meeting. This item was tabled.

F. Ordinance 2023-11 An Ordinance Amending Codified Ordinance Section 1246.01(C) to Increase Remuneration for Members of the Architectural Review Board, and Declaring an Emergency (on emergency)

Mr. McConville stated that this ordinance was in tandem with the other committee ordinances that council passed at the last council meeting. It raises the rate of remuneration for Architect Review Board (ARB) members from \$50 a meeting to \$100 a meeting and thereby making that rate. consistent with all the other board and commission members.

Mrs. Weiss noted that at the last council meeting Mayor Brennan announced that he was asking for resumes to fill an open spot and asked if he had received any resumes yet.

Mayor Brennan replied that he did not know if he had received any yet.

Mrs. Weiss asked that he email any resumes that he receives to council.

Mayor Brennan answered that he would let council know when he has a nominee.

MOTION BY MR. COONEY, SECONDED BY MRS. SAX Approving Ordinance 2023-11 An Ordinance Amending Codified Ordinance Section 1246.01(C) to Increase Remuneration for Members of the Architectural Review Board, and Declaring an Emergency.

Mr. Gould added that he thought that if the Mayor could at the time of the nomination also provide council any other resumes that he received as part of it that would be helpful.

Mayor Brennan replied that although it was not on point here for this discussion, he would take that under advisement. Thank you.

Mr. Gould asked Mr. McConville if on items like this when there is discussion regarding the pay of certain individuals, and when there was a request by Vice Mayor Weiss for certain items, specifically other resumes that are received; can those be obtained as a public records request?

Mr. McConville replied yes, he believed so.

Mr. Gould requested that Mayor Brennan consider that a public records request had been made for the production of those resumes at the time that he makes his eventual nomination.

Mayor Brennan replied very good and asked that Mrs. Thomas to please make sure that was noted for the record.

Roll call on the suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye,” except Mr. Rach, who “abstained.”

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

Executive session was not needed.

Standing Council Committees:

Community Outreach Committee – Mr. King

Mr. King reported that he would be polling soon for a meeting of the IT Committee to discuss the bids that had been submitted for the city’s IT services.

Finance Committee – Mrs. Weiss

Mrs. Weiss mentioned that she had a conversation with Mr. Kennedy and had spoken with the Mayor regarding moving some of the funds that are in short term investments so those funds could earn interest and hopefully that would be done in the next few weeks.

Recreation Committee – Mr. Cooney

Mr. Cooney reported that a doodle poll would be going out for a Recreation Committee meeting to discuss the upcoming summer season for the pool, concert activities and potential discussion about public art.

Service Committee – Mrs. Sax

Mrs. Sax stated that a poll would be going out for a service and utilities committee meeting to discuss the moving forward with loose recycling. Mrs. Sax added that she appreciated the support the ordinance received and the passage of it. And that she looked forward to working together to finally improve the city’s recycling and respect the wishes of University Heights’ residents while doing so.

Committee of the Whole – Mrs. Weiss

Mrs. Weiss reported that there would be a new Council of the Whole Facilities and Infrastructure Committee meeting poll within the next two weeks to review the RFQ that will go out later this year for an engineering contract, and also to review the final assessment for the facilities project.

Reports of special committees, and the taking of action thereon

None

Unfinished and miscellaneous business

None

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

There being no further business, the meeting was adjourned at 8:25pm

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council