

ORDINANCE NO. 2023-23

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 01 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 01 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

**PASSED:
ATTEST:**

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 23**

Proposed Amendment to the Charter No. 01

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment replacing gendered terms and language throughout the Charter with gender-neutral and gender-inclusive terms and language and replacing Article 8, Section 11, with a provision granting Council with the authority to make non-substantive corrections and revisions to the Charter.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This proposed amendment would correct the long-standing sexist, androcentric language of the Charter that has reflected the prejudices of society and replace it with language that communicates and promotes a more progressive and inclusive city and government. It will also grant Council the authority to make technical changes to the Charter without requiring an amendment so that similar revisions are easier to undertake in the future.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
All; Art. 8, § 11		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: October 25, 2022		
Date of second discussion: November 1, 2022		
Date of motion to adopt: November 1, 2022		
Movant: Crumrine		
Second: Duffy-Friedman		
Commissioners present: Crumrine, Farkas, Duffy-Friedman, Gould, Kretch, Myrick, Sloan, Wertheim		
Vote result: [7] Yes [0] No [1] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Hux <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Brown <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

* * *

ARTICLE 1. POWERS

* * *

SECTION 2. Qualifications of Officers. ~~Each elective o~~Officers of the City shall be ~~a~~ qualified electors of the City, shall have resided continuously therein not less than one year next preceding ~~their his~~ election, and shall continue to reside therein during ~~their his~~ term of office. ~~He~~Officers shall hold no other elective public office during ~~their his~~ term, neither shall ~~they he~~ hold any other public employment incompatible with ~~their his~~ elective office in this City during such term, except as otherwise provided in this Charter, and further excepting the office of notary public and membership in the militia or reserve corps. The Council shall determine whether any public employment is incompatible with ~~his~~ elective office in this City.

No officers of this City, elective or otherwise, shall have any financial interest in any contract with or expenditure of money by this City other than ~~their his~~ fixed compensation and for expenses of travel as provided in Section 3 of Article 8. Such interest shall disqualify ~~them him~~ from holding office, in addition to the other penalties provided by law.

~~Every o~~Officers of this City shall, before assuming the duties of ~~their his~~ office, take and subscribe ~~their his~~ oath or affirmation to support the Constitution of the United States and the Constitution of Ohio and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of ~~them him~~ conformably to this Charter.

Commencing January 1, 1996, without counting terms held prior to that date in such office, no person shall be eligible to hold the same elective office in the City for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days.

SECTION 3. Removal of Officers. Any officer of this City shall be subject to removal in such manner as is now or may hereafter be provided by the general laws of Ohio, or by this Charter.

In addition, the Council may remove any officer of the City, including ~~Councilmember~~~~Councilman~~, for violation of any of the provisions of the next preceding section, or for failing or ceasing to possess any other qualification established by this Charter for ~~that his~~ office, or for the conviction while in office of any crime involving moral turpitude, but no such removal shall be made without the concurrence of at least five members of the Council nor until the accused officer shall have been given a written copy of the charges against him and an opportunity to be heard, with at least ten days notice of the time and place of hearing.

Absence of a ~~Councilman~~~~Councilmember~~ from five consecutive regular meetings of the Council, without such absence being authorized by an affirmative vote of four of the remaining members of the Council, shall operate to vacate such office of ~~Councilman~~~~Councilmember~~ forthwith.

ARTICLE 3. COUNCIL

* * *

SECTION 2. Organization. At the first Council meeting in January, but not later than the 7th day of January in the year 1958, and in January of each second year thereafter the Council shall meet in the Council Chamber and organize. At such organization meeting the Council shall elect by a majority vote one ~~Councilmember~~~~Councilman~~, Vice-Mayor, and ~~Councilmen~~ members of boards and commissions required by this Charter or by ordinance, each to serve until the next organization meeting unless ~~such Councilmember~~ ~~he~~ shall cease in the meantime to be a ~~member of the Council~~~~councilman~~.

SECTION 3. Vacancy. Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment by a majority vote of the remaining members of the Council. If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy occurs or until a successor is elected and qualified.

A successor shall be elected at the next general municipal election if:

1. More than two (2) years remain in the unexpired term when the vacancy occurs; and if
2. The vacancy occurs more than seventy-five (75) days prior to such election.

At such election ~~each~~ candidates for Council, in ~~their~~ ~~his~~ declarations of candidacy and nominating petitions, shall designate the term of office to which ~~they~~ ~~he~~ seeks election by stating therein, if a full term, the date of commencement of said term as follows: "Full term commencing (DATE)" or by stating therein, if an unexpired term, the date on which it will end, as follows: "Unexpired term ending (DATE)". The terms of ~~no~~ Councilmembers ~~councilman~~ shall not be lengthened by ~~his~~ ~~their~~ resignation and subsequent appointment, but an appointee may be a candidate for subsequent election.

SECTION 4. Clerk of Council. The Council shall appoint a Clerk who shall be the Clerk of the Council and Secretary of the City Planning Commission, the Civil Service Commission, the Board of Zoning Appeals, and such other boards and commissions as the Council may establish by ordinance. ~~He~~ The Clerk shall give all notices of meetings, keep the records and minutes of the Council and of the boards and commissions of which the Clerk serves as ~~he is~~ secretary, authenticate all records, documents and instruments of the City on which authentication is proper, and for that purpose shall have and use a seal.

The Clerk shall examine warrants and disbursement checks approved by the Director of Finance and shall countersign checks in the manner provided by ordinance. The Clerk ~~He~~ shall perform all such other duties as the Council may require.

* * *

SECTION 7. Mayor's Veto. Every ordinance or resolution of the Council shall be signed by the Clerk or two members of the Council and presented to the Mayor forthwith for consideration before it goes into effect. The Mayor, if approving the ordinance or resolution ~~he approves it~~, shall sign it and file it with the Clerk. The Mayor may approve or disapprove the whole or any item of an

ordinance appropriating money, but otherwise ~~that his~~ approval or disapproval shall be addressed to the entire ordinance or resolution. ~~The Mayor, if disapproving the ordinance or resolution If he disapproves it~~ or any item of ~~an ordinance-it~~, ~~he~~ shall file it with written notice of the disapproval with the Clerk. Unless an ordinance or resolution is filed with the Clerk with written notice of disapproval, within seven days after its passage by the Council, it shall take effect as though the Mayor had signed it. When the Mayor has disapproved an ordinance or resolution or item of it, as herein provided, the Council may, at its next regular meeting thereafter, reconsider it and if upon such reconsideration the ordinance, resolution or item is approved by the votes of five or more of the members of the Council, it shall take effect notwithstanding the disapproval of the Mayor.

ARTICLE 4. INITIATIVE, REFERENDUM AND RECALL

* * *

SECTION 3. Recall. The electors shall have the power to remove from office by recall election any elective officer of the City. At any time after an elective officer has held office for six months ~~of the term for which he was chosen~~, a petition demanding ~~his~~ removal and the election of a successor ~~to that in his~~ office may be filed with the Clerk of the Council. Such petition shall comply with the provisions of Section 4 of this Article, and shall be signed by registered electors equal in number to at least twenty-five (25%) percent of the total number of voters casting ballots at the last preceding general municipal election. Within ten (10) days from the date of filing such petition, the Clerk shall determine the sufficiency thereof. If the Clerk shall find the petition insufficient, ~~the Clerk he~~ shall promptly certify the particulars in which the petition is defective and deliver a copy of ~~the his~~ certificate to the person who filed the petition ~~with him~~, and such person shall be allowed twenty (20) days from the delivery of such copy of certificate in which to make the petition sufficient. If the Clerk shall find the petition sufficient ~~the Clerk he~~ shall promptly so certify to the Council and to the officer whose removal is sought, and, if the officer does not resign within five (5) days thereafter, the Council shall thereupon order and fix a day for holding a recall election, not less than thirty (30) nor more than forty (40) days from the date of the Clerk's certificate of sufficiency. At such recall election the name of the officer whose removal is sought shall be placed on the ballot as a candidate ~~to succeed himself~~, unless

~~that person he~~-otherwise requests in writing at least twenty (20) days prior thereto, and the names of such other candidates for the same office shall be placed on the ballot as shall have been nominated in accordance with Article 2 Section 1 of this Charter at least twenty (20) days prior to such recall election. The recall election, except as it shall be limited to the offices from which a removal is sought, shall in other respects conform to the provisions of Article 2 Section 1 of this Charter. If at the recall election the incumbent does not receive a plurality of the votes cast, the candidate who does receive such a plurality shall be declared elected to succeed the incumbent for the remainder of ~~their his~~-term, and the incumbent shall be deemed removed from ~~his~~-office when such elected successor qualifies for the office or within ten (10) days after the recall election.

* * *

ARTICLE 5. THE MAYOR

* * *

SECTION 2. Term. The Mayor shall be elected at the regular municipal election in 1941 and every fourth year thereafter for a term of four years, commencing on the first day of January next after such election, and shall serve until ~~a his~~ successor is elected and qualified.

SECTION 3. Vacancy. When the Mayor is absent and inaccessible, or is unable for any cause to perform ~~the his~~ duties ~~of that office~~, the Vice Mayor shall be acting Mayor, but shall not thereby cease to be a ~~Councilmember-councilman~~. In case of ~~the Mayor's~~ death, resignation or removal, other than by recall election, ~~of the Mayor or disqualification his ceasing to qualify~~ for the office, the Vice-Mayor shall vacate ~~the his~~ office of ~~Councilmember councilman~~ and shall become Mayor to serve the unexpired term or until a successor for the unexpired term is elected and qualified.

A successor shall be elected at the next regular municipal election provided that:

1. Such election occurs more than two (2) years prior to the expiration of the unexpired term; and
2. The vacancy occurs more than seventy-five (75) days prior to such election.

A Vice-Mayor, who has become Mayor, may be a candidate to succeed to the office for the unexpired term ~~himself~~.

SECTION 4. General Powers and Duties.

A. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

B. Legislative. The Mayor shall preside at all meetings of the Council and shall have the power to veto as specified in Article 3 Section 7 of this Charter. The directors of all departments established by this Charter, or by ordinance, also shall be entitled to seats in the Council. Neither the Mayor nor any director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments.

C. Executive. The Mayor shall be the chief executive officer of the City. ~~He~~ shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions except those reserved to Council or its officers and employees by this Charter. The Mayor ~~He~~ shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. The Mayor ~~He~~ shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measure, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. The Mayor ~~He~~ shall recommend to the Council such measures that are as he deems necessary or expedient. The Mayor ~~He~~ shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

The Mayor shall appoint all officers and employees of the City, except members, officers and employees of the Council, judges, Clerk of Council and the Director of Law and their assistants. All persons appointed by the Mayor, except those whose terms of office are fixed by this Charter or by law, may be promoted, transferred, reduced or removed by the Mayor, subject however, to the Civil Service provisions of this Charter. The foregoing appointive powers of the Mayor may be delegated by the Mayor ~~him~~ to the directors of any department or to the heads of any divisions with respect to the officers or employees in the classified service within their respective departments or divisions.

The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party.

The Mayor shall be recognized as the official and ceremonial head of the City government, by the governor for military purposes, and by the courts for the purpose of serving civil processes.

ARTICLE 6. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

* * *

SECTION 2. Department of Law shall be in charge of the Director of Law, appointed by the Council to serve at the pleasure thereof. The Director of Law shall be duly admitted to the practice of law in Ohio. The Director ~~He~~ shall be the city solicitor and shall perform all duties required by ordinance and the duties which are imposed upon city solicitors by the general law of Ohio.

SECTION 3. Department of Finance shall be headed by the Director of Finance, who shall be the fiscal officer and Treasurer of the City. ~~He~~ The Director shall keep all the financial records and accounts of the City and an accurate account of all taxes and assessments, all assets and liabilities, all appropriations made by the Council, and all receipts and disbursements by the City. All payrolls, bills and other claims are subject to ~~his~~ the Director's examination and approval. The Director ~~He~~ shall issue warrants or checks for expenditures for which appropriations have been duly made and shall sign checks as Council shall require. The Director ~~He~~ shall assist the Mayor and Council in the

preparation of estimates, budgets and appropriations, and shall perform all the duties required by this Charter or by ordinance of Council.

The Director of Finance shall serve as the Treasurer of the City and shall be the collector and custodian of all monies of the City. ~~The Director He~~ shall keep and preserve them in such manner and in such places as the Council shall determine. ~~The Director He~~ shall receive and disburse all other public money coming into the city treasury ~~his hands as Treasurer~~ in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

There shall be in the Department of Public Safety a Division of Police, a Division of Fire, and a Division of Building Engineering and Inspection.

ARTICLE 7. COMMISSIONS AND BOARDS

* * *

SECTION 2. City Planning Commission. The City Planning Commission shall consist of the Mayor, one member of Council to be selected by the Council, and three electors of the City not holding other municipal office. The present members of the City Planning Commission, other than the Mayor and ~~Councilman~~Councilmember, shall continue to serve until the expiration of their respective terms, and their successors shall each be appointed by the Mayor for a term of four (4) years. A vacancy occurring during the term of any member of the City Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

The City Planning Commission shall have such powers as may be conferred on it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any public buildings or structures or those located on public streets or property; the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the approval of plats for the subdivision of land; the zoning and rezoning of the City for any lawful purpose and such other powers as are now or may hereafter be conferred upon it by ordinance of the Council or the general law of Ohio.

* * *

ARTICLE 8. MISCELLANEOUS PROVISIONS

* * *

SECTION 3. Salaries and Bonds. The Council shall fix the salary or compensation of all officers and employees of the City, and may require any officer or employee to give bond for the faithful performance of ~~their his~~ duties in such amount as it may determine and with such surety as it may approve, and may from time to time require additional bond or surety of any officer or employee, and may provide that the premium for any such bond be paid by the City.

Prior to the first day of November in 1959 and in each second year thereafter, the Council shall fix the compensation of the officers to be elected for the terms beginning on the next succeeding first day of January and the compensation of such officers shall not thereafter be changed for such term or any part thereof; except that for each absence of the ~~Councilmember councilman~~ from a regular meeting of the Council, unless authorized by the affirmative vote of at least four other members thereof, there shall be deducted a sum equal to two per cent (2%) of the annual salary of such ~~Councilmember-Councilman~~. Persons filling vacancies for the unexpired terms of elective officers shall receive the compensation theretofore fixed for such elective officers. The compensation of other officers and employees may be fixed and changed at any time in the discretion of the Council. All fees pertaining to any office shall be paid into the city treasury. The Council may authorize any officer or employee of the City to make such travel as the Council deems to be in the public interest, and may provide that the expense of such travel be paid by the City.

* * *

SECTION 11. Gender-neutrality and Charter Corrections. From the effective date of this amended section, the Charter shall be revised and corrected to be gender-neutral. In addition, Council shall have the authority to enact by ordinance, adopted by unanimous vote, typographical, grammatical, numerical or organizational sequencing, or other non-substantive revisions and corrections to this Charter, which shall be limited to spelling, grammar,

~~punctuation, sentence construction, standardization of terminology, phrases, or references, and renumbering, reordering, or resequencing any sentences, paragraphs, or sections and shall not affect the substance, meaning, or purpose of any provision of this Charter. Construction. Masculine pronouns used in this Charter shall be construed to include the feminine pronoun, and the singular number shall be construed to include the plural number whenever the context shall require.~~

~~Except as a contrary intent appears herein, all acts of the Council of this municipality shall continue in effect until lawfully amended or repealed.~~

* * *

PAGE LEFT BLANK

ORDINANCE NO. 2023-24

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 02 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-__ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 02 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

**_____
MAYOR MICHAEL DYLAN BRENNAN**

PASSED:

ATTEST:

**_____
KELLY THOMAS, CLERK OF COUNCIL**

APPROVED AS TO FORM:

**_____
LUKE F. MCCONVILLE, LAW DIRECTOR**

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 02

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment eliminating term limits for elected officers.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Term limits are undemocratic, and academic research shows that term limits increase the ideological polarization of legislatures, reduce legislators' expertise, capacity, and skills, weaken legislatures relative to executives, increase the influence of special interests and lobbyists, reduce voter turnout, reduce productivity, and fail to achieve their purported goals of good government.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 2, § 2.		
Procedure and Vote		
Proponent(s): Duffy-Friedman, Crumrine		
Date of first discussion: January 18, 2023		
Date of second discussion: January 24, 2023		
Date of motion to adopt: January 24, 2023		
Movant: Crumrine		
Second: Duffy-Friedman		
Commissioners present: Wertheim, Bobes, Farkas, Duffy-Friedman, Crumrine, Gould, Jackson, Kretch, Myrick, Sloan		
Vote result: [7] Yes [3] No [0] Abstain		
Roll call vote:		
Farkas <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 2. NOMINATION, ELECTIONS, QUALIFICATIONS AND REMOVAL OF OFFICERS

* * *

SECTION 2. Qualifications of Officers. Each elective officer of the City shall be a qualified elector of the City, shall have resided continuously therein not less than one year next preceding his election, and shall continue to reside therein during his term of office. He shall hold no other elective public office during his term, neither shall he hold any other public employment incompatible with his elective office in this City during such term, except as otherwise provided in this Charter, and further excepting the office of notary public and membership in the militia or reserve corps. The Council shall determine whether any public employment is incompatible with his elective office in this City.

No officer of this City, elective or otherwise, shall have any financial interest in any contract with or expenditure of money by this City other than his fixed compensation and for expenses of travel as provided in Section 3 of Article 8. Such interest shall disqualify him from holding office, in addition to the other penalties provided by law.

Every officer of this City shall, before assuming the duties of his office, take and subscribe his oath or affirmation to support the Constitution of the United States and the Constitution of Ohio and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of him conformably to this Charter.

~~Commencing January 1, 1996, without counting terms held prior to that date in such office, no person shall be eligible to hold the same elective office in the City for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days.~~

ORDINANCE NO. 2023-25

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 03 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-__ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 03 to the Charter of the City of University Heights as attached hereto as Exhibit "A" for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 03

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
The purpose of the proposal is to modify the method by which the City's Law Director is appointed.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Article 6 of the City's Charter provides that the City's Law Director is appointed by Council to serve at the pleasure thereof. The City's Law Director is the legal advisor and counselor to the City and its officers and departments in connection with their official duties. Since the Law Director regularly counsels the Mayor and Council, the Mayor, as Chief Executive of the City, should appoint the City's Law Director subject to confirmation by Council. This format strikes an appropriate balance of power between the Council and the Mayor. By way of example, the City of Cleveland Heights and Cuyahoga County each require that the Mayor/Executive appoint a Director of Law subject to confirmation by the respective legislative bodies.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 6, § 2; Art. 5, § 4.		
Procedure and Vote		
Proponent(s): Kretch, Myrick		
Date of first discussion: January 24, 2023		
Date of second discussion: February 7, 2023		
Date of motion to adopt: February 7, 2023 (Amended May 8, 2023)		
Movant: Kretch		
Second: Myrick		
Commissioners present: Wertheim, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [0] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 5. THE MAYOR

* * *

SECTION 4. General Powers and Duties.

A. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

B. Legislative. The Mayor shall preside at all meetings of the Council and shall have the power to veto as specified in Article 3 Section 7 of this Charter. The directors of all departments established by this Charter, or by ordinance, also shall be entitled to seats in the Council. Neither the Mayor nor any director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments.

C. Executive. The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions except those reserved to Council or its officers and employees by this Charter. He shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. He shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measure, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

The Mayor shall appoint all officers and employees of the City, except members, officers and employees of the Council, judges, Clerk of Council and the Director of Law and their assistants. The Law Director shall be appointed and removed as provided in Article 6, Section 2, of this Charter. All persons appointed by the Mayor, except those whose terms of office are fixed by this Charter or by law, may be promoted, transferred, reduced or removed by the Mayor, subject however, to the Civil Service provisions of this Charter. The foregoing appointive powers of the Mayor may be delegated by him to the directors of any department or to the heads of any divisions with respect to the officers or employees in the classified service within their respective departments or divisions.

The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party.

The Mayor shall be recognized as the official and ceremonial head of the City government, by the governor for military purposes, and by the courts for the purpose of serving civil processes.

* * *

ARTICLE 6. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

* * *

SECTION 2. The Department of Law shall be directed by ~~in charge of~~ the Director of Law, appointed by the Mayor, subject to approval by a majority of the members of Council. ~~Council to serve at the pleasure thereof.~~ The Director of Law shall be duly admitted to the practice of law in Ohio. He shall be the city solicitor and shall perform all duties required by ordinance and the duties which are imposed upon city solicitors by the general law of Ohio. The Director of Law may be removed either by the Mayor or by a majority of the members of Council.

ORDINANCE NO. 2023-26

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 04 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-__ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 04 to the Charter of the City of University Heights as attached hereto as Exhibit "A" for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 04

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment providing for a decennial Charter Review Commission.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Council has established a Charter Review Commission only three times since 1941: 1979, 2008-09, and 2022-23. However, periodic comprehensive review of the City's Charter is necessary to modernize and improve the organization, powers, functions, and procedures of local government to better serve the City's residents.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 7.		
Procedure and Vote		
Proponent(s): Wertheim		
Date of first discussion: January 18, 2023		
Date of second discussion: February 7, 2023		
Date of motion to adopt: February 7, 2023 (Amended May 2, 2023)		
Movant: Wertheim		
Second: Myrick		
Commissioners present: Wertheim, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [0] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 8. MISCELLANEOUS PROVISIONS

* * *

SECTION 5. Amendments. The Council may, by vote of at least five of its members, submit to the electors of the City of University Heights amendments to this Charter, and, upon petition signed by ten percent (10%) of the registered electors of this City setting forth any proposed amendment, such proposed amendment shall be so submitted by the Council. The submission of any proposed amendment to the electors shall be governed by the requirements of the Constitution of Ohio, and, to such extent as said Constitution shall fail to provide therefor, the Council shall determine the manner for such submission. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, nor less than a majority, shall become a part of this Charter.

Council shall, at least once during each ten-year period, by ordinance or resolution, appoint a Charter Review Commission to review the entire Charter. The first ten-year period shall end December 31, 2033. Thereafter each successive ten-year period shall commence on the date of Council's ordinance or resolution making such determination. The Mayor and Council shall, at their discretion, appoint a Commission of eleven (11) qualified electors of the City holding no other elected office in this City as members of the Charter Review Commission. The Mayor shall appoint four (4) of the Commission Members and Council shall appoint seven (7) of the Commission Members. Such Commission shall review the City Charter and not less than one hundred twenty (120) days prior to the general election in November of the succeeding year shall submit to Council any alterations, revisions or amendments of this Charter as in its judgment are recommended. The Council shall immediately review same and shall forthwith submit to the electors at the next general municipal election to be held in November, any such proposed alterations, revisions or amendments of this Charter which Council deems in its discretion to be advisable. The Members shall serve without compensation unless otherwise provided by Ordinance. All meetings of the Charter Review Commission shall be open to the public.

ORDINANCE NO. 2023-27

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 05 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 05 to the Charter of the City of University Heights as attached hereto as Exhibit "A" for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 05

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment to update and modernize the names of administrative officers and departments and prohibit Council from eliminating the Division of Public Safety.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
The Charter uses anachronistic terminology for administrative officers and departments that is inconsistent with the City's actual usage.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 6.		
Procedure and Vote		
Proponent(s): Wertheim		
Date of first discussion: December 13, 2022		
Date of second discussion: February 28, 2023		
Date of motion to adopt: February 28, 2023		
Movant: Wertheim		
Second: Myrick		
Commissioners present: Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [7] Yes [0] No [3] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain
Marshall <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 6. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION 1. General Provisions. A Law Department ~~of Law~~, a Finance Department ~~of Finance~~, a Department of Public Safety Division, and a Service Department ~~of Public Service and Properties~~ are hereby established by this Charter, and the Council shall provide by ordinance for the organization thereof. The Council may establish by ordinance new departments or divisions thereof. With the exception of the Law and Finance Departments and the Public Safety Division, the Council may combine or abolish existing departments and divisions as it may deem necessary and may authorize one person to be the head of two or more departments or divisions.

SECTION 2. The Law Department ~~of Law~~ shall be in charge of the Law Director ~~of Law~~, appointed by the Council to serve at the pleasure thereof. The Law Director ~~of Law~~ shall be duly admitted to the practice of law in Ohio. He shall be the city solicitor and shall perform all duties required by ordinance and the duties which are imposed upon city solicitors by the general law of Ohio.

SECTION 3. The Finance Department ~~of Finance~~ shall be headed by the Finance Director ~~of Finance~~, who shall be the fiscal officer and Treasurer of the City. He shall keep all the financial records and accounts of the City and an accurate account of all taxes and assessments, all assets and liabilities, all appropriations made by the Council, and all receipts and disbursements by the City. All payrolls, bills and other claims are subject to his examination and approval. He shall issue warrants or checks for expenditures for which appropriations have been duly made and shall sign checks as Council shall require. He shall assist the Mayor and Council in the preparation of estimates, budgets and appropriations, and shall perform all the duties required by this Charter or by ordinance of Council.

The Finance Director ~~of Finance~~ shall serve as the Treasurer of the City and shall be the collector and custodian of all monies of the City. He shall keep and preserve them in such manner and in such places as the Council shall determine. He shall receive and disburse all other public money coming into his hands as Treasurer in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

There shall be in the Department of Public Safety Division a Division of Police Department, a Division of Fire Department, and a Building Department ~~Division of Building Engineering and Inspection~~.

ORDINANCE NO. 2023-28

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 06 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 06 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 06

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment providing for the election of the Mayor and members of Council by ranked choice voting.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Ranked choice voting creates a more fair and representative election system that minimizes wasted votes, vote-splitting, and strategic voting, better reflects voter preference and the electorate, discourages negative campaigning as candidates compete for second-choice votes, would serve as an instant run-off election when a mayoral candidate only wins a plurality of the vote, may help elect more women and people of color, and is ideal for elections with multiple winners, like our Council elections.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 2, § 1.		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: February 7, 2023		
Date of second discussion: February 28, 2023		
Date of motion to adopt: February 28, 2023		
Movant: Myrick		
Second: Crumrine		
Commissioners present: Bobes, Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [8] Yes [4] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 2. NOMINATION, ELECTIONS, QUALIFICATIONS AND REMOVAL OF OFFICERS

SECTION 1. Nominations ~~and Elections~~. Nominations for elective officers of this City shall be made only by petition, signed by registered electors of the City not less in number than three percent (3%) of the number voting at the last regular municipal election and accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by separate petition and filed with the Board of Elections not later than 4:00 o'clock p.m. on the ninetieth (90th) (day prior to the date of election. No primary election shall be held for the selection of candidates for any elective office of the City. No nomination to any elective office of this City shall be of any effect unless made as required by this section.

SECTION 2. Elections. All officers of this City shall be elected by ranked choice voting as described in this section.

The design of the ballot and content of ballot instructions shall conform to the following requirements:

1. The ballot used in the election of officers of this City shall be without party mark or designation.
2. The names of all candidates for City office shall be placed upon the same ballot, and shall be rotated in the manner provided by the general law of Ohio.
3. The ballot shall allow a voter to rank candidates in order of choice for the office.
4. The ballot shall permit a voter to rank up to six candidates, inclusive of any write-in candidates permitted by law, in order of choice for the office, unless there are fewer than six candidates on the ballot for such office, in which case the ballot shall permit a voter to rank the total

number of such candidates for such office, inclusive of any write-in candidate permitted by law.

5. The ballot shall, in plain language, set forth instructions that indicate how to mark a ballot and how to rank candidates in order of the voter's choice.

Mayor shall be elected by single-winner ranked choice voting. Each ballot cast shall be initially counted as one vote for the candidate at its highest continuing ranking or as an exhausted ballot. If a candidate receives more than half of the total votes counting for candidates, that candidate is elected and the tabulation of votes is complete. Otherwise, the tabulation of votes shall proceed in successive rounds sequentially as follows:

1. The candidate with the fewest votes is defeated.
2. Votes for the defeated candidate shall cease counting for the defeated candidate and shall be added to the totals of each ballot's next-ranked continuing candidate or counted as exhausted ballots.
3. A new round begins.

Members of Council shall be elected by proportional ranked choice voting. Each ballot cast shall be initially counted as one vote for its highest-ranked continuing candidate or as an exhausted ballot. The election threshold shall be calculated, and the tabulation of votes shall proceed in successive rounds sequentially as follows:

1. If the number of continuing candidates whose vote totals exceed the election threshold is equal to the number of seats remaining to be filled, those candidates are elected and the tabulation of votes is complete. Otherwise, the tabulation of votes continues.
2. If the number of continuing candidates is equal to or less than the number of seats remaining to be filled, then all continuing candidates are elected and the tabulation of votes is complete. Otherwise, the tabulation of votes continues.

3. If at least one continuing candidate has a vote total that equals or exceeds the election threshold, then the continuing candidate with the highest vote total is elected. Otherwise, the tabulation of votes continues.
 - a. If a candidate is thus elected, the number of surplus votes and the surplus fraction for the elected candidate shall then be calculated.
 - b. Next, the new transfer value of each vote cast for the elected candidate shall be calculated.
 - c. Votes for the elected candidate shall be added, at their new transfer values, to the totals of each ballot's highest-ranked continuing candidate or counted as exhausted ballots.
 - d. A new round begins.
4. The candidate with the fewest votes is defeated.
 - a. If the number of continuing candidates is now equal to the number of seats remaining to be filled, all continuing candidates are elected, and the tabulation of votes is complete.
 - b. Otherwise, votes for the defeated candidate shall cease counting for the defeated candidate. Votes cast for the defeated candidate shall be added, at their current transfer values, to the totals of each ballot's next-ranked continuing candidate or counted as exhausted ballots, and a new round begins.

If a tie to determine which candidate has the greatest or fewest number of votes occurs at any point in the tabulation procedure and tabulation of votes cannot proceed until the tie is resolved, the chair of Board of Elections shall resolve the tie by lot in the presence of a majority of the members of the Board. For purposes of this section, the following terms are defined:

“Continuing candidate” means any candidate that has not been defeated or elected.

“Election threshold” means the number of votes sufficient for a candidate to be elected. The election threshold is equal to the total valid votes cast, divided by the sum of one plus the number of offices to be filled, and adding one to that quotient, disregarding any fractions.

“Exhausted ballot” means a ballot that can no longer be counted for any candidate for one or more of the following reasons:

1. It should count for its next-ranked continuing candidate, but it does not rank any more continuing candidates;
2. Its highest continuing ranking contains an overvote; or
3. It includes two or more skipped rankings prior to its highest continuing ranking.

“Highest continuing ranking” means the highest ranking for any continuing candidate.

“Overvote” means a voter has ranked more than one candidate at the same ranking.

“Ranked choice voting” means an election method in which voters rank candidates in order of choice and votes are tabulated by the procedures described in this section.

“Ranking” means the number assigned by a voter to a candidate to express the voter’s preference for that candidate. A ranking of “1” is the highest ranking followed by “2” and then “3” and so on.

“Round” means a sequence of the process of voting tabulation beginning with Stage 1 as provided in this section.

“Skipped ranking” means a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

“Surplus” means the difference between a candidate’s vote total and the election threshold.

“Surplus fraction” means the number equal to a candidate’s surplus divided by that candidate’s vote total, calculated to four decimal places, ignoring any remainder.

“Transfer value” means the fraction of a vote that a ballot will contribute to its highest continuing ranking after a higher ranked candidate has been declared elected. The transfer value of a vote is calculated by multiplying the surplus fraction of the elected candidate by the vote’s current value, calculated to four decimal places, ignoring any remainder.

Except as provided in this Charter, the general laws of Ohio shall govern the nomination and election of the elective officers of the City.

SECTION 32. Qualifications of Officers. Each elective officer of the City shall be a qualified elector of the City, shall have resided continuously therein not less than one year next preceding his election, and shall continue to reside therein during his term of office. He shall hold no other elective public office during his term, neither shall he hold any other public employment incompatible with his elective office in this City during such term, except as otherwise provided in this Charter, and further excepting the office of notary public and membership in the militia or reserve corps. The Council shall determine whether any public employment is incompatible with his elective office in this City.

No officer of this City, elective or otherwise, shall have any financial interest in any contract with or expenditure of money by this City other than his fixed compensation and for expenses of travel as provided in Section 3 of Article 8. Such interest shall disqualify him from holding office, in addition to the other penalties provided by law.

Every officer of this City shall, before assuming the duties of his office, take and subscribe his oath or affirmation to support the Constitution of the United

States and the Constitution of Ohio and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of him conformably to this Charter.

Commencing January 1, 1996, without counting terms held prior to that date in such office, no person shall be eligible to hold the same elective office in the City for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days.

SECTION ~~43~~. Removal of Officers. Any officer of this City shall be subject to removal in such manner as is now or may hereafter be provided by the general laws of Ohio, or by this Charter.

In addition, the Council may remove any officer of the City, including Councilman, for violation of any of the provisions of the next preceding section, or for failing or ceasing to possess any other qualification established by this Charter for his office, or for the conviction while in office of any crime involving moral turpitude, but no such removal shall be made without the concurrence of at least five members of the Council nor until the accused officer shall have been given a written copy of the charges against him and an opportunity to be heard, with at least ten days notice of the time and place of hearing.

Absence of a Councilman from five consecutive regular meetings of the Council, without such absence being authorized by an affirmative vote of four of the remaining members of the Council, shall operate to vacate such office of Councilman forthwith.

ORDINANCE NO. 2023-29

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 07 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 07 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 07

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment replacing provisions of the Charter regarding recall elections with provisions substantially in the form of Section 6.04 of the National Civic League's Model City Charter.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This amendment would change the process of recall elections so that the recall or removal of an officer results in a vacancy.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 4, § 3.		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: February 28, 2023		
Date of second discussion: March 14, 2023		
Date of motion to adopt: March 14, 2023 (Amended April 18, 2023)		
Movant: Crumrine		
Second: Myrick		
Commissioners present: Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [1] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 4. INITIATIVE, REFERENDUM AND RECALL

* * *

SECTION 3. Recall. ~~The electors shall have the power to remove from office by recall election any elective officer of the City. At any time after an elective officer has held office for six months of the term for which he was chosen, a petition demanding his removal and the election of a successor in his office may be filed with the Clerk of the Council. Such petition shall comply with the provisions of Section 4 of this Article, and shall be signed by registered electors equal in number to at least twenty five (25%) percent of the total number of voters casting ballots at the last preceding general municipal election. Within ten (10) days from the date of filing such petition, the Clerk shall determine the sufficiency thereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective and deliver a copy of his certificate to the person who filed the petition with him, and such person shall be allowed twenty (20) days from the delivery of such copy of certificate in which to make the petition sufficient. If the Clerk shall find the petition sufficient he shall promptly so certify to the Council and to the officer whose removal is sought, and, if the officer does not resign within five (5) days thereafter, the Council shall thereupon order and fix a day for holding a recall election, not less than thirty (30) nor more than forty (40) days from the date of the Clerk's certificate of sufficiency. At such recall election the name of the officer whose removal is sought shall be placed on the ballot as a candidate to succeed himself, unless he otherwise requests in writing at least twenty (20) days prior thereto, and the names of such other candidates for the same office shall be placed on the ballot as shall have been nominated in accordance with Article 2 Section 1 of this Charter at least twenty (20) days prior to such recall election. The recall election, except as it shall be limited to the offices from which a removal is sought, shall in other respects conform to the provisions of Article 2 Section 1 of this Charter. If at the recall election the incumbent does not receive a plurality of the votes cast, the candidate who does receive such a plurality shall be declared elected to succeed the incumbent for the remainder of his term, and the incumbent shall be deemed removed from his office when such elected successor qualifies for the office or within ten (10) days after the recall election.~~

The electors shall have the power to recall any elective officer of the City, but no recall petition shall be filed against any officer within six months after the officer takes office, nor in case of an officer subjected to a recall election and not removed, until at least six months after the election. Any five registered electors of the City may commence recall proceedings by filing with the Clerk of the Council an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and stating the name and title of the officer sought to be recalled accompanied by a statement, not to exceed 200 words, of the reasons for the recall. Grounds for recall should relate to and affect the administration of the elective officer's office and be of a substantial nature directly affecting the rights and interest of the public. Promptly after receipt of a recall petition, the Clerk of Council shall serve, personally or by certified mail, a copy of the affidavit on the elective officer sought to be recalled. Within 10 days of service of the affidavit, the elective officer sought to be recalled may file a statement with the Clerk of Council, not to exceed 200 words, in response. Recall petitions must be signed by registered electors of the City equal in number to at least twenty-five percent of the total number of registered electors of the City to vote at the last regular municipal election. Recall petitions must be filed within 100 days of the filing of the petitioners' affidavit initiating the recall procedure. Within 20 days after the petition is filed, the Clerk of Council shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk of Council within two days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within 14 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of this section, and within five days after it is filed, the Clerk of Council shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review within the time required, the Clerk of Council shall promptly

EXHIBIT A

present his or her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by Council. Council shall review the certificate or determination at its next meeting following the filing of such request, and Council's determination shall then be a final determination as to the sufficiency of the petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose after the passage of one year from the date of the final determination of insufficiency. If a recall petition has been finally determined sufficient, it shall be submitted to the electors of the City. The recall election shall be held not less than 60 days and not later than 90 days from the date of the final determination. If no regular municipal election is to be held within the period prescribed in this subsection, Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that Council may in its discretion provide for a special election at an earlier date within the prescribed period. Ballots used at recall election shall read: "Shall [name of officer] be recalled (removed) from the office of [title of office]?" If a majority of registered electors vote in favor of the recall, the officer is removed and the seat is vacant, and the vacancy shall be filled in accordance with the applicable provisions of Article 3, Section 3, or Article 5, Section 3, of this Charter.

ORDINANCE NO. 2023-30

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 08 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 08 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

**_____
MAYOR MICHAEL DYLAN BRENNAN**

PASSED:

ATTEST:

**_____
KELLY THOMAS, CLERK OF COUNCIL**

APPROVED AS TO FORM:

**_____
LUKE F. MCCONVILLE, LAW DIRECTOR**

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 08

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment changing the number of signatures required on petitions for an initiative or referendum from a percentage of registered voters of the City to a percentage of the total ballots cast in the City's last regular municipal election and adjusting such percentages.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This amendment would make it easier for electors of the City to propose any ordinance or resolution or to approve or reject any ordinance or resolution passed by the Council.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 4, §§ 1 and 2.		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: February 28, 2023		
Date of second discussion: March 14, 2023		
Date of motion to adopt: March 14, 2023 (Amended April 18, 2023)		
Movant: Crumrine		
Second: Myrick		
Commissioners present: Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [1] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 4. INITIATIVE, REFERENDUM AND RECALL

SECTION 1. Initiative. The electors of the City shall have power to propose any ordinance or resolution, except an ordinance for the appropriation of money or an ordinance making a tax levy, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution may be submitted to the Clerk of the Council by petition signed by registered electors of the City equal in number to at least ~~ten five~~-percent (~~105~~%) of the total number of voters casting ballots at the last regular municipal election. ~~registered electors of the City.~~ When so submitted, the Clerk shall forthwith determine the sufficiency of the petition and if found sufficient, the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole. Provision shall be made for public hearings on the proposed ordinance or resolution not later than thirty (30) days after the date on which such ordinance or resolution was submitted to the Clerk. The Council shall within forty (40) days after such ordinance or resolution is submitted, take final action thereon, either enacting or rejecting the proposed ordinance or resolution. If the Council fails or refuses to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefor, the committee of the petitioners may require that it be submitted to a vote of the electors either in its original form or in the amended form by filing with the Clerk a supplemental petition signed by that number of additional registered electors which, when taken together with those who signed the original petition, will total at least ~~twenty ten~~-percent (~~210~~%) of the total number of voters casting ballots at the last regular municipal election~~the registered electors of the City,~~ and if said supplemental petition is signed by that number of additional registered electors which, when taken together with those who signed the original petition, will total at least ~~twenty-five~~ percent (~~250~~%) of the total number of voters casting ballots at the last regular municipal election ~~registered electors~~ the date of the election may be fixed therein, not less than ninety sixty (~~690~~) days from the time of filing such supplemental petition. Such supplemental petition shall be filed within ten (10) days after the final action on such ordinance or resolution by the Council. The Council shall thereupon provide, for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or at the next general election in any year occurring more

than ~~ninety sixty~~ (690) days from the filing of such supplemental petition, if no date be so fixed therein.

SECTION 2. Referendum. The electors shall have the power to approve or reject at the polls any ordinance or resolution passed by the Council, except as hereinafter provided. Within thirty (30) days after the final passage by the Council of an ordinance or resolution, a petition signed by registered electors of the City equal in number to at least ~~twenty ten~~ percent (210%) of the total number of voters casting ballots at the last regular municipal election ~~registered electors of the City~~ may be filed with the Clerk of the Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of the electors. If said petition is signed by registered electors of the City equal in number to ~~twenty-five~~ percent (250%) ~~of the total number of voters casting ballots at the last regular municipal election~~ ~~or more of such registered electors~~, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing thereof. When such petition is filed, the Clerk shall first ascertain the sufficiency of the petition, and if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition, reconsider such ordinance or resolution. If upon such reconsideration the ordinance or resolution is not repealed, the Council shall provide for submitting it to a vote of the electors on the date so fixed, or at the first general election in any year occurring more than ninety (90) days from the filing of such petition, if no date be so fixed. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon. When the Council by law or under provisions of general ordinances, is required to pass more than one ordinance or resolution necessary to make and pay for any public improvement, the referendum provisions shall apply only to the first ordinance or resolution required to be passed and not to any subsequent ordinances or resolutions relating thereto. Ordinances providing for the annual tax levy or for improvements petitioned by the owners of a majority of the feet front of the property benefitted and to be specially assessed therefor, and appropriation ordinances limited to the subject of appropriations shall not be subject to referendum, but all other ordinances, including emergency ordinances, shall be subject to referendum, except that emergency ordinances shall go into effect at the time indicated therein. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure shall be deemed sufficient authority for

payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

Ordinances submitted to the Council by initiative petition and passed by the Council either with or without change, but not required to be submitted to a vote of the electors, shall be subject to referendum in the same manner as other ordinances.

ORDINANCE NO. 2023-31

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 09 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 09 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 09

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment providing that the Vice Mayor shall preside at all meetings of Council.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
The Council and Mayor are separate but co-equal branches of government. The current language of the Charter requires that the Mayor preside at all meetings of the Council. This structure invites conflict because it demands that the Mayor conduct the meetings of the Council. The proposed amendment to the Charter would eliminate the Mayor's duty to preside over the meetings of the Council, thereby ensuring that the Council has the leeway to run its meetings independent of the Mayor.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 3; Art. 4.		
Procedure and Vote		
Proponent(s): Kretch		
Date of first discussion: March 14, 2023		
Date of second discussion: April 4, 2023		
Date of motion to adopt: April 4, 2023		
Movant: Kretch		
Second: Jackson		
Commissioners present: Wertheim, Crumrine, Farkas, Duffy-Friedman, Gould, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [0] No [1] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Gould <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 3. COUNCIL

* * *

SECTION 5. Procedure. A majority of the members elected to the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members. The Council shall keep a journal of its proceedings.

All regular and special meetings of Council and Council committees shall be publicly announced and shall be open to the public in accordance with the provisions of the Ohio "Sunshine Law" as it may be amended from time to time, presently codified at Section 121.22 of the Ohio Revised Code. The Vice Mayor, or in the Vice Mayor's absence the Vice Mayor's designee, shall preside at all meetings of Council. Council may hold an executive session at any regular or special meeting of Council, upon the majority roll call vote of a quorum of Council, for the sole purpose of the consideration of any matter specified in Ohio Revised Code Section 121.22, as it may be amended from time to time.

The Council shall, by ordinance, make provision for the following:

- a. The time and place of regular meetings, providing for at least two regular meetings in each calendar month excepting the months of July and August;
- b. The manner of calling special meetings;
- c. The enforcement of attendance at its meetings and punishment of disorderly conduct thereat;
- d. The form and method of enacting ordinances and resolutions, but no ordinance or resolution except general appropriation ordinances shall contain more than one subject which shall be clearly stated in the title; and general appropriation ordinances shall be confined to the subject of appropriations;

e. The manner of giving public notice of the enactment of ordinances and of any other of its acts or proceedings which it deems proper to publish;

f. The reduction of unpaid installments and the return of paid installments of assessments levied in larger amounts than necessary to pay for public improvements, to the extent that such reductions and returns are authorized by the general law of Ohio;

g. The procedure for making public improvements and for levying assessments, provided that two or more public improvements, including the levying of assessments therefor, may be combined in one proceeding if the Council finds that it will be economical and practical to undertake said improvements jointly;

h. The advertising and awarding of contracts;

i. The employment of expert consultants to advise and assist the city officials and employees with respect to municipal problems and such other general regulations as the Council may deem necessary;

j. The printing, publishing and distribution of financial reports and such other reports of general interest as the Council shall determine, at City expense, providing that such reports shall be factual only and do not express an opinion or promote any person, position, group of persons, or any idea, theory or viewpoint of a political or controversial nature.

* * *

ARTICLE 5. THE MAYOR

* * *

SECTION 4. General Powers and Duties.

A. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

B. Legislative. ~~The Mayor shall preside at all meetings of the Council and shall have the power to veto as specified in Article 3 Section 7 of this Charter.~~ The Mayor and directors of all departments established by this Charter, or by ordinance, also shall be entitled to seats in the Council. Neither the Mayor nor any director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments.

* * *

C. Executive. The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions except those reserved to Council or its officers and employees by this Charter. He shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. He shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measure, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

The Mayor shall appoint all officers and employees of the City, except members, officers and employees of the Council, judges, Clerk of Council and the Director of Law and their assistants. All persons appointed by the Mayor,

except those whose terms of office are fixed by this Charter or by law, may be promoted, transferred, reduced or removed by the Mayor, subject however, to the Civil Service provisions of this Charter. The foregoing appointive powers of the Mayor may be delegated by him to the directors of any department or to the heads of any divisions with respect to the officers or employees in the classified service within their respective departments or divisions.

The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party.

The Mayor shall be recognized as the official and ceremonial head of the City government, by the governor for military purposes, and by the courts for the purpose of serving civil processes.

ORDINANCE NO. 2023-32

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 10 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-__ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 10 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-23**

Proposed Amendment to the Charter No. 10

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment prohibiting discrimination by the City on the basis a person's membership in certain protected classes or groups.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This prohibition against discrimination adds protections for members of certain classes or groups from discrimination by the City at the local level in addition to the protections provided by state and federal law.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 8.		
Procedure and Vote		
Proponent(s): Wertheim		
Date of first discussion: April 4, 2023		
Date of second discussion: April 18, 2023		
Date of motion to adopt: April 18, 2023		
Movant: Myrick		
Second: Marshall		
Commissioners present: Wertheim, Duffy-Friedman, Gould, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [8] Yes [0] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 8. MISCELLANEOUS PROVISIONS

* * *

SECTION 12. The City shall not discriminate on the basis of race, color, national origin, religion, age, disability, marital or partnership status, sex, sexual orientation, gender identity, gender expression, genetic information, pregnancy, citizenship status, caste, tribal affiliation or any other classification protected by applicable federal, state, or local law unless reasonably necessary to normal operations and having a substantial relationship to job function and responsibilities.

ORDINANCE NO. 2023-34

INTRODUCED BY: VICE MAYOR WEISS

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1280.10 ENTITLED “RENTAL OF ONE-AND-TWO-FAMILY DWELLING UNITS IN U-1 AND U-2 DISTRICTS” TO STANDARDIZE THE RENTAL PERMIT APPLICATION PROCESS, AND DECLARING AN EMERGENCY.

WHEREAS, the Building and Housing Committee recommends the standardization of the issuance and duration of rental permits to create efficiency in the rental permit application and inspection processes; and

WHEREAS, standardization of the rental permit application process will create ease of administration for the City’s rental permit requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. Council hereby amends Codified Ordinance Section 1280.10 entitled “Rental of One-and-Two-Family Dwelling Units in U-1 and U-2 Districts,” to read in its entirety as set forth in Exhibit A hereof, which is incorporated herein by reference as if fully rewritten.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This ordinance is hereby determined to be an emergency necessary for the immediate preservation of the public peace, health and safety of the City of University Heights and for the further reason that this ordinance will ease administrative difficulties in connection with the rental permit requirements in the City. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: _____

PASSED: _____

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

EXHIBIT A

1280.10 RENTAL OF ONE-AND-TWO-FAMILY DWELLING UNITS IN U-1 AND U-2 DISTRICTS

(a) Findings Purpose and Intent. By adopting this section, the City of University Heights acknowledges the overall general increase of rental properties and states that the U-1 and U-2 Districts have special features, characteristics, needs, issues, concerns and problems that are not prevalent in other zoning districts. The concerns include the safety and the tranquility of the residential neighborhood, both of which may be impaired by, among other things, the significant increase in parking of vehicles at one-and two-family dwellings, and the health and safety of residents renting homes with space limitations. It is with these concerns in mind that the City now adopts this section in an effort to help ensure safe living conditions and adequate parking areas, as well as to avoid overcrowding in the U-1 and U-2 zoning districts.

(b) Permit Required.

(1) No owner, renter, tenant or regular occupant of any single-family or two-family dwelling in the U-1 and U-2 zoning districts shall rent, lease or regularly occupy any dwelling unit without first obtaining a rental permit from the City Housing and Community Development Department or its designee, except in the following circumstances:

A. Both of the following criteria are met:

(i). The dwelling unit is occupied by one family as defined in Section 1240.10 or one “functional family equivalent,” as such term is defined in Section 1280.10(e)(2) hereof, and the family or functional family equivalent is related by blood, marriage, domestic partnership or adoption to the owner of the dwelling unit; and

(ii). No monetary or in-kind consideration is exchanged between the owner and the subject family or functional family equivalent. For purposes of this section, in-kind consideration does not include child care, elder care, other caregiving among family members, housekeeping, landscaping, repairs or maintenance, household chores or services, and such other customary deeds or services among family members.

B. For purposes of this ordinance, the term “domestic partnership” shall refer to a relationship between Domestic Partners.

C. For purposes of this ordinance, the term “Domestic Partners” shall mean individuals who meet the following criteria:

- (i) They have a single dedicated relationship of at least 12 months;
- (ii) They share the same permanent residence and the common necessities of life for at least 12 months;
- (iii) They are not related by blood to a degree of closeness that would prohibit legal marriage in the State of Ohio;
- (iv) They are at least eighteen (18) years of age;
- (v) They are mentally competent to consent to the domestic partnership;
- (vi) Neither is currently married to another person under either statutory or common law, in another domestic partnership, civil union, or legally separated from someone else; and
- (vii) They are financially interdependent on each other. In order to be considered financially interdependent on each other, at least three of the following interdependencies must be provable by supporting documentation: joint ownership of real estate property or joint tenancy on a residential lease; joint ownership of an automobile; joint bank account or credit account; a Will, designating the domestic partner as the primary beneficiary; Retirement plan or life insurance policy designating the domestic partner as the primary beneficiary; and/or durable power of attorney, signed to the effect that powers are granted to one another.

(2) A dwelling unit may be occupied by one family as defined in Section 1240.10 and/or 1472.14 (or related by blood, marriage, domestic partnership or adoption), or one functional family equivalent as defined in Section 1280.10(e)(2), or can be occupied by the number of

unrelated persons that does not exceed the number of bedrooms located in the dwelling unit. For purposes of calculating the number of bedrooms in a dwelling unit, in order to be considered a bedroom, a room must meet the requirements set forth in Section 1280.10(c)(2)(D) hereof. For purposes of determining occupancy of a dwelling unit under this Section 1280.10, “occupancy” of a dwelling unit means the physical presence of a person in the dwelling unit overnight for at least 15 nights in a consecutive 30-day period.

(3) Any one- or two-family dwelling including those with a rentable third floor shall be required to obtain a rental permit.

A. One-family dwelling. Each third floor unit shall be limited to one tenant and have its own private bath complete with shower and/or tub, toilet, and sink. No culinary or cooking equipment shall be permitted within this area. (See Section 147.30 for definition of “culinary facilities”).

B. Two-family dwelling. Each third floor unit must meet all the requirements of a one-family third floor unit. In addition, the unit must have direct access to the outside without traversing through any other unit.

(c) Rental Permit Application.

(1) The application for a rental permit shall contain the following information and any additional information the Director of Housing and Community Development finds necessary:

A. The name and signature of the owner of the property, including the mailing address and the telephone number;

B. The name and phone numbers of the primary contact tenant;

C. The name of each tenant and, if under the age of 26, his or her permanent address.

D. Affirmation that the property is not delinquent on property taxes or is enrolled in a payment plan for delinquent property taxes.

E. The name and identity of a Local Authorized Representative. For purposes of this section, the term “Local Authorized Representative” shall mean a person or entity designated by the owner of property to manage the real property and rental units. The Local Authorized Representative may be an owner or a third-party. The Local Authorized Representative must maintain a home or business address in Cuyahoga County or a neighboring county. The Local Authorized Representative shall be authorized to conduct all business related to rental property or rental units and shall be authorized to accept service of all notices regarding any action or proceeding.

F. If the property owner is a limited liability company, corporation, partnership, trust, or other entity or organization, the following information: (i) statutory agent; and (ii) a current Certificate of Good Standing with the State of Ohio or evidence of a current, valid registration with the Ohio Secretary of State to conduct business in Ohio.

G. Any application shall be accompanied with the fee provided for in division (f) of this section.

(2) Upon filing an application for a rental permit, the Housing and Community Development Department shall inspect the dwelling unit to determine the following, subject to the consent of the owner and/or occupant(s) of the dwelling unit and their respective rights set forth in Section 1280.10(c)(2)(G), and subject further to the limitations set forth on Section 1280.10(c)(2)(H):

A. That the dwelling unit is of adequate size and has an adequate number of sleeping rooms to accommodate the proposed number of tenants, renters or regular occupants, including the requirements under this Zoning Code and the Building Code that are applicable.

B. That one off-street parking space per tenant shall be provided.

C. That the dwelling unit shall not contain culinary facilities outside of the kitchen. (See Section 1472.30 for the definition of “culinary facilities”).

D. That each unrelated tenant shall be provided with his or her own bedroom which shall be approved by the Director of Housing and Community Development. Bedrooms must (i) have a

full bathroom directly attached or abut a hallway leading to a full bathroom on the same floor that is accessible without passing through another room, (ii) shall be a minimum of 80 square feet in area with no dimension being less than eight feet, (iii) shall contain a built-in closet, and (iv) shall have a minimum of two means of egress. For purposes of this ordinance, a “full bathroom” shall mean a bathroom with a toilet, sink, shower and/or bathtub. Bedrooms in basements or otherwise below grade are prohibited.

E. That the dwelling unit satisfies the provisions of Part Fourteen – Building and Housing Code and Part Sixteen – Fire Prevention Code of the Codified Ordinances of the City.

F. That the owner/landlord acknowledges responsibility for all maintenance, both exterior and interior, adhering to all the adopted State and all local Codified Ordinances within the City and within the U-1 and U-2 Districts of the City.

G. The owner or occupant(s) of a dwelling unit may refuse inspection of said dwelling unit. In the event that the owner or occupant(s) denies consent to the performance of an inspection hereunder, then the Housing and Community Development Director shall either promptly issue a rental permit hereunder or shall promptly procure an administrative search warrant as provided by law to gain entry to the dwelling unit to conduct a rental permit inspection thereof. In the event that the City files for an administrative search warrant for an inspection of the dwelling unit, if the search warrant is granted, the City shall conduct its inspection within the time periods set forth in the search warrant, but not later than ten (10) Business Days following execution of the search warrant by a court of competent jurisdiction. In the event that the City’s application for a search warrant is denied, the City shall promptly issue its rental permit. For purposes of this section, the term “Business Days” shall mean any day on which the City is open for the conducting of business, excluding Saturdays, Sundays and legal holidays.

H. Submission of a rental permit application and obtaining a rental permit thereby shall be required on an annual basis. Inspection of a dwelling unit hereunder shall be required on a bi-annual basis.

(3) Upon filing an application for a rental permit, the Housing and Community Development Department also shall inspect Cuyahoga County property tax records to ensure the owner/landlord is not delinquent in payment of property taxes for the subject property. In order for the applicant to be eligible for a rental registration permit, the applicant must be current in the payment of Cuyahoga County property taxes for the subject property or be enrolled in a payment plan for delinquent taxes for the subject property.

(4) Application for a rental permit shall be made annually, on or before June 1st of each year. Rental permits shall expire on May 31st of each year. The City shall send a notice to each registered rental property owner or designee during the month of March of each year notifying the owner/designee that the rental permit expires on May 31st and must be renewed on or before June 1st. Any rental permit issued in connection with a rental permit application received prior to June 1st of any given year shall be for a duration of at least 12 months.

(d) Rental Permit Duration. A rental permit shall be valid for the property, for up to the number of occupants authorized in the permit for a one year period from the date of inspection. Should the property ownership change, the rental permit is non-transferable and a new application must be applied for and all requirements must be met by the new owner(s). The owner or occupant is required to notify the City Housing and Community Development Department within thirty (30) days whenever there is any change in tenants, renters or regular occupants, however, such a change(s) will not invalidate the rental permit, so long as timely notice (as set forth herein) is provided and the number of tenants, renters, or regular occupants permitted on the leased premises does not exceed the maximum tenancy allowed for the property.

(e) Appeal and Special Application for a Functional Family Equivalent.

(1) An owner or tenant of a single-family or two-family dwelling may make a written application to the Board of Zoning Appeals to allow occupancy by a number of unrelated persons that exceeds the number of bedrooms meeting the requirements of Section 1280.10(c)(2)(D), either as a functional family equivalent or otherwise. The applicant shall have the burden of proving a functional family equivalent by a preponderance of the evidence. In reviewing such an application, the Board of Zoning Appeals shall consider the criteria contained in subsection (e)(2) below. However, no provision of this section shall be applied in circumstances where the application of such provision would violate the fair housing rights of the disabled as defined by applicable Federal, State or local law.

(2) A “functional family equivalent” shall mean a group of unrelated individuals living together and functioning together as a traditional family. A group of unrelated individuals that utilizes a dwelling unit as a day care center, fraternity house, sorority house, residential cooperative, commune, dormitory, rooming house (as defined in Codified Ordinance Section 1472.31), boarding house (as defined in Codified Ordinance Section 1472.32), halfway house, or a use equivalent to any of the foregoing, shall not qualify as a functional family equivalent. In determining whether or not a group of unrelated individuals constitutes a functional family equivalent for purposes of this ordinance, the Board of Zoning Appeals shall consider the following factors.

- A. Whether the group shares the entire dwelling unit and lives and cooks together as a single housekeeping unit.
- B. Whether the group shares expenses for food, rent or ownership costs, utilities and other household expenses.
- C. Whether the group is permanent and stable. Evidence of such permanence and stability may include the following: (i) the presence of minor dependent children regularly residing in the household who are enrolled in local schools; (ii) members of the household have the same address for purpose of voter registration, driver’s license, motor vehicle registration and filing of taxes; (iii) members of the household are employed in the area; (iv) the household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units; (v) there is common ownership of furniture and appliances among the members of the household; and (vi) the group is not transient or temporary in nature.
- D. Whether the group is a temporary living arrangement or a framework for transient living;
- E. Whether the composition of the household changes from year to year or within a year;
- F. Any other factors reasonably related to whether or not the group of persons is the functional family equivalent of a family.

(3) An applicant who has been denied a rental permit by a decision of the Board of Zoning Appeals may seek further administrative appeal to the Cuyahoga County Court of Common Pleas.

(f) Application Fee/Late Fee. An applicant for a rental permit shall pay an application fee in accordance with the following schedule of application fees.

<u>Type of Dwelling</u>	<u>Application Fee</u>
Single Family Dwelling	\$150
Two Family Dwelling (1 Unit Inspection)	\$150
Two Family Dwelling (2 Unit Inspection)	\$200
3 rd Floor Unit	\$ 50

A late fee of \$100/month per rental unit shall be assessed against the owner of any property for any month or portion thereof during which an owner fails to comply with the requirement of this ordinance that a rental permit be issued for the rental of any dwelling unit.

(g) Revocation of Rental Permit; Notice to Show Cause. In addition to any other remedy or penalty otherwise provided in these Codified Ordinances, should the Director of Housing and Community Development have information or other reasonable cause to find that the holder of any rental permit or his or her tenants has been cited for failure to be in compliance in any respect with the conditions contained in this chapter or in Chapters 648 or 1442 on three different occasions within the duration of the rental permit, the Director of Housing and Community Development shall issue, upon the holder thereof by residence service, a notice to show cause to the Director of Housing and Community Development within five calendar days thereafter why

said permit should not be revoked because of three (3) or more violations. The Director of Housing and Community Development may revoke said rental permit forthwith. Said permit holder may appeal said revocation to the Board of Zoning Appeals as otherwise provided in these Codified Ordinances. The form of said notice to show cause shall be on a form prepared by the Director of Housing and Community Development and approved as to form by the Law Department. In determining if a rental permit should be revoked, the Director of Housing and Community Development may consider the following:

(1) Submission of inaccurate or misleading information to the Housing and Community Development Department to secure a rental permit.

(2) Failure to notify the Housing and Community Development Department within 30 days of any change of information supplied in the application for the rental permit, including, but not limited to, the names and permanent addresses of tenants.

(3) Failure to correct violations discovered during inspection within the time specified in a Notice of Violation or three violations of Chapter 1442 during the duration of the rental permit.

(4) Three violations of Section 648.17 during the duration of the rental permit.

(5) Chronic parking violations on or about the premises, including overnight parking on public street, blocking the public sidewalk and driving or parking on landscaped areas.

(6) Repeated complaints from adjacent residents that conditions exist which are detrimental to the peace and quality of the neighborhood. The Housing and Community Development Director or Mayor/Safety Director shall use only such complaints that have been investigated and verified to be valid and based on fact.

(7) Evidence supplied by the permit holder that the nuisance property is being rented to tenants not involved in prior violations of Section 648.17.

(8) County tax rolls that demonstrate the owner/landlord is delinquent in the payment of property taxes or failed to complete a payment plan for delinquent taxes.

(9) Whether the citation(s) issued related to an incident of domestic violence and/or whether the revocation of the rental permit would cause hardship to a victim of domestic violence or result in a victim of domestic violence being displaced, it being the desire of the City not to create additional hardship or unnecessary risk to health and safety for any victim of domestic violence.

(h) Duty to Provide Accurate Information. The Owner of a rental unit shall have a duty to provide accurate and up-to-date information relating to the rental registration application. A violation of this duty to provide accurate and up-to-date information shall be a violation of this ordinance. An owner may face a citation hereunder for any of the following:

(1) Submission of inaccurate or misleading information to the Housing and Community Development Department to secure a rental permit.

(2) Failure to notify the Housing and Community Development Department within 30 days of any change of information supplied in the application for the rental permit, including, but not limited to, the names and permanent addresses of tenants.

(i) Nuisance. Failure or refusal to comply with the rental registration requirement of this ordinance and/or failure to correct building and housing code violations cited in connection with rental inspection hereunder shall be prima facie evidence of unsafe or nuisance conditions in violation of Codified Ordinance Section 1442.01, and shall be a violation of this ordinance.

(j) Penalty. Whoever violates any provision of this section is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

ORDINANCE 2023-35

INTRODUCED BY: COUNCILMAN KING

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 432.49 ENTITLED “USE OF ELECTRONIC SCOOTERS AND/OR SHARED MOBILITY DEVICES” TO EXPAND THE USE OF ELECTRONIC SCOOTERS IN THE CITY, AND AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CUYAHOGA COUNTY, AND DECLARING AN EMERGENCY.

WHEREAS, the City wishes to expand its Electronic Scooter Program by amending regulations to remove the “pilot” status of the program, to allow for additional rebalancing locations, to expand hours of operation and to remove geographic restrictions;

WHEREAS, the City wishes to promote the Electronic Scooter Program as a convenient, environmentally friendly mode of transportation available throughout the city; and

WHEREAS, Council wishes to provide incentive to enter into the proposed MOU with Cuyahoga County, Ohio as soon as possible, extending the term of the agreement in connection with removal of the “pilot” status;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of University Heights, State of Ohio:

Section 1. Codified Ordinance Section 432.49 is hereby amended to read in its entirety as set forth in Exhibit A hereto, which is incorporated herein by reference as if fully rewritten.

Section 2. Codified Ordinance Section 432.49 in existence immediately prior to the passage of this ordinance is hereby repealed.

Section 3. Council hereby authorizes the Mayor to enter into a Memorandum of Understanding (the “MOU”) with Cuyahoga County, Ohio establishing certain rights and responsibilities of the parties in connection with the Electronic Scooter Pilot Program, a copy of which MOU shall be in substantially the same form as the MOU previously entered into (and attached as Exhibit A to Ordinance 2021-46), except that the term of the MOU shall not be limited to six months and may be for a duration that renews periodically from time to time as long as the City continues to authorize an Electronic Scooter Program.

Section 4. In the event of any inconsistency between this Ordinance and Ordinance 2021-38 and/or Ordinance 2021-46, this Ordinance 2023-35 shall be controlling.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 6. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, the emergency being the need to expand the scope of the Electronic Scooter Program in a time frame that allows optimal use of electronic scooters during the warm weather months, including enactment before Council's Summer Recess; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor. This ordinance shall take effect from and after the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

PASSED: _____

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

432.49 USE OF ELECTRONIC SCOOTERS AND/OR SHARED MOBILITY DEVICES.

(a) City Council hereby ~~creates a pilot program for~~ authorizes the use of electronic scooters and/or shared mobility devices, as such terms are hereafter defined, on City streets, pursuant to the Electronic Scooter ~~Pilot~~ Program guidelines adopted herein.

(b) Definitions. For purposes of this section, Council establishes the following definitions.

(1) "Electronic scooter" or "e-scooter" means a two-wheeled device, rented or subscribed to from an electronic scooter device vendor, that has handlebars, a floor board designed to be stood upon when operating and is powered by electricity. Some devices of this type are equipped with a seat, but none has operable pedals. The electricity is stored on board in a rechargeable battery.

(2) "Electronic scooter device vendor" means an entity approved to use/occupy the right-of-way for offering electronic scooters or e-scooters to subscribers on a fee basis subscription for short-term rental in point-to-point trips.

~~Council's authorization to enter into the MOU, as provided to the Mayor herein, shall expire upon the expiration of 30 days from the date of passage of this Ordinance 2021-46 in the event that the Mayor has not by that time both executed the MOU and provided an executed copy thereof to Cuyahoga County, Ohio.~~

~~—(d) The City hereby establishes electronic scooter rebalancing stations (each a "rebalancing station") throughout the City, at locations designated on a certain rebalancing station map, a copy of which is attached to Ordinance 2021-38 as Exhibit B and which is incorporated herein by reference as if fully reproduced.~~

~~—(e) The City hereby licenses five electronic scooters per shared mobility device vendor during the pendency of the Electronic Scooter Pilot Program.~~

(c) Each shared mobility device vendor shall be obligated to (i) provide the City Police Department with a contact person who can be reached during normal hours of operation as established hereunder; (ii) to cause any electronic scooter, e-scooter or shared mobility device to be returned to a designated rebalancing station within three hours of the termination of the use of such electronic scooter, e-scooter or shared mobility device (hereafter referred to, either collectively or individually, as an "electronic scooter"); and (iii) comply with all Electronic Scooter ~~Pilot~~ Program rules or guidelines established in this section.

~~(g) Any electronic scooter may be operated within the City from 7:00 a.m. to 7:00 p.m., and each shared mobility device vendor shall be obligated to program the City's designated electronic scooters to comply with these time restrictions.~~

~~(h) Electronic scooters may be operated only on the following designated streets: Cedar Road, Fairmount Boulevard, South Taylor Road, South Green Road, Warrensville Center Road, and Meadowbrook Boulevard. Cuyahoga County shall install geo-fencing to reasonably enforce these geographic restrictions.~~

(d) Electronic scooters operable within the City shall not exceed a speed limit of 15 miles per hour.

(e) No person who is under the age of 16 shall operate an electronic scooter within the City. No parent of any child or guardian of any ward shall authorize or knowingly permit any such child or ward to violate the age restrictions established in this section.

(f) A person exerting control of or operating an electronic scooter shall be permitted to stand or park it on a sidewalk, without charge or restriction, provided that the electronic scooter does not impede the normal flow of pedestrian traffic or otherwise prevent use of the sidewalk, including, but not limited to, use of the sidewalk by any person utilizing a wheelchair or assistive motorized device. Under no circumstances shall any person exerting control over or operating an electronic scooter park or leave such electronic scooter on private property.

(g) Any electronic scooter shall be considered a motor vehicle as defined in Section 402.22 and, accordingly, shall be subject to the ordinances set forth in the Chapter 432 relating to the operation of a motor vehicle.

(h) No operator of an electronic scooter shall do any of the following: (i) allow passengers while the electronic scooter is in operation or motion; or (ii) structurally alter the electronic scooter from the original manufacturer's design.

(i) In addition to any regulations set forth in Chapter 432, the following rules shall apply to the operation of any electronic scooter within the City:

(1) Electronic scooters shall not be operated on any sidewalk.

~~(2) Joyriding or use of any electronic scooter in any parking lot is prohibited.~~

(2) Every person operating an electronic scooter shall obey the instructions of official traffic control devices and signals applicable to vehicles, unless otherwise directed by a police officer.

(3) No person operating an electronic scooter shall carry any package, bundle ~~or~~, article ~~or additional passenger~~ that prevent the operator from safely operating the electronic scooter.

(4) Every person operating an electronic scooter upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to motor vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(5) Whenever authorized signs are erected indicating that no right, left or "U" turn is permitted, no person operating an electronic scooter shall disobey the direction of any such sign, except when such person dismounts from the electronic scooter, in which event such person shall then obey the regulations applicable to pedestrians.

(j) In the event that any of the terms or provisions of this section conflict with the terms and provisions set forth in Chapter 432, the terms and provisions of this section shall be controlling.

(Ord. 2021-38. Passed 10-4-2021; Ord. 2021-46. Passed 12-6-2021.)

ORDINANCE NO. 2023-36

INTRODUCED BY: Vice Mayor Weiss

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1064.05 ENTITLED “STORAGE BEHIND REAR BUILDING LINE” AND DECLARING AN EMERGENCY.

WHEREAS, City Council wishes to enact standards and regulations that are clear and enforceable relating to storage of garbage cans and/or trash/rubbish receptacles;

WHEREAS, City Council wishes to enact regulations relating to storage of garbage cans and/or trash/rubbish receptacles that will improve the health and safety of the community, reduce litter and garbage on city streets, and enhance the aesthetics of neighborhoods; and

WHEREAS, City Council wishes to enact penalties for failure to adhere to its regulations relating to storage of garbage cans and/or trash/rubbish receptacles;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, COUNTY OF CUYAHOGA, AND STATE OF OHIO, THAT:

Section 1. Council hereby amends Codified Ordinance Section 1064.05 entitled “Storage Behind Rear Building Line”, which shall read in its entirety as follows:

1064.05 STORAGE BEHIND REAR BUILDING LINE

(a) Garbage cans, trash/rubbish receptacles or any other container for waste (hereafter “Container”) may not be stored in front of the rear foundation line of any residence, or in front of the rear foundation line of any building which is parallel with any street line on which the building fronts, except after sundown on the evening immediately preceding the day for refuse collection and for 12 hours immediately following refuse collection by the City.

(b) Empty Containers are not permitted to remain in front of the rear foundation line of any residence or building by the owner, agent, lessee or occupant of that residence or building for a period in excess of 12 hours from the time of collection by the City

(c) No owner, agent, lessee or occupant of any property or any other responsible party shall violate subsections (a) or (b) hereof. If there is a violation, the violation shall be enforced as follows:

- (1) The Housing and Community Development Director, Building Commissioner, Certified Building Official, Service Director or Chief of Police or sworn peace officer are authorized to issue notices and citations to the owner, agent, lessee, occupant or other responsible party of any property maintained in violation of this ordinance.
- (2) The authorized official shall post a notice of violation in a conspicuous location on the property. The notice shall state the time when the notice was issued and shall indicate the nature of the violation. Should another violation occur within 18 months of the original violation, the property owner shall be charged seventy-five dollars (\$75.00).
- (3) Payment shall be made to the City of University Heights, Housing and Community Development Department, within thirty days of the date of the bill. Any bill that is not paid within thirty days shall

be placed on the property taxes of the property owner as a tax lien for collection by the City Finance Director.

(d) Nothing herein shall be construed to limit the authority of the City or its Law Director to undertake any action or to seek any other remedies or sanctions available.

Section 2. Codified Ordinance Section 1064.05 in existence immediately prior to the passage of this ordinance is hereby repealed.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights, by amending the regulations in Section 1064.05 so that they are clear and enforceable, for the health and safety of the City's residents. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise it shall become effective at the earliest time allowed by law.

City of University Heights, Ohio

Michael Dylan Brennan, Mayor

Passed: _____

Attest: _____
Kelly M. Thomas, Clerk of Council

**Approved
as to form:** _____
Luke F. McConville, Law Director

ORDINANCE NO. 2023-37

INTRODUCED BY: VICE MAYOR WEISS

AN ORDINANCE ADOPTING CODIFIED ORDINANCE CHAPTER 1493 ENTITLED “APARTMENT BUILDING REGISTRATION AND INSPECTION,” AND DECLARING AN EMERGENCY.

WHEREAS, City ordinances do not currently authorize the inspection of individual dwelling units in apartment buildings; and

WHEREAS, the City’s Building Department and/or Housing and Community Development Departments do not conduct annual inspection of apartment buildings to determine that such buildings are suitable and habitable for tenants;

WHEREAS, the City wishes to adopt regulations for the benefit of the health, safety and welfare of its residents that require annual registration of apartment buildings and the dwelling units therein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. Council hereby adopts Codified Ordinance Chapter 1493 entitled “Apartment Building Registration and Inspection, in the form as set forth in Exhibit A hereto, which is incorporated herein by reference as if fully rewritten.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. This ordinance is hereby determined to be an emergency necessary for the immediate preservation of the public peace, health and safety of the City of University Heights and for the further reason that this ordinance will immediately authorize the inspection of apartment buildings including dwelling units therein. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING:

PASSED:

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

EXHIBIT A

**CHAPTER 1493
APARTMENT BUILDING REGISTRATION AND INSPECTION**

1493.01 ANNUAL REGISTRATION REQUIRED/PERMIT APPLICATION

(a) Any Apartment Building shall be required to obtain an annual rental permit. The fee charged for the rental permit shall be \$500.00. Fees shall be paid at the time the application for a rental permit is filed with the City and for any renewal thereof.

(b) The Building Commissioner and/or Housing and Community Development Director shall develop an Apartment Building Permit Application. Such Application shall be submitted annually, and an annual permit shall be required for any Apartment Building. Application for a rental permit shall be made annually, on or before June 1st of each year. Rental permits shall expire on May 31st of each year. The City shall send a notice to each registered rental property owner or designee during the month of March of each year notifying the owner/designee that the rental permit expires on May 31st and must be renewed on or before June 1st. Any rental permit issued in connection with a rental permit application received prior to June 1st of any given year shall be for a duration of at least 12 months. For every month, or portion thereof, an additional fee of two hundred dollars (\$200.00) shall be assessed to the owner(s), should the owner(s) fail to comply with this section. An inspection of the Apartment Building shall be conducted in connection with the issuance/renewal of a permit at least once every three years.

(c) For purposes of this chapter 1493, the term “Apartment Building” shall mean any building or structure that contains four (4) or more residential dwelling units that may be let or leased for rent to a tenant, but shall not mean townhomes in a Residential-Attached zoning district.

1493.02 INSPECTIONS

The Building Commissioner and/or Housing and Community Development Director and/or Fire Chief (each an “Authorized Official”) is hereby authorized to make, or cause to be made, inspections of all Apartment Buildings and any rental units therein to determine whether such structures or premises comply with City Ordinances, the Fire Prevention Code, and State laws. The Authorized Official shall notify the owner of any Apartment Building or rental unit to be inspected that arrangements must be made with the City Building Department for an inspection appointment within twenty-one (21) days of such notice. The owner or tenant, upon consent, shall cause the entire structure and/or rental unit to be accessible for inspection at the time arranged, which shall be during regular business hours. If the owner or tenant, or an occupant, refuses to consent to an inspection of the Apartment Building or rental unit, or if consent is otherwise unobtainable, the Authorized Official shall not make such inspection without first obtaining a search warrant. No permit shall be issued or renewed if any violation of City Ordinances, the Fire Prevention Code or State law exists.

1493.03 INSPECTION AT THE REQUEST OF TENANT

The tenant or occupant of any dwelling unit in an Apartment Building in the City shall have the right to request that the City conduct an inspection of any dwelling unit or Apartment Building (or common areas thereof) being leased or rented to such tenant or occupant in order to determine whether the property is in compliance with the requirements of the City’s building, housing, maintenance, fire prevention, and property maintenance codes, and any other laws and regulations relating to dwelling units in the City of University Heights Codified Ordinances. If requested, the tenant or occupant shall contact the City Building Commissioner or Housing and Community Development Director to schedule an inspection.

1493.04 VOIDING PERMIT

Any apartment building or rental permit shall be revoked, null and void if:

(a) The building for which the rental permit was granted and the use to which it is put do not comply in all respects with this Code and with all other applicable laws and ordinances;

(b) Any false statement or representation has been made by the applicant in connection with the application or issuance of the rental permit;

(c) The owner of the rental permit does anything or causes anything to be done or omits to do anything or causes the omission of anything required or prohibited by this Code or by any other law or ordinance relating to such building or its use;

(d) In the building for which the rental permit was applied, more dwelling units or more rooming units are used than were stated in the application; or if more roomers are permitted at any one time than stated in the application;

(e) In the building for which the rental permit was issued, more dwelling units or more rooming units are used than permitted by the license; or if more roomers are permitted at any one time than the number specified in the license; or

(f) The owner of the building is delinquent in: (1) obtaining the rental permit; (2) paying the annual rental permit fee; or (3) paying any applicable late fee for 12 consecutive months. To avoid revocation due to an outstanding fee, an occupier (tenant) of a building threatened with revocation may choose to pay any outstanding fee to the Director of Finance.

(g) Upon the revocation of a rental permit, the Building Commissioner or Housing and Community Development Director shall cause notice of the revocation to be issued to the building owner and occupier (tenant).

(h) In the building for which the rental permit was issued, the following activities occur by the owner, occupant, or invitee of the owner of the property:

1. Any animal violation under Sections 618.01 (dogs at large); 618.07 (barking or howling dogs); 517.19 (prohibited animals); 618.05 (Cruelty to animals; cruelty to companion animals.)
2. Any disorderly conduct, disturbance of the peace or other violation of Chapter 648 of the Codified Ordinances of the City.
3. Any drug abuse violation under Chapter 624 of the Codified Ordinances of the City.
4. Any gambling violation under Chapter 630 of the Codified Ordinances of the City.
5. Any health, safety, or sanitation violation under Chapter 660 of the Codified Ordinances of the City.
6. Any obstruction of official business violations under Section 608.06 of the Codified Ordinances of the City.
7. Any alcohol violation under Chapter 612 of the Codified Ordinances of the City.
8. Any sex offence under Chapter 666 of the Codified Ordinances of the City.
9. Any offence against another person under Sections 636.02 (assault); 636.03 (negligent assault); 636.04 (aggravated menacing); 636.06 (menacing); 636.12 (endangering children); or 636.14 (contributing to the unruliness or delinquency of a child) of the Codified Ordinances of the City.

10. Any offence against property under Sections 642.08 (criminal damaging or endangering); or 642.09 (criminal mischief) of the Codified Ordinances of the City.
11. Any theft violation under Sections 642.02 (possession of municipal property); or 642.03 (unauthorized use of property) of the Codified Ordinances of the city.
12. Any weapons, explosives, firearm, handgun or fireworks violation under Chapter 678 of the Codified Ordinances of the City.
13. Any noise violation under Section 648.13 of the Codified Ordinances of the City.
14. Commercial or business activities in residential districts, in violation of any section of the City's Codified Ordinances that specifically prohibit commercial or business activity in a residential district.
15. Using the telephone number of the 9-1-1 system to report an emergency if the person knows that no emergency exists, or knowingly using a 9-1-1 system for a purpose other than obtaining emergency service.

1493.99 PENALTY

Whoever violates any provision of this section is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

RESOLUTION NO. 2023-33

INTRODUCED BY: Mayor Michael Dylan Brennan

A RESOLUTION ADOPTING THE ALTERNATIVE 2024 TAX BUDGET

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The 2024 Tax Budget for the City of University Heights for the calendar year beginning January 1, 2024 in the form attached hereto and made a part hereof as Exhibit A, filed with the Council, be and hereby is adopted as the official tax budget of the City of University Heights for the calendar year commencing January 1, 2024.

Section 2. The Director of Finance is hereby authorized to certify a copy of said tax budget and forward a certified copy of this Resolution to the Auditor of Cuyahoga County.

Section 3. It is hereby found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. This Resolution shall become **effective after two (2) readings** at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS

Michael Dylan Brennan, Mayor

First Reading: _____

Passed: _____

ATTEST:

Kelly M. Thomas, Clerk of Council

APPROVED AS TO FORM:

Luke F. McConville, Law Director

ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit _____ City of University Heights _____

For the Fiscal Year Commencing _____ January 1, 2024 _____

Dennis G. Kennedy _____ June 2023 _____

COUNTY OF CUYAHOGA

Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

County Budget Commission Action

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

Alternative Tax Budget Information Filing Deadline

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

GUIDELINES FOR COMPLETING THE ALTERNATIVE TAX BUDGET INFORMATION

SCHEDULE 1

The general purpose of schedule 1 is to meet the requirement of Ohio Revised Code (ORC) Section 5705.04 which requires the taxing authority of each subdivision to divide the taxes levied into separate levies. For help use the schedule B issued by the budget commission for the current year and add any new levies. This will help to ensure that no levies are missed.

In column 1 list only those individual funds which are requesting general property tax revenue. In column 2 purpose refers to the following terms, inside, current expenses, and special levy for example. In column 4 levy type refers to renewal, additional, and replacement for example. In column 9 identify the amount of general property tax you wish to request.

NOTE:

The general purpose of column 9 is to demonstrate the need to produce property tax revenues to cover the estimated expenditures for the budget year. ORC Section 5705.341 states in part;

"Nothing in this section or any section of the ORC shall permit or require the levying of any rate of taxation, whether within the 10 mill limitation or whether the levy has been approved by the electors, the political subdivision or the charter of a municipal corporation in excess of such 10 mill limitation, unless such rate of taxation for the ensuing fiscal year is clearly required by a budget properly and lawfully, adopted under this chapter or by other information required per ORC 5705.281."

Property tax revenue includes real estate taxes, personal property taxes, homestead and rollback, and the personal property 10,000 exempt monies.

SCHEDULE 2

The general purpose of schedule 2 is to produce an Official Certificate of Estimated Resources for all funds.

In column 3, total estimated receipts should include all revenues plus transfers in excluding property taxes and local government revenue. All taxing authority must submit a list of all tax transfers.

SCHEDULE 3

The general purpose of schedule 3 is to provide inside/charter millage for debt service. The basic security for payment of general obligation debt is the requirement of the levy of ad valorem property taxes within the 10 mill limitation imposed by Ohio law. Ohio law requires a levy and collection of ad valorem property tax to pay debt service on general obligation debt as it becomes due, unless that debt service is paid from other sources.

SCHEDULE 4

The general purpose of schedule 4 is to provide for the proper amount of millage to cover debt service requirements on voted bond issues. Major capital improvement projects are sometimes financed through the use of voted bonds. The taxing authority seeks voter approval of general obligation bonds and of the levy of property taxes outside the indirect debt limitation in whatever amount is necessary to pay debt service on those bonds.

SCHEDULE 5

The general purpose of schedule 5 is to properly account for tax anticipation notes. See schedule 5 for more details.

DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)
(List All Levies Of The Taxing Authority)

SCHEDULE 1

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authorized	\$ AMOUNT Requested Of Budget Commission
General Fund (inside)	Current operating expenses			Ongoing			2.55	\$672,200.00
Debt Service (inside)	Current operating expenses			Ongoing			0.50	\$131,805.00
Police Pension (inside)	Current operating expenses			Ongoing			0.50	\$131,805.00
Fire Pension (inside)	Current operating expenses			Ongoing			0.50	\$131,805.00
					Total inside mills		4.05	\$1,067,615.00
General Fund (outside)	Current operating expenses	3-Jun-41	Operating	Ongoing			6.00	\$1,581,635.00
General Fund (outside)	Current operating expenses	7-Nov-89	Operating	Ongoing			2.45	\$645,835.00
Debt Service (outside)	Park bonds	1-Nov-14	Operating	15			0.70	\$184,525.00
					Total outside mills		9.15	\$2,411,995.00
Totals					TOTAL ALL		13.20	\$3,479,610.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
General	5,654,075.00	3,374,670.00	14,242,600.00	23,271,345.00	17,694,205.00	5,577,140.00
Unclaimed Monies	2,500.00		0.00	2,500.00	1,000.00	1,500.00
Street Maintenance	615,650.00		912,400.00	1,528,050.00	1,076,555.00	451,495.00
Sewer & Water Maintenance	940,395.00		709,340.00	1,649,735.00	808,900.00	840,835.00
Shade Tree Maintenance	451,970.00		193,490.00	645,460.00	265,510.00	379,950.00
Street Lighting	7,500.00		260,000.00	267,500.00	228,000.00	39,500.00
Police Pension	15,500.00	131,805.00	0.00	147,305.00	143,400.00	3,905.00
State & Local Law Enforcement	19,800.00		0.00	19,800.00	10,000.00	9,800.00
Federal Law Enforcement	11,860.00		7,000.00	18,860.00	8,000.00	10,860.00
Community Diversion Grants	22,000.00		0.00	22,000.00	10,000.00	12,000.00
BCI & FBI Fee	5,000.00		0.00	5,000.00	5,000.00	0.00
Fire Pension	15,500.00	131,805.00	0.00	147,305.00	141,400.00	5,905.00
Ohio Department of Public Safety	50,100.00		0.00	50,100.00	24,000.00	26,100.00
Federal Emergency Management Grant	12,475.00		88,400.00	100,875.00	18,000.00	82,875.00
Ohio Board of Building Standards	2,910.00		4,975.00	7,885.00	4,000.00	3,885.00
Construction Deposits	52,500.00		21,000.00	73,500.00	13,000.00	60,500.00

UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)

(Do Not Include General Obligation Debt Being Paid By Other Sources)

(Do Not Include Special Obligation Bonds & Revenue Bonds)

SCHEDULE 3

I Purpose Of Bonds Or Notes	II Date Of Issue	III Final Maturity Date	IV Principal Amount Outstanding At The Beginning Of The Calendar Year	V Amount Required To Meet Calendar Year Principal & Interest Payments	VI Amount Receivable From Other Sources To Meet Debt Payments
			\$0.00	\$0.00	\$0.00
Totals			\$0.00	\$0.00	\$0.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
Street Opening Deposits	500.00		500.00	1,000.00	500.00	500.00
University Square TIF	0.00		321,500.00	321,500.00	321,500.00	0.00
Community Development Block Grants	0.00		0.00	0.00	0.00	0.00
Ohio Department of Natural Resources Grants	0.00		0.00	0.00	0.00	0.00
Performance Bond	51,500.00		5,000.00	56,500.00	5,000.00	51,500.00
Opioid Distribution Fund	7,000.00		2,200.00	9,200.00	2,000.00	7,200.00
Local Coronavirus Relief Fund	0.00		0.00	0.00	0.00	0.00
Payroll Stabilization	92,000.00		27,000.00	119,000.00	0.00	119,000.00
Debt Service	103,775.00	184,525.00	0.00	288,300.00	141,600.00	141,600.00
General Capital Improvements	102,500.00		877,000.00	979,500.00	756,110.00	223,390.00
Sewer & Water Capital Improvements	408,500.00		133,200.00	541,700.00	114,300.00	427,400.00
Facilities Capital Improvement Fund	204,200.00		50,000.00	254,200.00	82,800.00	171,400.00
Community Improvement Corporation	97,800.00		25,000.00	122,800.00	25,000.00	97,800.00
Total page 1 Schedule 2	7,879,735.00	3,638,280.00	16,439,205.00	27,957,220.00	20,450,970.00	7,506,250.00
Total Page 2 Schedule 2	1,067,775.00	184,525.00	1,441,400.00	2,693,700.00	1,448,810.00	1,239,790.00
TOTAL Schedule 2	8,947,510.00	3,822,805.00	17,880,605.00	30,650,920.00	21,899,780.00	8,746,040.00



Starfish Computer
 Phone: 440-808-0468
 Fax: 440-808-0470
 24831 Lorain Road
 North Olmsted, OH 44070

Quote
 No.: **13223**
 Date: **6/14/2023**

Prepared for:
 Michael D Brennan (216) 932-7800
 City of University Heights
 2300 Warrensville Center Road
 University Hts., Ohio 44118

Prepared by: Patrick Hanrahan
 Account No.: 12849
 Phone: (216) 932-7800

Quantity	Description	UOM	Sell	Total
Emergency Support and Service through 7/31/2023				
*Quantity of 1 is for month of July				
Emergency Support and Service				
1.00	20-Hour Block of AdHoc Network Support Services	HR	\$3,100.00	\$3,100.00
Spam Filter				
1.00	Spam Filter Monthly Services	EA	\$270.00	\$270.00
Server, Desktop Patching, Monitoring and Antivirus				
1.00	Server, Desktop Patching, Monitoring and Antivirus for 35 Desktops - Monthly Service	EA	\$780.00	\$780.00
Loaner Switch and Server				
1.00	Starfish Computer Loaner Switch and Server Montly Utilization	EA	\$300.00	\$300.00
Backup/Disaster Recovery - Device is Property of Starfish Computer Corporation				
1.00	Backup Disaster Recovery Monthly Service	EA	\$1,100.00	\$1,100.00
Hybrid Cloud Backup				
Bare Metal Restore				
Advanced File Level Restore				
Inverse Chain Technology				
Instant On-Site Virtualization				
Instant Off-site Virtualization				
Screenshot Backup Verification				
Message Level Exchange Recovery				
CAPACITY				
Storage Capacity 6000GB (3000GB Usable)				
CLOUD				
Capacity 1 Year Data Retention				
Dual Bi-Coastal US Based SAS70 Rated Data Centers				

Your Price: _____
\$5,550.00

Total: _____
\$5,550.00

Prices are firm until 7/5/2023

Terms:

Prepared by: Patrick Hanrahan, phanrahan@starfishcomputer.com

Date: 6/14/2023

Accepted by: _____

Date : _____

Quote

No.: **13223**

Date: 6/14/2023

Disclaimer

Prices are subject to change, error and availability. Prices do not include shipping and handling, if any. Return Policy: Returned parts will be charged a 20% restocking fee. Returns must be made within in 30 days of our order date. Special order parts are non-returnable.

Please fax signed quote to 440-808-0470 or email to sales@starfishcomputer.com so that your order can be placed. Thank you for your business.

June 15, 2023
90000003.02

Sent via email to: mdb@universityheights.com

Mayor Michael Dylan Brennan
City of University Heights
2300 Warrensville Center Road
University Heights, Ohio 44118-3895

Subject: Recycling Collection Alternatives and Associated Costs

Dear Mayor Brennan:

We understand that the City Council recently passed an ordinance requiring residential recyclable materials to be collected loose (unbagged) with continued side/backdoor service to all residents. As a result, the City's existing method for collecting bagged recyclables will need to be modified, likely with additional costs.

SCS Engineers (SCS) is pleased to present this proposal to develop a plan and associated costs for implementation of the new ordinance. We will support you with our expertise in collection services and financial analysis used by haulers and municipal government agencies. Our capabilities in this regard will help you update your cost estimates to provide services to the residents and businesses in the City.

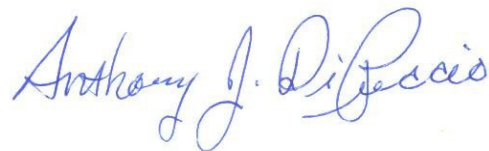
We propose to complete this project for a fixed fee of \$24,200. The description of our proposed scope of services and work plan are on the following pages.

We are confident you will be satisfied with our team's attention to detail, technical knowledge, and our collaborative approach to decision-making. Should you have questions or concerns, please contact Stacey at 703-929-2986 or SDemers@scsengineers.com.

Sincerely,



Stacey T. Demers
Vice President
SCS Engineers



Anthony J. DiPuccio, PE
Vice President
SCS Engineers



OUR UNDERSTANDING

Currently, City crews provide weekly backdoor collection services to 4,200 homes, instructing residents to bag their recyclable materials. While bagging recyclables allows efficient backdoor service collection, it is not effective for collecting large items such as cardboard and has not improved recycling participation and/or quantities.

University Heights is part of a consortium of communities that bids as one for recycling processing at the Kimble facility. The cost to drop off loose recyclables is \$73.20 per ton; the cost for drop-off of bagged recyclables, such as University Heights' blue bags, is \$101.85 per ton.

We propose a desktop study to assist the City to develop an alternative to the current collection system by considering operational aspects such as collection frequency, container type, new equipment and/or existing equipment modifications, and labor allocation.

SCOPE OF SERVICES AND PROJECT APPROACH

Our work plan detailing the tasks, required meetings with staff, and presentation of results that will be included in this study are described below.

Scope of Proposed Services

Assess Existing System

We will review assessments of the City's collection system that were conducted over the past five years. Through one or two virtual meetings the City's collection supervisors, we will gather information and data to develop existing operational metrics. These metrics will support costing out potential collection alternatives.

Additionally, we will review your existing budget and begin an in-depth review of your historical and requested expenses, personnel hours and costs, vehicle/equipment information, number of accounts served, tonnage data, debt service schedules, capital spending, and regulatory and policy restrictions.

Observe Trash and Recycling Collection Operations

We will observe existing trash and recycling collection operations for two days, focusing on neighborhoods with larger families and higher waste quantities. Impressions on how the collection system could be more efficient will be solicited from collection staff during this time. Observations and staff impressions will factor into the plan for collecting loose recyclables.

Develop Collection Alternatives

Through one or two virtual meetings with collection supervisors and senior City personnel, we will identify/define the primary characteristics for collecting loose recyclables through side/backdoor service. Labor and equipment requirements will be identified as well as narrative that describes the new collection process. SCS will prepare a summary memo that describes the proposed collection process to confirm understanding.

Develop Costs for Collection Alternatives

SCS will utilize existing program costs where applicable to develop annual capital and operational costs for the proposed collection method. We will supplement the cost estimates with experiences of other communities in Ohio or the Midwest that have similar operations. A letter report will summarize the proposed collection method and explain resulting cost estimates.

Presentation to City Council

SCS will develop a brief presentation that describes the plan for collecting loose recyclables through side/back door service that meets the ordinance. Associated costs will also be presented.

Cost

Our proposed cost for this collection desktop study is \$22,000. We anticipate the project duration to be between six and eight weeks, depending on staff availability and timely delivery of data and information regarding the existing collection operation.

COMPANY INFORMATION

Stearns, Conrad and Schmidt, Consulting Engineers, Inc. (SCS Engineers) was established in Southern California on the first Earth Day in April 1970. Over **50 years** later, SCS now serves clients in all 50 states and internationally. We are one of the most experienced and widely respected firms in the nation whose primary business is solid waste and environmental consulting.

We have grown from a small start-up to an industry leader, with offices located throughout the United States, including our offices in Cincinnati, Ohio.

Rate & Management Consulting Expertise

Solid waste operators regularly confront financial sustainability concerns stemming from issues such as changing technologies and levels of service, cost inflation, and staffing concerns. These issues create pressure and need for budget increases. At the same time, however, there is often pressure from ratepayers to do more with less.

Budgeting, billing/policy reviews, and efficiency improvements are at the core of our Management Services practice. We also possess comprehensive knowledge covering the entire spectrum of solid waste industry issues. The professionals on SCS's project team for this assignment have completed rate studies, financial assessments, capital plans, strategic plans, program assessments, system evaluations, privatization evaluations and/or other financial evaluations and modeling efforts.

What Sets Us Apart

You require expertise in data analysis, rate structure and billing analysis, policy review, benchmarking, state and national trends, and policies and best practices specific to solid waste. **Our**

team has local and national expertise and I am confident in our ability to deliver a thoughtful and thorough analysis. Other benefits:

- We offer **customized financial solutions** with an easy-to-understand interface. Our tools simplify the decision-making process, allowing you to consider your options in a **visual format**.
- We are **experienced in clearly communicating results** in meetings and public settings, which often dictates whether recommendations will be welcomed or challenged by decision makers.
- We have **time and commitment** to be dedicated to your needs.

Other Selected Collection & Management Services Capabilities

Strategic & Financial Advisory	<ul style="list-style-type: none"> • Zero Waste Plans • Business Advisory Services • Feasibility Analysis 	<ul style="list-style-type: none"> • Waste Generation Studies • Cost-Benefit Analysis • Affordability Analysis
Organizational Assessments	<ul style="list-style-type: none"> • Organizational Structure • Labor/Operational Benchmarking • Customer Billing & Service Reviews • Special Event Diversion Planning 	<ul style="list-style-type: none"> • Operational Analysis & Process Improvements • Benchmarking of Services & Fees • Performance Reviews
Financial & Economic Analysis	<ul style="list-style-type: none"> • Rate Studies • Cost of Service Studies • Alternative Rate Structures • Indirect Cost Apportionment • Public/Private Partnerships 	<ul style="list-style-type: none"> • Hauler Audits • Development Fees • Non-Ad Valorem Assessments • Zero Based Budgeting • Impact Fees
Program Planning & Development	<ul style="list-style-type: none"> • Collection Assessments • Diversion Program Development • Construction/Demolition Diversion • LEED Certification • Evaluation of Plan Alternatives 	<ul style="list-style-type: none"> • Public-Private Partnership Planning • Fleet/Equipment Replacement Plans • Sustainability Plans • CIP/Asset Management Plans
Other Consulting Services	<ul style="list-style-type: none"> • Public Education Campaign • Expert Witness Testimony • Public Education Programs • Public Meetings • Regulatory Reporting 	<ul style="list-style-type: none"> • Workshops and Seminars • Reserve Fund Analysis • Contract Management Solutions • Ordinance Review • Negotiation Facilitation

OUR TEAM OF EXPERTS

Our team members, highlighted below, combine technical expertise and knowledge of the political environment with **the ability to meet your greatest challenges.**

VITA QUINN, MBA | Project Manager



EDUCATION

MBA – Finance/Real Estate Development, Nova Southeastern University, Florida
BS – International Economics, Florida Atlantic University, Florida

RELEVANT PROFESSIONAL AFFILIATIONS

Solid Waste Association of North America, American Public Works Association

SELECTED RATE & COST OF SERVICE STUDIES

- Village of New Lothrop, MI – Wastewater/Stormwater Asset Management Plan
- City of Myrtle Beach, SC – Collections Rate & Transfer Fee Study / Billing Analysis
- City of Brownsville, TX – 5-Year Financial Services/Rate Studies
- Stanford University, CA – Annual Solid Waste Rate Studies
- City of Anaheim, CA – Resort Assessment District Revenue Sufficiency Analysis / Solid Waste Revenue Sufficiency Analysis and Updates
- City of Council Bluffs, IA – Landfill and Recycling Center Revenue Sufficiency Analysis
- City of Monrovia, CA – Hauler Rate Analysis
- Reno County, KS – Annual Rate Model Updates/Reserve Calculation
- Broward County, FL – Revenue Development & Benchmarking for Proposed Independent Authority
- City of Bristol, VA – Solid Waste Collection Rate Study
- City of Wauchula, FL – Solid Waste Rate Study
- City of Grand Island, NE – Landfill Tipping Fee Study and Capital Feasibility Analysis
- City of Dothan, AL – Environmental Svcs Rate Study
- City of New Braunfels, TX – Solid Waste Management Plan Update and Rate Study
- City of West Palm Bch, FL – Solid Waste Rate Study
- City of Odessa, TX – Solid Waste Management Plan
- City of Davis, CA – Solid Waste Rate Study
- Greenville County, SC – Solid Waste Tipping Fee Study
- City of Cocoa, FL – Integrated Utility Analysis, Regional Water Rate Development
- City of Atlanta, GA – Solid Waste Rate & Utility Billing Study
- Ft Lauderdale, FL – General Fund, Water, Sewer, Stormwater, Sanitation, Spec Rev Funds Analysis
- City of Sheridan, WY – Water, Sewer, & Solid Waste Rate and Financial Plan Updates
- Junction City, OR – Water, Sewer, and Sanitation Rate Study
- Nassau County, FL – Rate Study, Customer Deposit Review, Miscellaneous Fee Development
- City of Tempe, AZ – Solid Waste Rate Design
- City of Denton, TX – Utilities Rate Study and Benchmarking
- Culver City, CA – Solid Waste Rate Study
- City of Virginia Beach, VA – Solid Waste Revenue Sufficiency Analysis
- Yakima County, WA – Solid Waste Management Plan and Rate Study
- City of Killeen, TX – Solid Waste Rate Study
- City of St. Cloud, FL – General Fund & Utility Integrated Analysis (Water, Sewer, Bulk Water)

- City of Sheridan, WY – Tipping Fee Study and Financial Assurance Estimates
- City of Port Orange, FL – Water & Sewer Rate Study
- Okaloosa County, FL – Water & Wastewater Revenue Sufficiency Analyses
- City of Galveston, TX – Water and Sewer Rate Study and Benchmarking Analysis
- Clay County Utility Authority, FL – Water & Sewer Revenue Sufficiency, Lakes Replenishment Program Funding Analysis, and Comparative Impact Fee Study
- City of Neptune Beach, FL – Water & Sewer Revenue Sufficiency Analysis
- City of Temple Terrace, FL – Solid Waste and General Fund Integrated Analysis
- Indian Creek Village, FL – General Government Financial Sustainability Analysis
- Indian Creek Village, FL – Water and Stormwater Revenue Sufficiency Analysis
- Village of Pinecrest, FL – Stormwater Fee Study
- Cass County, IA – Landfill Revenue Sufficiency
- City of Coconut Creek, FL – Water/Wastewater Utility Rate Study
- City of Cape Coral, FL – Water & Sewer Rate Study
- City of Alliance, NE – Landfill Revenue Sufficiency
- Town of Mount Dora, FL – Stormwater Rate Study
- City of Clearwater, FL – Water, Sewer, and Solid Waste Revenue Sufficiency Analysis
- City of Zephyrhills, FL – General Fund Financial Sustainability Analysis
- City of Fort Myers, FL – General Fund Financial Sustainability Analysis
- City of New Port Richey, FL – General Fund and Utility Financial Sustainability Analysis

RECENT ECONOMIC/PROGRAM/FUNDING ANALYSIS

- Waste Management, USA – Cost-Benefit Analysis of Facility Automation
- Albemarle County, VA – Fiscal Impact Analysis / PPP
- Yakima County, WA – Labor Benchmarking Study
- Dane County, WI – Analysis of Debt Funding, New Site Development, Rate Alternatives
- City of Anaheim, CA – Facilities Labor Rate Update
- City of Odessa, TX – Fleet Rental Rate Analysis
- Chittenden Solid Waste District, VT – Compost Business Case Analysis / PPP Analysis
- The Recycling Partnership – Analysis of Recycling Program Alternatives
- Okaloosa County, FL – Revenue Bond Feasibility Analysis, Utility Privatization Study
- City of Bristol, VA – Solid Waste Independent Cost and Landfill Alternatives Analysis
- City of Glendale, CA – Solid Waste Rate Matrix Development
- Oklahoma City, OK – Analysis of Brownfields Capital Projects Funding/Database
- City of Omaha, NE – Bid Evaluation Forms for Capital Financing
- Town of Longboat Key, FL – Beach Renourishment Tax Program Update
- City of Dubuque, IA – Financial Analysis of Alternative Composting Technologies
- City of Lynchburg, Virginia – Collections System Evaluation and Enterprise Fund Financial Plan
- City of San Diego, CA – Transfer Station Sizing Alternatives Analysis
- Salinas Valley Solid Waste Authority, CA – SB 1383 Planning and Cost Analysis
- Los Angeles County, CA – Organics Alternative Technology Comparative Analysis
- City of San Antonio, TX – Analysis of MRF Alternatives / PPP Feasibility Analysis
- Manatee County, FL – Facility Breakeven Analysis
- Mattress Recycling Council, CA – Analysis of Disposal Alternatives
- City of Davis, CA – SB 1383 Planning and Financial Feasibility Analysis
- Stanford University, CA – Zero Waste Program Assistance
- City of Waynesboro, Virginia, Solid Waste Collections System and Recycling Evaluation
- City of Lynn Haven, FL – Fiscal Impact Analysis
- City of New Port Richey, FL – General Fund Indirect Cost Allocation
- Plant City, FL – General Fund Fiscal Impact Analysis

OTHER RECENT PROJECTS

- DeSoto County, FL – Capital Assessment Revenue Sufficiency Analysis and MSBU Update
- City of Deltona, FL – General Government Impact Fee Updates (Parks & Recreation, Police, Fire, Transportation, Library)
- Fresno County, CA – Rate Negotiations
- City of Glendale, CA – Peer Review of Franchise Fee and Impact Fee Calculation
- City of Atlanta, GA – Expert Witness Services
- Stanford University, CA – Annual Rate Negotiations
- Broward County, FL – Revenue Development for Independent Authority

STACEY TYLER DEMERS, LEED® AP | Operational & Data Analysis



EDUCATION BS – Statistics, Virginia Polytechnic and State University

EXPERIENCE

Stacey has **30 years of experience in the solid waste field** focusing on developing, evaluating and improving programs that reduce waste, increase recycling, and divert organics. As SCS's national expert in waste characterization, she has a strong working knowledge of the types and quantities of materials in various waste streams and customizes zero waste strategies by material and generator type.

She has strong analytical skills in planning, statistics, program/operational benchmarking, and cost modeling. Her role includes analysis of user characteristics, operational evaluation, and data analysis.

BENCHMARKING & OUTREACH

- City of Oklahoma City, OK - Evaluation of Program Alternatives
- City of Waco, TX - Assessment of Waste Diversion Potential
- Mecklenburg County, NC - Program Development for Public Facilities
- Montgomery County, MD - Automation Study, Audit of Businesses, Documentation of Commercial Activity
- Mid-America Regional Council, MO – Potential Program Assessment
- Prince George's County - Facility Siting Study

ECONOMIC/FEASIBILITY ANALYSIS

- Frederick County, VA – Economic Analysis of Programs
- Northern Shenandoah Valley Regional Commission, VA - Evaluation of Regional Program Alternatives
- University of Maryland - Feasibility of Residential Program Alternatives
- District of Columbia - Facility Needs Assessment
- Montgomery County, MD - Cooperative Pilot Program, Research Assistance, Feasibility of Program Recommendations
- Rockbridge County, VA – Program Evaluation
- Fairfax County, VA - Commercial Establishment Program Evaluation
- Pentagon Reservation – Evaluation of Program Alternatives
- Anne Arundel County, MD - Eval of Special Waste Handling
- City of College Park, MD - Efficiency and Equity of Municipal Services

STRATEGIC PLANS

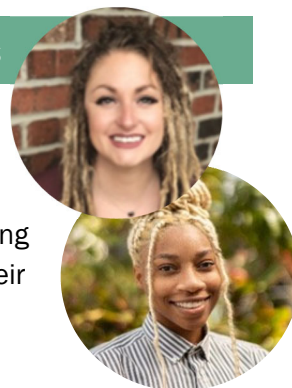
- Prince William County, VA - Management Plan
- Prince George's County - Zero Waste Strategy
- Wake County, NC – Analysis of Facility Life
- Cities/Fort Hood, TX - Regional Strategic Plan
- Town of Chapel Hill, NC - Review of Operations and Evaluation of Options

FINANCIAL/RATE STUDIES

- City of Long Beach, CA - Modeling Cost of Service for Residential and Commercial
- Product Stewardship Institute - Modeling Development of Paint Management System
- Rivanna Solid Waste Authority (RSWA), VA - Utility Fee Assessment Study
- Southeastern Public Service Authority, VA - Waste Generation and Utility Fee

KELLYN MODLIN & SHER CARROLL | Financial & Management Analysts

Our Management Services group has financial analysts, data analysts, and management analysts ready to perform the services you require. Kellyn and Sher will be lead analysts for this project team. Their experience working with large data sets, managing databases, and creating financial models for forecasting and cost saving for local government clients make them ideal for this project. Their experience with financial modeling and visualization along with rate and fee development helps provide clients with an accurate and proficient analysis.



ORDINANCE NO. 2023-05, AS AMENDED

INTRODUCED BY: Council Member Sheri Sax

AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 1064.021 ENTITLED “LOOSE RECYCLING SERVICES” AND DECLARING AN EMERGENCY.

WHEREAS, City Council wishes to modernize the manner in which the City conducts recycling; and

WHEREAS, City Council has engaged in extensive study, review and analysis of issues relating to solid waste removal and recycling;

WHEREAS, City Council, as part of its review and analysis, has reviewed several solid waste study reports including, but not limited to, the “2020 University Heights, Ohio Solid Waste Collection Study and Analysis” prepared by GT Environmental; the “University Heights Solid Waste Service Community Survey” prepared by Baldwin Wallace Community Research Institute; the “University Heights Residential Rubbish and Recycling Collection Survey: prepared by Resource Recycling Systems; the “2020 Cuyahoga County Solid Waste District Annual Report Card”; the ; “2021 Cuyahoga County Solid Waste District Annual Report Card”; and

WHEREAS, City Council has reviewed additional written materials related to solid waste collection and/or recycling, including, but not limited to, the “2020 State of Curbside Recycling Report” by The Recycling Partnership; “December 2021: Encouraging Better Curbside Recycling Behavior by the SWANA Applied Research Foundation” by the Solid Waste Association – North America; and

WHEREAS, City Council has performed additional due diligence, including hearing presentations from the Cuyahoga County Solid Waste District, Kimble MRF, Rust Belt Riders and the Ohio Environmental Protection Agency;

WHEREAS, City Council performed additional due diligence in the form of telephone conversations and/or site visits to personnel from the following municipalities: Brecksville, Brook Park, Village of Chagrin Falls, Cuyahoga Heights, Highland Hills, Independence, Lakewood, Lyndhurst, Moreland Hills, Rocky River, Valleyview, Pepper Pike, Shaker Heights and Solon;

WHEREAS, City Council’s Service & Utilities Committee met on numerous occasions to gather information and discuss legislative or administrative options relating to solid waste collection and recycling;

WHEREAS, in connection with its research, study, review, performance of due diligence, discussion and debate relating to solid waste removal and recycling services in the City of University Heights, City Council wishes to modernize the City’s practices by offering Loose Recycling Services as hereafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, COUNTY OF CUYAHOGA, AND STATE OF OHIO, THAT:

Section 1. Council hereby enacts Codified Ordinance Section 1064.021 entitled “Loose Recycling”, which shall read in its entirety as follows:

1064.021 LOOSE RECYCLING SERVICES

(a) The following terms shall be defined as follows:

(1) “Designated Recyclable Materials” or “DRM” shall mean items or materials that may be recycled using the City’s Loose Recycling Services, as determined from time to time by the City’s Service Director.

(2) "Loose Recycling Services" shall mean the pick-up and disposal by the City of Designated Recyclable Materials ("DRM") contained loosely in Recycling Bins for transforming or remanufacturing such DRM into usable or marketable materials other than landfilling or incineration.

(3) "Recycling Bins" shall mean containers provided by the City to residents for loose containment of DRM.

(b) The City shall offer Loose Recycling Services to residents and/or occupants of residential dwellings. Loose Recycling Services shall be offered by means of backyard and/or side yard pickup.

(c) The City shall provide Recycling Bins to residents who wish to participate in Loose Recycling Services.

(d) To participate in the City's Loose Recycling Services, residents shall opt-in by obtaining Recycling Bin(s) from the City, at times and locations designated by the City.

(e) The City Service Director shall adopt rules and regulations for the provision of Loose Recycling Services.

Section 2. The Service Director shall provide cost estimates or bids for provision of Recycling Bins, and Council shall select a vendor for such services and shall appropriate funds for the purchase of said Recycling Bins.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights, by immediately codifying the loose recycling mandate, so that the City can take all necessary steps, without delay, to implement appropriate regulations and modernize the City's recycling practices. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise it shall become effective at the earliest time allowed by law.

City of University Heights, Ohio

Not Signed
Michael Dylan Brennan, Mayor

Passed: 02/21/2023

Attest: Kelly M. Thomas
Kelly M. Thomas, Clerk of Council

Approved
as to form: Luke F. McConville /s/
Luke F. McConville, Law Director