

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
MONDAY, MARCH 20, 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. Christopher Cooney
Mr. Brian King

Absent: Mr. Justin Gould

Also Present: Law Director Luke McConville
Clerk of Council Kelly Thomas
Fire Chief Robert Perko
Housing and Community Development Geoff Englebrecht
City Engineer Joseph Ciuni
Communication and Engagement Mike Cook

MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD to Approve the Absence of Councilperson Justin Gould. On roll call, all voted “aye.”

Approval of Council Minutes:

Council Meeting March 8, 2023

Mayor Brennan asked that the March 8, 2023 Council minutes be tabled to allow additional time to review them.

MOTION BY MR. COONEY, SECONDED BY MRS. WEISS to table the March 8, 2023 Council Minutes. On roll call, all voted “aye.”

Additions and Removals from the Agenda; Referrals to Committee

None

Comments from Audience

There were no public comments.

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

Mayor’s Report

Mr. Ciuni, Chief Rogers, and Mr. Pokorny are all excused from this evening’s meeting.

ZoneCo will be making its initial presentation on its diagnostic of our Zoning Code this Wednesday at 6pm Jardine Room at JCU. This is public meeting and the public may attend.

With the assistance of LNE Group the City of University Heights last week made timely requests to both Senator Sherrod Brown and Representative Shontel Brown for an earmark in the federal budget for a sewer project in University Heights.

Effective immediately, Ohio State Highway Patrol will be aiding the City of East Cleveland on a 45 day trial basis on traffic control, due to the limited number of active police officers East Cleveland Police Department currently has. We may reasonably anticipate seeing more Ohio State Highway Patrol presence throughout the region, due to the aid OSHP is providing to East Cleveland.

Thank you, this concludes my report.

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

None

Reports and Communications from the Directors, and the taking of action thereon**Finance Department – Mr. Kennedy**

Mr. Kennedy provided Council with an update to the City's Income Tax collections for February 2023 and stated that the March Financial reports would be sent out to Council members at the end of the month.

Fire Department – Chief Robert Perko

Chief Perko stated that the Fire Department's 2022 Annual Report was completed.

Communications and Civic Engagement – Mr. Cook

Mr. Cook stated that he would be working on ideas to promote the City's Charter Review ballot issues in effort to educate the residents with even the possibility of building a video from various Charter Review meetings where issues were discussed and debated.

Mrs. Weiss offered that that could be discussed as an agenda item a Council meeting.

Reading and Disposition of Ordinances, Resolutions, Motions and Consideration of Agenda Items:**A. Motion to Enter into Executive Session for the Purpose of Providing a Litigation Matter Update**

Mayor Brennan stated that the City's outside counsel was present and asked for a motion to enter into an executive session for the purpose of having a litigation matter update with the city's outside counsel.

MOTION BY MRS. BLANKFELD, SECONDED BY MRS. SAX to enter Executive Session for the purpose of providing litigation matter update. On roll call, all voted "aye."

Executive Session entered into at 7:16pm.

MOTION BY MR. KING, SECONDED BY MR. RACH to return to regular Council Session. On roll call, all voted "aye."

Regular Council Session entered back into at 7:55pm.

B. Motion to Approve the Purchase of a Used 2012 Mach 600 LEU Rear Load Packer Truck for Rubbish Collection from the City of New York in an amount not to exceed \$48,600

Mayor Brennan referenced the memo that was provided to Council in their meeting packets by Assistant Service Director John Pucella. The memo informed Council that truck number 21-2; a 2006 Freightliner rear load packer truck used for solid waste collection is out of service with an engine that cannot be repaired. The city has no backup truck and is now below the minimum number of rear load packers needed for regular solid waste collection operations of the Service Department.

Mrs. Weiss stated that Council should vote to approve this purchased. But also noted that there was a 5-year Capital plan to purchase new rubbish trucks and suggested that research be started for a new truck purchase so that the Service Department could get back on schedule for the purchase of replacement vehicles.

Mayor Brennan replied that he would let the next Service Director know about that.

Mrs. Weiss replied that she would like that research to begin before the next Service Director because the city was already behind with new truck acquisitions.

Mr. Rach added that Council set aside funds for that 1 year to 2 years ago and at that time there was a budgeted amount for a rubbish truck.

Mayor Brennan replied that the Administration did not know what type of rubbish truck would be needed to collect the solid waste. All of this has been held awaiting a decision with regard to solid waste pickup collection. In 2019 when the city began to look at the issue of whether it should change the solid waste pickup collection method, part of what instigated that was the fact that we knew that five trucks needed to be replaced over five years under the equipment replacement program. Apparently, it took a lot longer to reach a decision point with regard to what kind of trucks should be bought until rather recently based upon the passage of the loose recycling ordinance two meetings ago. Mayor Brennan added that if the city is not changing the method of pickup it would seem that this is the direction needed to get back on schedule. Getting this truck here the next week or two so that the city can pick up yard waste and handle brush collection would be something that the Mayor thought the residents would want and recommended the approval of this purchase.

MOTION BY MRS. WEISS, SECONDED BY MR. RACH to Approve the Purchase of a Used 2012 Mach 600 LEU Rear Load Packer Truck from FAB-TEX in St. James, New York for Rubbish Collection in an amount not to exceed \$48,600. On Roll call, all voted “aye.”

C. Motion to Authorize Advertising for 2023 Grass Abatement Program Bids

Mr. Englebrecht stated that was for the annual grass cutting and yard pickup program. The bids are usually accepted at this time so that the contractor can begin work in April.

MOTION BY MRS. SAX, SECONDED BY MR. KING Authorizing the Advertising and accepting bids for the 2023 Grass Abatement Program. On roll call, all voted “aye,” except Mrs. Blankfeld, who was not present during this item and roll call.

D. Motion to Declare the Property at 3777 Bushnell a nuisance

Mr. Englebrecht stated that the property had been an issue for a while and the property owner has been non-responsive to the city’s efforts to contact him regarding bringing the property into compliance. The property is \$18,000 behind in property taxes but the owner is currently on a payment plan to bring the taxes current. A search warrant was performed on the house on November 21, 2022 with the Mayor, Fire Department representatives as well as Mr. Englebrecht. Council members were provided with the photos taken of the outside and interior conditions of the house also noted was the report of raccoons living inside of the garage. This property is an issue and health hazard for the surrounding neighbor and community. Declaring the property a nuisance would assist the Housing Department in bringing this property into code compliance.

Mrs. Sax asked what would be the timeframe if Council declared the property a nuisance at this meeting.

Mr. Englebrecht replied that a criminal case would be filed with the courts within the next week or so. But declaring the property a nuisance would also assist the department’s efforts in potentially bringing a receivership case against the property if necessary.

Mr. McConville added that there is an Ohio statute that allows a municipality to sue a homeowner for purposes of: (1) having a property declared by a court to be a public nuisance; and (2) upon such declaration having a receiver appointed. A receiver would come in and they would have a super lien over the home that would be in the first place over and above any mortgage or other lien already on the premises. And that gives them the motivation and the ability to put money into the property to bring the property into a code compliant condition and then to sell the property and be able to recoup all of the cost and expense that they incurred in bringing the property up to code. This is a very effective tool for causing nuisance properties to be brought back into code compliance, livable and marketable condition. The courts are inclined and are typically persuaded by a public body such as yourselves declaring the nuisance and that is why while a nuisance action has been contemplated as a possible legal remedy. The city wants to get the nuisance declaration on the books so to speak, to be lined up for evidentiary purposes and that type of lawsuit.

Mr. Cooney asked if the property was currently occupied.

Mr. Englebrecht replied no.

MOTION BY MRS. BLANKFELD, SECONDED BY MRS. SAX to declare the Property at 3777 Bushnell a public nuisance. On roll call, all voted “aye.”

E. Motion to Approve Price Quote from Starfish for Emergency IT Support and Service for Two (2) months April 1 through May 31, 2023 in an amount not to exceed \$11,100.00

Mayor Brennan stated that Starfish has been providing emergency services generally one quarter at a time and based upon a Tech Advisory Commission meeting it was imminent that Starfish would need to have another one-month extension. But, based upon the discussion had at the last tech Advisory Commission it appeared that a two-month would be more appropriate.

Mr. King reported that the Tech Advisory Commission met the previous Thursday and there was a lot of discussion with the conclusion that the Commission wanted to ask more questions of the two vendors who had placed bids. The hope is to have another tech advisory committee meeting are near the end of April, where hopefully the Tech Advisory Commission will be able to hear from both of the vendors and come closer to a decision on who will be selected. Mr. King added that he would recommend this approval for another two months.

MOTION BY MR. KING, SECONDED BY MRS. WEISS to Approve Price Quote from Starfish for Emergency IT Support and Service for Two (2) months April 1 through May 31, 2023 in an amount not to exceed \$11,100.00. On roll call, all voted “aye.”

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

Mayor Brennan reported that Mr. McConville wanted to provide Council members with a legal proceeding.

MOTION BY MRS. BLANKFELD, SECONDED BY MRS. WEISS to enter into Executive Session for the discussion of real estate matters. On roll call, all voted “aye.”

Standing Council Committees:

Building and Housing Committee – Mrs. Blankfeld

Mrs. Blankfeld reported that the Building and Housing Committee met just prior to this Council meeting where there was a robust agenda and discussion of the five agenda items. The discussion will be continued at the next meeting on April 17 at 5:30pm.

Economic Development Committee – Mr. Rach

The first Zoning meeting with ZoneCo will be held at John Carroll University, Jardine Room on Wednesday, March 22 at 6pm and includes members of: City Council, Board of Zoning Appeals, Architecture Review Board, Planning Commission and any member of the community that wants to attend. This will be the first introductory meeting in a series of meetings to come.

Finance Committee – Mrs. Weiss

There will be a Finance Committee meeting scheduled in April where there will be discussion regarding the City’s quarterly financials as well as other items.

Recreation Committee – Mr. Cooney

There will be an upcoming meeting to discuss the upcoming pool season, potential artwork within the city and the upcoming Memorial Day Parade.

Service Committee – Mrs. Sax

Mrs. Sax stated that she is still in the process of scheduling a Service and Utilities Committee meeting, hopefully at the end of April. The meeting will be for the discussion of planning how to transition to loose recycling for 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. SAX, SECONDED BY MR. KING to return to regular Council Session. On roll call, all voted “aye.”

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

There being no further business, the meeting was adjourned at 8:23pm

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council