

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
WEDNESDAY, MARCH 8, 2023**

Mayor Michael Dylan Brennan called the meeting to order at 7:02 p.m.

Roll Call:

Present: Mrs. Michele Weiss
Mrs. Sheri Sax
Mrs. Barbara Blankfeld
Mr. John Rach
Mr. Brian King

Absent: Mr. Justin Gould
Mr. Christopher Cooney

Also Present: Law Director Luke McConville
Clerk of Council Kelly Thomas
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

MOTION BY MR. KING, SECONDED BY MRS. WEISS to Approve the Absence of Councilpersons Justin Gould and Christopher Cooney. On roll call, all voted “aye.”

Approval of Council Minutes:

Council Meeting February 21, 2023

There were no corrections or additions to the Council meeting minutes from February 21, 2023.

MOTION BY MRS. WEISS, SECONDED BY MRS. SAX for the approval of the February 21, 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 add to the Council Agenda a Motion to Declare the Property at 3873 Meadowbrook a public nuisance and grant permission for demolition of the same.

MOTION BY MRS. BLANKFELD, SECONDED BY MRS. WEISS to add to the Council Agenda Item “D” a Motion to Declare the Property at 3873 Meadowbrook at nuisance. On roll call, all voted “aye.”

Mrs. Weiss stated she wanted to motion the removal of Council Agenda item “C” because as she has said in the past that the Council agenda should not include any State, Federal or Partisan issues.

MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD to removed Council Agenda Item “C” Resolution 2023-12 Opposing Senate Bill 1 which would Transfer most Powers and Duties of the State Board of Education to the Governor.

Mr. King stated that he believed that this was a local issue and nonpartisan.

Mayor Brennan noted that Mrs. Jody Sourini, Vice President of the School Board was present to address this. Mayor Brennan added that he thought it would be courteous to leave this item on the agenda and to hear from Mrs. Sourini as Senate Bill One is a matter of basic democratic governance. Mayor Brennan said that there are numerous Senate bills and House bills that pertain to public education which he realized people could take differing opinions on. This one is rather unique given that it strips powers from the State Board of Education and turns it over to a new position created in the Governor's office. Mayor

Brennan added that he thought this was much different than other bills that are pending in the House and Senate and one that calls out for local comment. This sort of thing does affect the Cleveland Heights – University Heights school district and the City of Cleveland Heights has passed basically an identical Resolution.

Mrs. Weiss commented that she was a friend of Mrs. Sourini and that she knew that she was an advocate of education. Mrs. Weiss stated that she just did not believe that this should be on Council's agenda.

Mrs. Blankfeld stated her reinforcement of her second and called for the question.

Mayor Brennan said that a call of question required a second and a two-thirds vote. Mayor Brennan said that this was something that he looked up after they have had calls of questions that were intended to close debate. Mayor Brennan asked if there was anybody who wished to be heard before he proceeded to entertain that motion and if not, they would proceed to have a call of question, which required a second. Mayor Brennan asked if there was a second to the calling of the question?

Mr. Rach seconded the call for the question. On roll call, all voted "aye," except Mr. King, who voted "nay."

Mayor Brennan stated that the call for the question motion passed by a vote of four out of five by exceeding two-thirds. Now would be the roll call on the removal of the item from the agenda.

On roll call, all voted "aye," except Mr. King, who voted "nay."

Mayor Brennan announced that the item has been removed from the agenda and item "C" would not be heard.

Comments from Audience

Mrs. Jodi Sourini, 2602 Fenwick and Vice President Cleveland Heights – University Heights School District was present and made the following statement. Good evening, Mayor Brennan and members of University Heights City Council. I'm very sorry that you have removed agenda "C" from the agenda, but I hope you will at least listen to my remarks and consider them carefully. I'm here because you have you had an item on this evening's agenda that is of great importance to K-12 education in the State of Ohio, you would have considered a Resolution in opposition to a House Senate Bill one. I know considering Resolutions in support of or in opposition to proposed legislation is something that this government body generally does not do. But, I would urge you to reconsider this stance, especially in the case of Senate Bill one. If you're not familiar with Senate Bill one, it strips the elected state board of education of its power by transferring both the States board's power and control of the Ohio Department of Education into what would be a new Cabinet Department under the political control of the Governor. This legislation is bad for Ohio and it's bad for education. It is bad for public schools, non-public schools, and for private schools. Why is it bad? First, the Governor has not asked for this control, and he doesn't appear to want it. Second, it would create a costly expansion of government that would duplicate efforts and increased bureaucracy which is wasteful and unnecessary. Third, it removes accountability by concentrating power in the hands of a political appointee who cannot be voted out of office. No one should have that much power over a function of state government that touches so many lives and is so important to all of us. It would erode local input and local control, reducing the voice of University Heights residents and the voice they have in the education of their children, regardless of where or how they choose to educate their children. Fifth, it would strip elected officials of their power, which is a dangerous precedent, which we elected officials should all be definitely concerned about. Senate Bill one has already passed in the Senate, time is running short to speak up and to stop this harmful legislation. I urge you to reconsider. And I urge you to pass the resolution in opposition to Ohio State Senate bill tonight.

Mrs. Sourini added that there would be other very bad legislation out there and she would soon be coming to speak on House Bill one is something that should definitely be looked into because it is very dangerous. It would either increase everyone's taxes, cut the amount of money that all government entities received and she thought everyone would be in a world of hurt. Mrs. Sourini acknowledged that these Resolutions University Heights' Council typically did not rule on but might want to start reconsidering that stance with some of the legislation that is being brought forth in the statehouse.

Mayor Brennan said he would echo Mrs. Sourini's comments in that House Bill one would strip \$1.2 billion from local governments including governments like University Heights, governments like the school district, the metro parks and others that rely on property tax.

There were other public comments.

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

Mayor's Report

Last Saturday was the memorial and celebration of life for Judge KJ Montgomery. By mayoral proclamation, Saturday March 4, 2023 was KJ Montgomery Day in the City of University Heights. A copy of the proclamation will be submitted with my report for the record. The Celebration of Life was at Shaker Heights High School. I joined some of my fellow singers from the Cleveland Rape Crisis Center Sing Out to perform "In My Life" by John Lennon and Paul McCartney, at the request of KJ's sons, Martin and Drew Schultz. KJ was a thoughtful and empathetic jurist, a community leader, a mentor to many, a public servant, and a talented musician. We will always love and miss her.

The new Mosaic magazine is out, complete with a new oral history of Bruce Springsteen and his legendary concert at John Carroll University on February 18, 1975. Springsteen would go on to release Born to Run later that year, his first commercial breakthrough album and third album overall. Mike Cook interviewed several of the members of The University Club and former WMMS staffers to collect their recollections of this early Springsteen concert held in the John Carroll Gym. Complete with historic photos used by permission of the photographers, this is a unique combination of local history and rock-n-roll history. You won't want to miss it. When you're done with your copy, pass it on to a Springsteen fan you know.

The University Heights Green Team will kick off Global Recycling Week this Sunday March 12 from 1pm to 3pm at University Heights Public Library. Learn about better recycling from your neighbors at this event.

Don't miss "Cleveland Heights-University Heights Schools and COVID – Achievements and Needs" on March 14 at 6 p.m. at the Heights High cafeteria. This forum is sponsored by the League of Women Voters, Heights Libraries, Future Heights, Reaching Heights, and the CH-UH PTA.

The forum panel will comprise CH-UH teachers, counselors, and administrators who will speak from their professional experiences and perspectives, uniquely grounded in the Heights' schools.

Further details will be available on the League of Women Voters of Greater Cleveland (LWVGC) website: lwvgreatercleveland.org

The City Beautiful CIC will hold a meeting on March 15, 2023 from 6 to 6:30PM here at Wiley, to formalize new legal counsel, authorize payment of the insurance premium, and authorize the annual audit. A formal notice will be issued. I would also note that we were holding this date for a joint meeting of governments – the school board has postponed that meeting and will be circulating new dates.

Since last Thursday's Planning Commission meeting, Chick-Fil-A's application and site plan have been sent to a senior planner at SafeBuilt for further zoning review and analysis. We do not currently have a planner on staff at the City. Nor have planning services been a part of our current contractual arrangement with SafeBuilt. I am working with SafeBuilt to develop an addendum to add planning services pertaining to zoning code review related to planning commission filings to our services arrangement. Once developed, this will be before city council for consideration.

Last week, I joined 20 of my fellow Northeast Ohio Mayors and City Managers for a series of meetings in Washington DC with federal administration officials, both of our US Senators, and our counsel and lobbyists at Squire Patton Boggs. Among several meetings I took, I wish to offer a couple of highlights.

Meeting with Secretary Marcia Fudge and her staff at Housing and Urban Development, I made connection with a staff member on the issue of University Heights' exclusion as a first ring suburb for purposes of HUD lead abatement programs. Currently in this county, HUD recognizes only those suburbs that share a common border with the City of Cleveland. While University Heights does not share a border with Cleveland, as a matter of history and development, University Heights was developed at the same time as our fellow first ring suburbs, is recognized otherwise as a First Ring Suburb, and shares the same lead issues as other first rings suburbs due to the age of our housing stock and water infrastructure.

Folks may have noticed the two areas coned off on Silsby Road near Ashurst where the pavement is in need of patching. The Cleveland Water Department broke the pavement there a few weeks ago to replace a lead supply line that provides drinking water. Cleveland Water treats our water with orthophosphate to keep lead from leeching into the water as it did in Flint Michigan. Nevertheless, the presence of lead pipes in our residential water systems remains a continuing concern, and requires continuing replacement. Our water is nonetheless safe currently, but removal of lead pipes is a best practice, even with orthophosphate in our water to prevent lead contamination from water passing through lead pipes.

I also addressed with HUD our city's commitment against Source of Income Discrimination in housing. In University Heights, by local ordinance, landlords may not discriminate against prospective tenants simply because they would pay their rent with a voucher. One of the problems in enforcement of this ordinance, is the fact that landlords refuse the voucher on the grounds that their apartments have not been inspected by HUD, and that the time it takes to get an inspection is prohibitive, such that a cash paying tenant may accept the apartment well before an inspection could be scheduled and conducted.

I have proposed that in cities like ours, where we have a robust rental inspection program, that our city inspections performed by our city housing department may suffice provisionally for voucher tenants until such time as a HUD inspector may come in and verify the work. This puts voucher tenants on equal footing with other tenants for seeking housing. The idea is to get people of all means into safe affordable housing faster. I will be following up with HUD and Secretary Fudge's staff on this matter.

Meeting with Senator Sherrod Brown and his staff at Capitol Hill, Senator Brown and his Legislative Director put me together with a staffer who works on EPA STAG applications. This is the program under which LNE Group is helping the City seek an earmark for sewer funding. As we work together to prepare our application for federal funds for a sewer project, making these contacts in Senator Brown's office should help increase our city's chances for success for funding.

Separate from the meetings, I took advantage of the bicycling infrastructure in Washington. When not travelling on the chartered bus, I relied on rental scooters more than any other mode of public transit while in the District. While the scooters are admittedly fun, they are also practical, perfect for door to door transit, and less expensive than an Uber, Lyft, or taxi. Washington is full of dedicated bike lanes and lanes that are shared for busses and bicycles only.

Most interesting to me were the buffered median bicycle lanes on Pennsylvania Avenue Northwest. These are protected lanes in the middle of the road running in both directions from Capitol Hill to the White House, complete with turn lanes and traffic signals centered in the road. I rode in these lanes, and found them to be better than satisfactory, even making turns at intersections safely, on a road as busy or busier than our own Cedar Road. Knowing that the Superior Midway project was removed from the chopping block in Columbus just a couple of weeks ago, I am more confident than ever in the feasibility of median bike lanes in Greater Cleveland, and hopefully one day soon, in University Heights. With a redo of Warrensville Center Road on the horizon, I believe buffered/protected median bike lanes should be among those improvements up for consideration.

I turn now to two recent pieces of local legislation.

I turn first to Ordinance No. 2023-07, an ordinance amending contracting procedures for professional contracts, among other provisions, including and especially as it pertains to the City Engineer. I have returned this legislation unsigned to the Clerk of Council. Legislation of this magnitude should not be entered into without full consideration, and it should not be entered into piecemeal. I understand amendments to this ordinance are already being considered in committee. Good. That committee consideration should have been had before this council passed ordinance 2023-07. As discussed at the February 6, 2023 city council meeting, our city engineer Joe Ciuni indicated that if this ordinance were passed, he would tender his resignation to the mayor the next day. The council's response was not to send the ordinance back to committee, but merely to amend the ordinance so that it would not take effect as to the City Engineer until the end of this year. Meaning that if this ordinance is still in effect "as is" as of the end of this year, we can all reasonably expect that Mr. Ciuni or his firm will not be back as our city engineer at the end of the year. That is a loss that cannot be easily measured. The position of City Engineer is so profoundly changed by this legislation, that we cannot reasonably expect Mr. Ciuni or anyone of Mr. Ciuni's qualifications to apply.

As for the changes to the ordinance now being considered, I will remind the council that under the charter, the city engineer's position is a mayoral appointment. Do not violate the charter and infringe on the appointing authority of the mayor. The mayor will select and submit for 2024 the city engineer, because

the charter says so. It will be upon criteria I deem appropriate in my judgment as the Chief Executive Officer of the City. As mayor I will not follow any ordinance that violates the charter, as the charter takes precedence and cannot be changed by mere ordinance.

As Ordinance 2023-07 was passed on emergency on February 6, 2023, and I did not sign it, it took effect after seven days on February 14, 2023.

I turn now to Ordinance No. 2023-05, and ordinance creating and mandating loose recycling pickup in the backyard. This ordinance passed on emergency by a vote of 5-2. (Blankfeld, Gould, Rach, Sax, Weiss – YES) (Cooney, King – NO).

I considered vetoing this ordinance, even though it was passed with a veto-proof majority. I considered it because, this is not the last the word on true modernization of our solid waste services. While I have long called for a move away from recycling placed in blue plastic bags, the mandate suggested by this ordinance cannot be achieved using the existing equipment and labor of the service department. The last word in committee was that the administration and service director were being directed to do this with the equipment and labor and funding we already have. As I stated at the last meeting, this is not a serious suggestion. It creates, as Mr. Pokorny called it at the last meeting, an “unfunded mandate,” and as he stated further, “the Service Department is unable to comply with the proposed mandate ordinance.” That other services to residents will suffer.

I considered vetoing this ordinance, as a way to lay out one more time for the record that actual modernization to curbside automated would result in improved recycling, a safer workplace for our service employees, carbon footprint reduction, better management of our resources, and reduced costs. I considered vetoing this ordinance to say, one more time, that the residents of this city deserve the best, and to do that we should be implementing a high level of service through nationally accepted best practices, competitive with the very best communities that offer this high level of service – from Beachwood to Upper Arlington.

As I considered a veto, I consulted with my staff, including Mr. Pokorny and Mr. Pucella. I also consulted the two council members who voted no, Mr. Cooney, Mr. King. Their advice was that we had already made the case. That the record is complete. That no veto is necessary to say again what has been plainly stated and is plainly obvious.

So, in consideration of that, I did not veto the ordinance. Even though, given that we have been picking up solid waste in backyards since 1966, until now no ordinance ever mandated it. It was simply administrative custom, allowed by the purchase of equipment that would be extraneous to other cities. In that regard, this ordinance represents an overreach.

There are plenty of residents now who place their rubbish and recycling on the tree lawn now, they are not prohibited from doing so, but they do it without the benefit of a uniform city-issued set of containers. They do it without modern equipment to service those containers.

This ordinance does not change the administration’s policy that we should modernize solid waste collection including recycling consistent with nationally accepted best practices. And this ordinance does not change the facts of what those best practices are. It will, however, if implemented, be even more expensive than the \$25.49/house/month we currently spend – over \$1.3m annually, to pick up rubbish and recycling in University Heights. Because we will have to hire more people and buy more equipment. Per our service director: at least two more rear load packers (in addition to those that need replacing anyway) and at least two more employees on top of the seven positions that we need to fill. So, we would have nine vacant positions instead of seven. With seven vacant positions we can barely do what we do now.

As Ordinance 2023-05 was passed on emergency on February 21, 2023, and I did not sign it, it took effect after seven days on March 1, 2023.

I turn now to our Service Director, Jeff Pokorny. By letter dated March 1, 2023, Mr. Pokorny wrote:

“Dear Mayor Brennan,

Please accept this letter as formal notification of my separation of employment with the City of University Heights effective April 1, 2023. It has been an honor serving with you and I wish you and the City all the best.

Sincerely,
Jeffrey Pokorny”

Mr. Pokorny, Mr. Pucella, and I will be working on transition over the course of the next month. We will be posting the position immediately. I understand the previous gaps between service directors were 6 months and 14 months respectively, I am hopeful that I will identify and hire a qualified – indeed exceptional – candidate well before that time.

Jeff Pokorny is excused from this evening’s meeting. While he is not here tonight to hear this, I will say this.

Mr. Pokorny, you have served this City with distinction since your hire here by Mayor Susan Infeld in 2012. It has been my honor to work with you as well.

You are a consummate professional. Reliable. Dedicated. Honorable. Thoughtful. Knowledgeable. Practical, yet creative.

I wish you good health, love of family and friends, and much happiness as you expect the addition of your first grandchild this coming June.

Though the work is never finished, on behalf of this City and on behalf of all the residents of University Heights we serve – thank you.

Thank you, this concludes my report.

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

Mrs. Weiss spoke to Mayor Brennan and stated contrary to what Mayor Brennan just discussed in terms of the professional service ordinance, the engineering piece was pulled out. It was discussed in a Council of the Whole meeting, which the Mayor did not attend. Council had a very robust and positive discussion with Mr. Ciuni. Another Council the Whole meeting is scheduled and which Mrs. Weiss noted that Mayor Brennan can attend as well as the Law Director and that Council will be continuing that discussion. That engineering piece of the ordinance is not finalized yet. Mrs. Weiss said that she hoped that there will be a productive conversation on the 21st. Thank you.

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

Finance Department – Mr. Kennedy

In the absence of Mr. Kennedy, Mayor Brennan read his report.

Mr. Kennedy distributed to all members of council financial reports through February 2023 via email earlier today and here are pertinent points relative to our financial reports through February 28 2023. Revenue in the general fund through February is \$3,501,468. Revenue through February in the general fund represents 20.3% of the annual estimate. Our second advance for real estate taxes from the county move this back in line with the original estimate for the year. The first half final settlement of all property taxes to include special assessments will occur in March 2023. Income taxes 95% of the general fund and 5% of the capital fund are roughly 1.73% over the amount posted in the first two months of 2022. Due to the rate increases implemented by the Federal Reserve Bank interest earnings are up considerably from 2020 levels. That interest earnings trend should continue through the balance of 2023. Building and Housing Department revenue is running slightly ahead of our target rates through February. All fund transfers approved by council in February are posted and reflected in the revenue report. Revenue from special assessments will not post until March or final settlement date of the county. The city has received the \$250,000 grant from Cuyahoga County for the Cedar Road project in February. Total Revenue recorded for all funds through February is \$4,598,291 and that represents 20.7% of the annual estimate. In March we will move prior receipts from opioid settlements into the new fund, Fund 255 approved by council in February. Expenses in the general fund through February were \$3,067,832 current year appropriations. The budget for expenses in the general fund in 2023 is \$17,204,206. \$357,000 of the \$382,000 budgeted for transfers from the general fund were posted in February. On an all funds basis a total of \$3,463,014 has been expended from current year appropriations through February. The total expense budget all funds for the year 2023 is \$22,256,266. On an all funds basis, \$2.89m is encumbered as of the end of February. Our unexpended balance in the general fund as of the end of February 2023 is \$6,831,450 which is greater than the beginning year unexpended balance which was \$6,540,809. Based

on our reserve policy \$2.52m is to remain in the general fund for emergency purposes. For all funds our unexpended balance at February 28, 2023 is \$10,806,664. The beginning unexpended balance for all funds in 2023 was \$10,016,058. We're still waiting on final settlement of the Cedar Road project from ODOT. Revenue for special assessment funds through March does not include collections, only general fund transfers have been recorded through February. Our investment portfolio balance is \$7.33 million through the end of February. We will be moving money periodically in March to the investment fund approximately \$300,000 from our operating account and that is the conclusion of the Finance Report.

Service Department – Jeffrey Pokorny

Mr. Pokorny was excused from the meeting. Mayor Brennan reminded everyone about 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.

Communications and Civic Engagement – Mr. Cook

Mr. Cook stated that the Senior transportation program would be promoted in the city's e-news on Friday, the May issue of the Mosaic and also on social media in effort to increase use.

Economic Development – Susan Drucker

Mrs. Drucker reminded everyone about the Zoning Code comprehensive update meeting on Wednesday, March 22 from 6pm to 8pm at John Carroll University in the Jardin Room.

There were no other director reports.

Mr. Rach noted that the Mayor did not call on the Building Department.

Mayor Brennan stated that no one from that department was in attendance.

Mr. Rach stated that he had received two different messages today from ARB (Architectural Review Board) members that they never got their packets or agendas for tomorrow's meeting and that both of those members like to look at the houses before meetings, which are held at 8am. Mr. Rach asked Mayor Brennan to let Council know if there would be a ARB meeting the next day.

Mayor Brennan replied that was the first he had heard of any issue and that he believed the ARB meeting would proceeding tomorrow as scheduled. Mayor Brennan asked Mr. McConville if he was aware of anything?

Mr. McConville replied he was not, but he was aware that Chick fil A was no longer on the ARB agenda. But as to whether there are any other pending agenda items he was not aware.

Mr. Rach asked Mayor Brennan how he wanted him to respond? Should the members take time off work to come without knowing if there is a meeting?

Mayor Brennan replied that he understood that there was a meeting and that they could contact Dennis Garcia directly.

Mrs. Sax asked if it was correct, that this was the second or third ARB meeting that is not able to have taken place because of administrative issues and asked who was responsible for leading the ARB.

Mayor Brennan replied he had no idea of the number of meetings that could not take place and that Mr. Garcia as the Chief Building Official for the Building Department ran the ARB.

Mrs. Sax asked who Mr. Garcia reported to?

Mayor Brennan replied that Mr. Garcia reported to him.

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

- A. Motion to Approve Revised/Updated Communication Contract with Spectrum**

Mayor Brennan stated that Mr. John Lanson, Spectrum as well as Mrs. Deanna Bremmer Fisher were present to answer any questions regarding the revisions and update to the proposed contract.

Mr. Lanson stated that during the course of the due diligence phase as specifically related to the phone service side of the all of the services that will be provided; the other portions would be internet, which has been going really well as far as the delivery of fiber to all the various city buildings, as well as actually activation of that side of our services. On the phone service side, it was determined almost immediately after the first city council meeting that Spectrum appeared at was the need at least for the city departments to not only added the phone equipment, but the service that would support each of those phones. There was a marked difference in the quantity that was necessary at the police department, the offices at 2288 and 2292 Saybrook. Each of those additional phones that were required above and beyond the initial contract would also have to be wired to each and every one of those outlets and carrying a fixed one-time charge assessment for the labor and materials to install the fiber and the Ethernet connectivity. Mr. Lanson said that was what created the difference from a cost perspective in addition to one minor change based on the requirements at the Fire Department for the bandwidth of their internet circuit to support a specific application that the department uses.

Mrs. Weiss asked if when the initial contract was discussed, was this due to just an oversight in terms of the amount of phone lines that were actually needed for a total one-time contract difference of \$12,672.

Mr. Lanson replied yes because when their engineering team did a walk out at each of the locations, he believed that they were incorrectly informed at one of the sites as to the quantity that was necessary. In terms for the cost, it would be for the service standpoint, and for the lease of the phones that would be a monthly increase. And then there would be a one-time charge specific to the wiring.

MOTION BY MRS. WEISS, SECONDED BY MR. KING to Approve Revised/Updated Communication Contract with Spectrum for an additional \$12,672.00. On roll call, all voted "aye."

B. Ordinance 2023-10 Amending Ordinance 2014-55 and Increasing the Compensation of The Members of Council for the Terms Beginning January 1, 2022 and Declaring an Emergency (on emergency) Ordinance Title Amended and Emergency Status added

Mr. McConville stated that this Ordinance would establish rates of pay for Council and clean up a prior ambiguity in Ordinances that were previously adopted. The last time the Council pay ordinance was passed, in 2015 that ordinance had an omission as to whether the Vice Mayor would be provided with any additional pay. Whereas, the Ordinance prior to that had established that as a practice and there was nothing in the 2015 Ordinance repealing that practice that had been provided by the city since that time providing the Vice Mayor with the additional stipend. This Ordinance cleans up that ambiguity and serves as a best practice. Mr. McConville added that he thought that the ordinances call for the Council pay ordinance to be updated every three years and that there is a prohibition in Ohio law against pay increases for elected officials that are in term. It is also worth noting that there is no increase in pay with this Ordinance, this is a continuation of what has been the customary rate of pay since 2015 and continues the rate of pay through the next elected terms as indicated in the Ordinance.

Mrs. Weiss concurred with Mr. McConville's explanation and noted that it was through Mr. Kennedy's review of his audit work papers that this was noticed.

Mr. King commented on the concept of minimal earnable salary and how it impacts eligibility credit for OPERS. In 2027, that minimal earnable salary will exceed this legislation by \$20. So, it will be important to keep that on the radar.

Mrs. Weiss stated that she and Mr. Kennedy spoke about that and it is on his radar.

Mayor Brennan thanked Mr. King and Mrs. Weiss for pointing that out because he was not aware of it. Mayor Brennan added that it would seem that because there is a statutory prohibition against midterm pay raises, it may be appropriate to revisit this issue even before the next election at least to keep up with the OPERS minimum.

Mr. McConville stated that this Ordinance was presented as an emergency ordinance. But reminded Council that that did not mean Council had to pass it on first reading. Council could have two readings of an emergency ordinance. The significance of the emergency is that it will go into effect once it is passed. Council could pass it at this meeting if they waived the three-reading role, and all five present members vote in favor of that suspension of rules. Alternatively, Council could roll it over for a second reading still

as an emergency ordinance and it would become effective immediately upon passage. The other alternative would be to have a second reading and remove the emergency clause since there is no change and no rush for passage.

MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD to adopt Ordinance 2023-10 Amending Ordinance 2014-55 and Increasing the Compensation of The Members of Council for the Terms Beginning January 1, 2022 and Declaring an Emergency. Roll call on the suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”

C. Resolution 2023-12 Opposing Senate Bill 1 which would Transfer most Powers and Duties of the State Board of Education to the Governor

This agenda item was removed from the agenda.

D. Motion to Declare the Property at 3873 Meadowbrook a nuisance

Mayor reported that Council received a memo from City Engineer Joseph Ciuni regarding this.

Mr. Englebrecht stated that the property in question is 373 Meadowbrook caught on fire the early morning of November 4, 2022 and that at approximately 8am that morning he went to the sight and took photographs, which had been provided to member of Council. The property is beyond repair and is in a condition where it is actually a danger to the community. The eastern wall of the property and the peak of the property itself is beginning to lean into the house but he would leave it to Mr. Ciuni to speak if it is in any imminent danger of collapse. The neighbor directly next door is obviously been very concerned about the condition of the property. The fire started in the basement and made it all the way to the roof, so structurally the house is beyond repair and needs to come down.

Mr. Ciuni stated that as requested by Mr. Engelbrecht he visited the property the previous day and it was his opinion that that house was a safety hazard for the public. It is boarded up so he could not enter because of the safety issues inside. As Mr. Engelbrecht indicated the wall on the east side is starting to lean inward, the tarp on the roof is not sealing the house totally so there is still water dripping in every time it rains creating more damage. It was Mr. Ciuni's opinion that the house should come down as soon as practicable.

Fire Chief Perko provided the background of how the house got to this point. In the investigation process of the fire, it was determined that multiple residents in the area had smelled smoke for a period of hours before the Fire Department was alerted to come and investigate. Once on the scene it was found that the structure was involved on fire it indicated that this had been a free burn for a number of hours prior to the department's awareness, so the fire had a good advancement on the house prior to the fire department arriving. The first crews there and the course of attack line noticed that there were already holes burned through the basement, first floor into the basement and as they were navigating around those holes to the seat of the fire which was in the rear there was collapse from the ceiling of the first floor. There was a metal beam supporting the floors and its collapse occurred from first floor down to the basement. The department ended up retreating all its members and going defensive on the fire. The house did free-burn from the basement through the roof as others indicated, especially on the rear corner of the house near the concerned neighbor. The fire free burned for a couple hours before the department got it put under control. During the investigation component, one of our fire investigation members on a technical rescue team identified that it was also unsafe for our investigation unit to even make entry post fire. Therefore, the department concluded the investigation from the exterior of the house. Fire Chief Perko also recommend the house be demolished.

Mr. McConville added that under the City's demolition permit ordinance, in order for the Building Department to issue a demo permit a structure has to meet one of four categories: (1) it either has to be an accessory structure, this is not an accessory structure it is the main structure; (2) there has to be an issued building permit for a replacement structure and this is not at that point yet; (3) there has to be an approved development plan, we are not there yet; or (4) the structure has to be declared a public nuisance. The situation that presents itself now is that the owner is actually prepared to perform the demo and they would have delay in performing that demo if they have to go through the process of getting their development plan approved first even though they do intend to do that. But, regardless of whether they do that, the testimony that council has heard and the pictures indicate that the property is unsafe, so it should come down as soon as possible. Mr. McConville recommended that the property be declared a nuisance so that the demolition can happen.

Mr. Rach commented that he walks his dog over there almost daily and noticed on the sidewalk, the driveway apron and in the grass a lot of broken glass. With so many people walking their dogs, kids

walking barefoot Mr. Rach asked if the city could do something to at least clean up the sidewalk and the public part of the property?

Mr. Engelbrecht replied that he reached out to the owner about that himself. And even though he was there the previous day and did not see too much glass on the on the sidewalk, he did see broken glass around the front walkway of the of the house itself and he would have the owner come back out and to clean up the all the glass soon as possible.

Mrs. Weiss noted that in the past, the city really never had a fire with a house that had insurance and asked if the owner was taking care of the demolition, not the land bank.

Mayor Brennan stated that yes, the owner has applied for the demolition permit and will take care of it at his expense.

MOTION BY MRS. BLANKFELD, SECONDED BY MR. RACH to declare the Property at 3873 Meadowbrook a public nuisance. On roll call, all voted “aye.”

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

Mayor Brennan stated that the Administration was not aware of any need for an executive session but that he did anticipate an executive session regarding litigation at the next meeting.

Standing Council Committees:

Building and Housing Committee – Mrs. Blankfeld

Mrs. Blankfeld reported that the Building and Housing Committee would be meeting at 5:30pm prior to the next regularly scheduled Council meeting on March 20.

Community Outreach Committee – Mr. King

Mr. King reported that the Tech Advisory committee will meet the next week either on Monday or Thursday. The discussion will be regarding the technology contract for the city.

Service Committee – Mrs. Sax

Mrs. Sax stated that a poll would be going out for a service and utilities committee meeting to go forward with a plan regarding Ordinance 2023-05.

Committee of the Whole – Mrs. Weiss

Mrs. Weiss reported that there would be a Council of the Whole Facilities and Infrastructure Committee meeting on March 21 at 6pm.

There were no other Council Committee reports.

Reports of special committees, and the taking of action thereon

None

Unfinished and miscellaneous business

None

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

There being no further business, the meeting was adjourned at 8:06pm

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council