

**COUNCIL MEETING MINUTES  
CITY OF UNIVERSITY HEIGHTS, OHIO  
SPECIAL MEETING  
WEDNESDAY, AUGUST 18, 2021**

Mayor Michael Dylan Brennan called the meeting to order at 7:07p.m.

Roll Call:

Present: Mrs. Michele Weiss  
Mrs. Barbara Blankfeld  
Mr. Phillip Ertel  
Mr. Justin Gould  
Mr. John Rach

Absent: Mrs. Sandra Berry  
Mrs. Susan Pardee

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

**MOTION BY MRS. BLANKFELD, SECONDED BY MR. ERTEL to excuse the absence of Mrs. Berry and Mrs. Pardee. On roll call, all voted “aye.”**

Mayor Brennan stated sincere heartfelt condolences the Silverberg family in Las Vegas in their loss of their son Shmuel Silverberg who is killed today outside the Yeshiva in Denver, Colorado.

A moment of silence was held in the memory of Shmuel Silverberg.

**A. Report on the 2020 City Audit**

Mr. Kennedy reported that the calendar year 2020 audit was completed by James Zupka, CPA with the State Auditor's Office. That audit was subsequently approved by State Auditor's office and released to the general public. There were no citations or findings from the audit report which was what we had hoped for. Confirmation that statements were prepared properly and fairly were reflect the financial position of the city. Mr. Kennedy shared a portion of the actual language from the report from the auditors. In our opinion, financial statements referred to above present fairly in all material respects the financial position of the governmental activities exchange upon the aggregate meaning fund information the City of University Heights as of December 31, 2020. In their respective changes in financial position, budgetary comparison for general fund for the year that ended with accounting principles generally accepted in the United States of America. In 2020, the city was also recorded and filed scheduled detailing all federal money spent during the year. This Federal filing is a requirement that applies when entities received more than \$750,000 in federal support during a calendar year. This additional funding requirement was necessary to properly calculate expenditures related to federal funding received through CARES Act and spending 2020 for expenses related to COVID-19 and pandemic responses. In closing the Finance Director has worked with all levels of the city administration to make continuous improvements to internal controls and operating procedures to clearly present financial information to the residents and businesses of University Heights. For the years of 2019 and 2020 no material instances of non-compliance, no citation is evidence of the commitment to transparency in fiscal prudence. The audit is posted on the finance page of the city's website.

Mayor informed Council that for agenda item “B” was a presentation by Mr. Nick DiCicco, Chagrin Valley Dispatch and that his flight was delayed in arriving at Cleveland Hopkins airport.

Mayor Brennan suggested that the other agenda items be taken out of their order to give Mr. DiCicco time to arrive in Cleveland.

**MOTION BY MRS. WEISS, SECONDED BY MR. RACH to take the remaining agenda item “b” out of order to allow time for the presenter to log onto the meeting Zoom link. On roll call, all voted “aye.”**

**B. Presentation by Cuyahoga Valley Dispatch Services, the 2020 Year End Report and Discussion regarding Merger of Dispatch Center for 911**

Mr. Nick DiCicco, Chagrin Valley Dispatch presented his presentation via Zoom.

After several attempts, bad audio conditions and unforeseen technical issues Mr. Gould asked if Mr. DiCicco could come make his presentation in person at the next City Council meeting. This will also allow time for Council to review the memo from Police Chief Rogers and formulate questions.

Mayor Brennan asked Mr. DiCicco if you could attend the next Council meeting on September 9. Mr. DiCicco replied he could be in attendance.

**MOTION BY MR. GOULD, SECONDED BY MRS. WEISS to continue the Presentation and Discussion by Cuyahoga Valley Dispatch Services, the 2020 Year End Report and Discussion regarding Merger of Dispatch Center for 911 at the Council Meeting on September 9, 2021. On roll call, all voted “aye.”**

**C. Ordinance 2021-25 Authorizing an Agreement with the Chagrin Valley Dispatch Council (CVD), a Regional Council of Governments, pursuant to Ohio Law, to Join CVD’s Joint Police, Fire and Emergency Medical Services Communications System for the Dispatch of Police, Fire and EMS Services in and for Multiple Communities, and Authorizing the Dissolution of the Heights Hillcrest Communications Center (HHCC) (on first reading)**

Mayor Brennan stated that there were several benefits that would come with this merger. One of which is that there are certain costs that will become a savings, such as dispatch center employee health insurance cost for each of the participating cities. Another benefit is the fact that by re-organizing in this way under one umbrella the city becomes part of one of the four biggest dispatch agencies in the region and places the city in-line for improvements in the 911 programming system, this is important in regards to cell phones being used to call 911 and having those calls go directly to the city’s dispatch center.

Ordinance 2021-25 was placed on first reading.

**D. Motion Authorizing Seeking Bids for Modified Priority 1 Signage**

Mayor Brennan stated that this was a motion authorizing the seeking of bids for the modified priority one signage. Council was provided several things including the new or modified signage program which was prepared by Guide Studio. Guide Studio worked on the City's rebranded and presented the priority 1 signage program information back in 2019. At that time, the bid was not accepted for the project to proceed. Mayor Brennan noted that the current program planning was slightly modified from the previous time the project went out for bidding where some of the full-size signs are not included and there were fewer secondary gateway signs allowing some cost savings. There would still be the need to have the received bids reviewed at a later date, at which time those bids can also be considered as whether or not they would be acceptable and also how the signs would be paid for.

**MOTION BY MR. ERTEL Authorizing the Seeking of Bids for the Modified Priority 1 Signage Project.**

Mayor Brennan pointed out that also in the information provided to Council were several pictures of the current dilapidated signs in various parts of the city that he had received in an email from a resident who was complaining about the overall condition signs. The pictures are meant to be representative and not in any way, the totality of opinions that have been received in the city regarding the signs. Phone calls, emails, etc. are all communication that is being received, complaining about the general dilapidated nature of the signs and questioning why the city has allowed these signs to persist this way and not be replaced. Mayor Brennan again asked if there was a second to Mr. Ertel's motion.

Mrs. Weiss commented that before Mayor Brennan took office she and Councilman Rach worked tirelessly on trying to get into branding and Council is completely committed to the signs. But, to provide a little history. In 2019, the Finance Director at that time told Council that there was almost a \$4 million deficit. Thus, Council was really uncomfortable authorizing \$100,000 for signage and then COVID also hit. Mrs. Weiss said that Council was again completely on board with this project and to see that it is placed in the 2022 budget. Mrs. Weiss asked typically how long would it take to complete the project.

Mayor Brennan replied that it could take several weeks to go out for bids. Mrs. Weiss replied that would be fine so the project would be in the 2022 budget.

To add to Vice Mayor Weiss' comment Mr. Gould said he recalled in past that when projects went out for bids prior to being including in the budget, there was a question about whether or not those bids would remain open and good into the budgeting cycle. And that then the city would have to go back to those individuals to see if they would hold open their price quotes. Mr. Gould said that it was a better course of business and order of things to do as Vice Mayor Weiss suggested.

Mayor Brennan again called for a second to Mr. Ertel motion.

The motion failed due to the lack of a second.

**E. Ordinance 2021-16 Adopting the City of University Heights Employee Policies and Procedures Manual, and Declaring an Emergency (on fourth reading)**

Mr. McConville stated that before Council was the Policies and Procedures Manual. Previously the Administration had asked for additional time to discuss with employees who would be impacted by the new policies moving forward. The integration of these policies and procedures will have a significant improvement for the city.

Mr. Kennedy added that the Administration did meet with everyone who would be affected by the change in the manual. The manual is pretty extensive with a variety of different areas of human resources, personnel management practices. The manual should be reviewed in the future, possibility once or twice a year just based on the volatility of things and different issues. But this will be a great first step in to solidifying a comprehensive manual that hopefully at some point in future will be extend into the union agreements to make all items consistent for all employees.

**MOTION BY MRS. BLANKFELD, SECONDED BY MR. ERTEL for the Adoption of Ordinance 2021-16 the City of University Heights Employee Policies and Procedures Manual, and Declaring an Emergency.**

Mrs. Weiss commented that Council received the packet of information late in the evening so many may not have had the opportunity to thoroughly review the information. Mrs. Weiss asked Mr. Kennedy and Mr. McConville to verify if the notes and comments that Council discussed in previous meeting were contained in the manual and that nothing addition was added or removed. Both Mr. McConville and Mr. Kennedy agreed to Mrs. Weiss' comment that nothing addition was added nor was anything removed.

**On roll call, all voted “aye.”**

Mayor Brennan suggested that before reading agenda item F into the record that Council motions to move item F to the end of the agenda because there may be items addressed in Executive Session that pertain to item F.

**MOTION BY MR. GOULD, SECONDED BY MRS. BLANKFELD to move agenda item F to the end of the Council agenda. On roll call, all voted “aye.”**

**F. Motion for the Approval of the Services Contract with Mark Landes dba Isaac Wiles & Burkholder, LLC for Legal Services**

Besides the discussion that was held during executive session there was no additional discussion regarding this item.

**MOTION BY MR. GOULD, SECONDED BY MR. RACH Authorizing the Mayor to enter into Agreement for Services Contract with Mark Landes dba Isaac Wiles & Burkholder, LLC for Legal Services. On roll call, all voted “aye.”**

**G. Motion to Approve Purchase of Sound System and Microphones from Norlson Inc. for Wiley Meeting Space in an amount not to exceed \$14,392.84**

Mrs. Thomas informed Council that Norlson was the same company that installed, upgraded and maintains the sound system in Council Chambers at City Hall for many years. The City has a good track record with Norlson and their product and level of technical support both in person and by telephone has been excellent. The Norlson representative came out to Wiley to see what the need would be in order to have good workable sound system and also a system that would aid in live streaming to the various social media sites. The provided price quote is for a complete sound system including microphones (wired and one wireless for the public use) and the rack sound system. All equipment is portable, upgradable and expandable for future needs. The system will also include an additional ADA component for those who are hearing impaired.

Mr. Gould asked if any of the components already exist and could be moved over from Council Chambers? Mrs. Thomas explained that the sound system is not portable and was actually built into Council Chambers so it would need to be actually torn down to remove it.

Mr. Rach commented that if meetings were no longer going to be held in Council Chambers, could the system be dismantled.

Mrs. Thomas explained that the cost to retrofit the current sound system in Council Chambers would be costly and there is no guarantee that it would work due to the age of it. Also, that system is not capable of direct feed to social media platforms.

Mrs. Blankfeld asked if other quotes were received. Mrs. Thomas replied that she did not get other quotes for the equipment.

Mr. Gould commented that it appeared that the streaming capabilities of this may allow the city to better meet CDC guidelines regarding capacity for our meetings while still allowing public access live to our meetings as they are occurring. And it also seems like the amplification of the sound may allow for individuals to be further spaced out into the room while still maintaining their social distance. Both of these may meet some of the requirements for our COVID funds, is there potential that the need to have this equipment in this space with the ability to stream at an excess cost and to also be able to amplify to persons in different parts of the room for social distancing measures may qualify for use of some of the COVID funds that the city received for this exact purpose.

Mayor Brennan noted that there were extra add on components from a different vendor for the video portion. The cost of the video equipment is much below the cost of the audio equipment.

The ideal is that this sound equipment will work along side with the visual equipment that is also being in order to allow live feed to social media platforms once regular Council meetings start in September. This is a needs, safety and comfort factor for the residents of University Heights.

Mr. McConville stated that he believed that COVID funding could be used for this purchase. Mr. Kennedy added that a place marker could be placed for those funds for this purchase.

Mrs. Weiss asked Mrs. Thomas if she had the information and pricing for the visual system. Mrs. Thomas replied that Mr. Cook was handling that aspect.

Mayor Brennan noted that Mrs. Thomas aided Mr. Cook is finding a visual system and asked if she recalled any of that cost information in Mr. Cook's absence. Mrs. Thomas replied and provided information from an email from Mr. Cook stated that a 3-camera package would cost \$999.00 from Mevo. One camera would be for the dais feed, one for the podium and one that can zoom in on who ever is speaking from the dais.

Mrs. Weiss asked who would be controlling the cameras during the meetings. Mrs. Thomas replied Mr. Cook.

Noting the concerns of the price and the capabilities of the equipment Mrs. Weiss asked if this purchase needed to be made now. Mrs. Weiss asked if other what other cities are doing was look at. Mrs. Thomas replied that she did not.

Mr. Gould stated that he hoped that if the audio purchase was approved that the video system would come back to Council for review before purchase.

Mrs. Weiss stated that this type of equipment does need to be purchase but it is was a perfect example of what should be reviewed by the Tech Committee because she wanted to make sure the city was getting the best equipment and price for its needs and that she did not know enough about this type of equipment. But at the same time, she did not know how quickly the Tech Committee could meet.

Mayor Brennan commented that he did not know if the Tech Committee would review the audio which is the bulk of the purchase. The city has an established vendor that worked with the city previously, installed the current system in City Hall and is generally familiar with the needs. The video aspect is \$1000 more. Mayor Brennan commented that he understood Council wanting to do due diligence in this purchase and if this were for a permanent new City Hall building he would agree but this is for a temporary not long-term situation. Mayor Brennan recommended proceeding with the purchase of the presented audio and video systems.

Mrs. Blankfeld stated that she certainly did not disagree in making everything as accessible and transparent in allowing the public to view and participate in meetings. Mrs. Blankfeld added that she just wanted to be assured that what is being proposed was really suitable.

Mr. Gould also stated that he wished the Tech Advisory Committee had be brought into this as it was being contemplated over the last month. But at the same time, he could not see spending another \$2,000 for each meeting to have a company come out to provide the service of live streaming the meeting when those funds could go towards the purchase of a system that the city would then own.

**MOTION BY MR. GOULD, SECONDED BY MR. RACH to Approve the Purchase of Sound System and Microphones from Norlson Inc. plus a video streaming system for Wiley Meeting Space in an amount not to exceed \$17,000.00 and to appropriate from the City's COVID Funds that amount of money for the following reasons: Council must meet in this space which is mobile and temporary. Council may for reasons of the pandemic need to move from space to space plus maintain social distancing to allow for individual in different parts of the room where the amplification of sound may be better. University Heights has a population of many of whom may be at high risk for COVID even after they are vaccinated and other non-vulnerable people who feel safer at home while viewing Council meetings and public meetings during this pandemic. On roll call, all voted "aye."**

Mayor Brennan noted that the sound system and video systems are from two different vendors.

## **H. Update on Trash Survey Timeline**

Mr. Gould stated that he had been receiving a lot of communication from residents who are interested in knowing when the survey will be sent out. Mr. Gould added that he was aware that there has been some communication from council inquiring the same from Mayor Brennan and he wanted to understand better what the Mayor's intentions were. Because it was his understanding that council could authorize him to spend money, but the way that the City's Charter works is that council cannot force the Mayor to spend the money once they have given authorization to do the same. For example, with the purchase of audio equipment that council just authorized it is presumably agreed to spend that money but if the Mayor decided not to, there'd be nothing that council could do to force the purchase.

Mayor Brennan replied that at the last survey meeting which Mr. Pokorny attended there were questions that the administration wanted in the survey and that now are apparently not in the survey. Those are things that the administration would like to see in the survey and does not intend to send out the survey in its current form, those questions need to be added.

Mr. Gould stated that council clearly communicated to the administration as to why those questions were not added as they had to do with questions surrounding whether or not there would be an increase in taxes if we remain in the current system. Part of the work that council did with Dr. Sutton, was to ensure that the manner in which the questions that were offered by council members were reformulated by Dr. Sutton to ensure that we got a clear information from our citizens without suggesting one way or another what they should do. With respect to the survey questions that the administration wants, nobody on Council is prepared to raise anybody's taxes if we keep the current system that we have. To suggest to residents in a survey, raising your taxes, how do you feel about this felt to Dr. Sutton and to the members of the council who were at the committee meeting that really suggested or could skew the responses. No one on Council, who has the sole authority to raise taxes in that manner, is suggesting that we would raise somebody's taxes. And for those reasons, in consultation with Dr. Sutton, the questions from Administration were not added and neither was several questions that were posed by various members of council. Mr. Gould stated that he hoped that the Mayor would reconsider his' position because council was trying to get the clearest picture that it can on various matters as it related to solid waste collection in University Heights. Mr. Gould added that he felt that the product that Dr. Sutton helped put together was a really great product.

Mayor Brennan respectfully disagree with Mr. Gould comment. It is already known from the solid waste study that the city already has that University Heights has the third most expensive solid waste pickup in the county, and we also have results outside the city. To send out a survey that divorces the question of maintaining a method of pickup that is not sustainable, either financially or environmentally, without any discussion about the associated cost, is not a survey worth spending taxpayer dollars and the administration will not conduct that survey. Mayor Brennan we're spending taxpayer dollars and administration in the box. Council may want to take another look at it with Dr. Sutton.

## **I. Motion Authorizing Payment to Tom Sutton for Services Rendered in connection with a Solid Waste Survey**

Mr. Gould stated that there were two portions that Dr. Sutton sent through contracts for. Back in May there was a discussion regarding not having a contract for Dr. Sutton. Another discussion was where the administration did not intend to pay Mr. Sutton at all. Mayor Brennan said that the city did not have a bill from Dr. Sutton yet. Mr. Gould replied that in May 2021 Mayor Brennan sent an email stating that at that time he was not inclined to pay Dr. Sutton for his services. When council had that email there was a discussion about whether or not there was a contract with Dr. Sutton. At which time Mr. Sutton sent through two contracts, one of them was for the services that he had rendered up into that point, approximately \$500. And the other contract was for the

remainder of the survey work. Mr. Gould asked if Mr. Sutton needed to provide anything else in order to receive the \$500 payment for services rendered. Mr. Kennedy said not if Council approved that payment. Mr. Gould clarified that when it came to work that Mr. Sutton had already done, which was for the design and the discussions that he had thus far that council and the administration participated in, is that what the administration was waiting for an invoice for those services? Mr. Kennedy said they were okay to pay the \$500 if council authorized that payment today and that he only had the original documents that came from Baldwin Wallace.

Mr. Gould stated to be clear, the documents that have the outline of what Mr. Sutton has done with the cost of \$500 and if council passes the motion that is sufficient for Mr. Kennedy to make the payment. Mr. Kennedy replied yes. Mr. Gould asked the Mayor, is there was additional information other than what's been provided that he wanted to see from Dr. Sutton? Mayor Brennan replied yes, neither Dr. Sutton nor Baldwin Wallace have not submitted any of the paperwork that is required of all vendors. Mayor Brennan added that the Deputy Finance Director sent out that request to Dr. Sutton and nothing has been received. Mr. Gould said that he would follow up on that once the date of Finance's request for information was sent to Dr. Sutton is known.

Mr. Gould said it was his understanding from speaking with Dr. Sutton and from the documents that were sent that Dr. Sutton was actually being quite kind in providing a timeline of things which are in the packet. A question of concern was raised about the ability to pay Dr. Sutton and/or whether to continue to working with him but the Law Director issued a response to that saying that there was no issue with working with Dr. Sutton. Mr. Gould stated that Dr. Sutton has submitted the contract for the survey design, which included what he had done inference of that work including meetings. Dr. Sutton specified in that document that he worked with council and the Mayor of University Heights Ohio to design paper surveys for University Heights residents of a cost of \$500.

**MOTION BY MR. GOULD, SECONDED BY MRS. BLANKFELD to authorize the payment to Dr. Tom Sutton for services rendered in connection with the solid waste survey in the amount of \$500. On roll call, all voted "aye."**

Mrs. Weiss stated for the record that the committee had many public meetings. There were meetings where the administration was present and at the last meeting, the Service Director was present and never once was it said that a survey should not be sent out. Actually, the Mayor different companies to have the survey sent out initially he was he was the one who actually proposed to have a survey. Mayor Brennan remarked that that was not true. Mrs. Weiss continued to say that council ask to have a different company approved because using the same company would have been bias and thus wanted that placed it on the council agenda. There is a history of surveys in the city with really high response rates compared to other surveys of this kind. This is something that residents are really passionate about and it would have been nice to see what they what. The city has very high taxes and this is something that is a benefit to the residents, one of our only benefits. The city does not have a community center, hopefully there will be one someday, but there aren't things that other cities residents get. But this was actually something that residents were really passionate about. And they were really involved. And it's a shame that that the survey is out.

Mayor Brennan stated that he had to clarify the record. First of all, as an administration, and Mr. Pokorny in particular, sought GT Environmental to do a survey in response to the request by Mr. Gould, and we proceeded with doing a survey of the public with regard to solid waste in addition to the expert opinion that we already have been seeking. Mayor Brennan said that they came up with an aggressive schedule where once the information came out from the survey and the information was collected and have everything completed by March of this year so that budgeting decisions could be made in the event of any changes to the service. And making sure that there was input from the Council on the different route, which of course council agreed to do. But at the same time, at the last committee meeting Mr. Pokorny was there to offer the administration's point of view and he was not heard, and to also for the administration's point of view with respect to questions that he believed it was critical to hear from the community about costs and about priorities. To ask people what they prefer, without the context of the cost question is collecting bad junk data. In thinking back to Mayor Beryl Rothschild in 1991 she delivered the State of the

City address where she said that one of the primary focuses of local government, after all, is to deliver high quality services at the best possible price. And this current administration knows from our rubbish study that we're not getting or delivering a high-quality service. That is something that has been known as a city from the 2009 solid waste survey and from the solid waste study draft study that was received from two years ago last month and also from the solid waste final study results that was received May of last year. No adjustments were made in 2009, not after July results and not after May 2020. We continue to spend the third highest per house per month cost on solid waste pickup and getting the third worst results outside of the city of Cleveland on recycling. We can do better. And we should do better than that. And we already have the information we need to do better than that.

Mr. Gould comment to Mayor Brennan statement and said just to be clear, when you say that Mr. Pokorny wasn't heard, Mr. Pokorny did speak at that meeting. And the discussion surrounding the cost question was as Mr. Gould already stated. The whole reason that council brought in Baldwin Wallace College was because they are experts at surveying communities, that is what this specific Center does. They do it in the political context and they do it in the service delivery context for various municipalities, which is why council selected them. Dr. Sutton is the head of that department, and in his opinion, being a doctor as he is and having the opportunity to speak with the Mayor and members of council, to have meetings in committee was of the opinion that this was going to provide the survey that as formulated would provide the best data possible. And so, for the Mayor to disagree with that, and to call it junk data, without any experience, or expertise on the collection of survey is shocking. Mr. Gould said that this was more than an opinion survey; this is not do you like backyard trash pickup, or do you not? This Council has been told very specific cost savings that are associated with doing away with backyard trash pickup. Council held a series of public hearings to hear from citizens. One of the major concerns was from the elders of our community and those who live in hilled areas of University Heights where they would not be able to bring their trash cans down to the curb. And there's some discussion still ongoing. About what do we do with that? What are our obligations under ADA? How many people are in the city who are going to require some type of backyard trash pickup? Because at sometimes they were told if you can't bring your trash can down, we'll come and get it. Well, that has a cost to it. So, we asked people in this survey, is there somebody in your household who will be able to move the cans to and from the curb? And that type of data is repeated in several different areas? To know who our elders are, we ask, What age range are you in? To know individuals who are sitting who have been in the city for a long period of time, like many of the residents who spoke to us at the public meetings? Have we asked how long you've been in the city? And yes, there are questions about people satisfaction with the current system. There are questions about their desire to move to a different system. But there are also environmental questions regarding recycling, which was another one of the administration's priorities and something that the Mayor had suggested which was also incorporated into the survey. It is on this one point regarding increasing individual's taxes that in consultation with Dr. Sutton was not included on the finalized report. And it is specifically this issue of what are the ongoing costs for backyard trash pickup going to be if we switch to a system that does away with that, when there are members of our community who have come out strongly to say I can't do this (take rubbish containers to curb), I want to stay living in my home and University Heights. I'm scared that I'm not going to be able to age in place if you change to the system. My wife and I are scared when we go down our driveway in the wintertime alone, let alone carrying a trash can I don't think I can do it. There were people who were angry and frustrated and sad at the prospect of having to move out of their homes in University Heights if we switch to the system. And if there is a larger portion of that community, and we do we have a large portion of citizens in the city who love living here and have lived here since they were young and want to stay in University Heights. And if that population is so large, that it requires us to do backyard trash pickup, or side trash pickup at an appreciable amount of homes than the cost savings projected by the trash study may not be accurate. So, it's that additional data that is being gathered by this survey as well. And for the reasons that Vice Mayor Weiss stated, Mr. Gould said he believed that this is not junk data, as Mayor Brennan put it, Mr. Gould believe in the expert who uses this as his science to create appropriate and thorough surveys. And believe that the citizens of University Heights, especially those who came out to the public meetings should be calculated and included in the data that Council has before it in making a final decision.

Mayor Brennan commented that Dr. Sutton also explained during his initial presentation that most of the analysis Baldwin Wallace has done has been in the political arena and not in service



regarding solid waste. Mayor Brennan also point out that while there is a considerable senior population in the city, Beachwood has more than doubled the number of seniors as a percentage of population and outright. So, the idea that University Heights has too many elderly people to do something like that is not correct and is contrary to be seen in communities all over the eastern part of the county, including right next door in Beachwood. So, again, these are things that other communities have somehow managed to work through. Mayor Brennan said he did not believe that the survey would be key to determining whether or not we can make accommodations for folks who are unable to. There are communities with larger elderly populations than University Heights and they have curbside rubbish pickup.

Mrs. Blankfeld commented that it was not the monetarily but that more members of our community that unlike Beachwood who has a flat plane lots, have an issue with moving these wheeled bins up and down the driveway. But there are many residents in the community in relation to many, many streets that have extraordinarily streets, deep driveways. And in speaking with residents who have reached out about and said that they were not to the position to be able to get the bins to the curb when it is bad weather or that they have other health considerations that do not place them in a designation of having an ADA compliant or recognized disability.

Mayor Brennan stated that he urged that Dr. Sutton complete the work to play the survey, to the administration satisfaction so that we have the information you're seeking, and then we will issue that answer. Mayor Brennan said that he believed that one of the reasons the city did not have an invoice from Dr. Sutton was because he also understood that the city did not have a complete survey because at this time the administration did not have one.

Mr. Gould replied that Dr. Sutton detailed the work that he did and Mayor Brennan was there for all the meetings except the last meeting which wasn't included in his charges. Mr. Gould added that frankly, University Heights is not Beachwood and to Councilwoman Blankfeld's point, Beachwood has resources that far surpass ours for absorbing costs, like maintaining backyard trash pickup or helping elder citizens out when it comes to another agenda item that was on tonight the consolidation into the Heights Hillcrest Dispatch Center. And so, I appreciate our neighbors to the east. Mr. Gould said he thought that they are a wonderful community who provide wonderful services. But this council is stewards of this city's money. And the idea that we have the capacity to absorb those costs without understanding what they are and making that decision is untenable. To that point Mr. Gould asked for the call to the question because there had been a motion and a second for the payment of Dr. Sutton.

**On roll call, all voted "aye," for the payment to Dr. Sutton.**

#### **J. Update and Discussion Regarding the Progress of IT Assessment**

Mayor Brennan referenced an earlier with himself, Councilwoman Pardee and members of the Tech Advisory Committee will have a meeting next week on Monday at 5:30 with Rhea and Associates to give an update as to where they are, and also to discuss formulating what the city's vision for IT should be. Mayor Brennan added that the Chair of Tech Advisory resigned from Tech Advisory over the summer and it remains to be seen exactly who from Tech Advisory will step forward to become their new chair. Mayor Brennan also reported that there had been some delay on Rhea and Associates portion because the original person who conducted the extensive walkthrough of the city's facilities terminated he position with Rhea and Associates so that worked has to be completed again without cost to the city, but at a cost of time loss. Previously council had approved payment to Starfish for them to work with Rhea and Associates on this project.

#### **K. Update and Discussion Regarding Progress of Facilities Assessment**

Mayor Brennan respectfully suggested due to the nature and some of the contours of this item the update would be more appropriately delivered in the executive session.

**L. Motion to Accept and Award Contract for 2021 – 2023 Service  
Department Temporary Labor Staffing to Minute Man  
Staffing**

Mr. Pokorny stated that this is an item where the Service Department uses temporary labor, mostly for leaf and brush collection in the fall. It is a three-year contract and the previous three-year contract expires at the end of August. Bids were opened on Friday, July 30 and only one bid was received from Minute Man Staffing. The total bid amount was \$91,514.50 over the three-year period. Mr. Pokorny recommended accepting the bid from Minute Man Staffing or the temporary labor services.

Mrs. Weiss asked if Mr. Pokorny recalled if more than one bid was received when the previous bids were opened three years ago. Mr. Pokorny replied no, Minute Man Staffing was the only bidder at that time as well.

Mrs. Weiss asked if there was any reason as to why only Minute Man Staffing bid. Mr. Pokorny stated that it was publicly advertised in the Sun Press and Plain Dealer, other companies were called but nobody else seems to be interested in providing labor for leaf collection.

Mr. Gould asked who was called? Mr. Pokorny could not remember who he called off the top of my head. Mr. Gould asked if Minute Man was one of the companies called. Mr. Pokorny replied no, but they were aware of it because they had inquired because their contract at that time was ending.

Mr. Gould said he was wondering if there maybe the opportunity to speak to more temporary staffing companies to request additional bids. And it turns out that after this that companies aren't willing to submit bids, then so be it. Mr. Gould said he would just like to hear a little bit more about that and to have this sent out to bid again, but to have a more robust process of trying to get additional bids and suggest seeing how neighboring communities find temporary labor companies.

Mrs. Weiss said that the city was constantly evolving and that this was a significant amount of money being almost \$100,000. If there could possibly get another company to compare that would be good, Mrs. Weiss asked when does leaf collection begin? Mr. Gould replied in October.

Mayor Brennan asked Mr. McConville if it was required that the city contacts potential companies to bid on project in addition to placing the legal ad in the local newspaper. Mr. McConville replied no and the placing the legal ad is legally sufficient but there is no problem in doing both.

Mayor Brennan added that if this bid is rejected and not accepted. The city cannot go back and then accept it.

Mr. Gould asked Mr. McConville if there was a specific motion necessary in order to send the bid back or to reject it and then to send it back out to bid with the instruction to make specific inquiries of others? Mr. McConville replied that would be an appropriate motion.

**MOTION BY MR. GOULD, SECONDED BY MRS. WEISS to reject the awarding of a contract for the 2021/2023 service department temporary labor staffing to Minute Man Staffing and directing that the contract be rebid and that effort to be made and documented to contact specific other potential bidders on the project. On roll call, all voted “aye,” except Mr. Ertel and Mr. Rach, who voted “nay.”**

Noting that Council cannot change the Charter provisions for what constitutes a quorum and the majority that is required Mr. Gould asked if they were still operating under modification that was made by this Council that stated a quorum shall be the number of present? There was pandemic related legislation to protect against individuals not being able to be present from council, that a modification was made to statute by this council to make the quorum to be the number of those who are present, and therefore a majority so that we can continue to conduct the city's business

such that Councilwomen Barry and Pardee are not counted in the quorum for this evening and that the majority would be those who are present. That was my understanding of the legislation.

Mayor Brennan noted that was also his understanding of the legislation, but he was not sure on what the sunset laws on that was.

Mr. McConville stated that he did not want to make the same mistake as prior Law Directors in stating something has passed and it actually had not passed. And, in knowing what the recorded vote was he asked for Council forbearance allowing him to look at the Ordinance 2020-19 in order to provide the correct answer the next day. Mr. McConville said he would also review the code quorum related for passage and sunset rulings.

Mayor Brennan added that Sunset Ordinance 2020-19 was the inclusion of the State of Emergency resolved by Governor DeWine and that state of emergency has been lifted by Governor DeWine. Therefore, Mayor Brennan suggested that Ordinance 2020-19 is no longer be applicable.

Mr. McConville said in that case, he recalled in respect to motions he wanted to check legislation and report back to Council.

Mayor Brennan recalled that the Council had previously three to two on the City Signage motion and that was a failure for the acceptance of the bid.

Mr. Gould agreed with Mr. McConville in that the motion would fail because it would revert back to the original rule of ordinance, which is majority of Council rather than the majority present and the majority of Council would be 4 members and not 3 members.

Mr. McConville stated that he thought that was correct, he just wanted to qualify it.

Mr. Rach commented that the motion was to reject the bid and not to accept the bid. And, there has not been a motion to accept the bid. So, it could presumably swing either way.

Mr. McConville offered that Council could leave this on the table until there were enough members present to vote.

Mayor Brennan stated that the implication was that the vote to reject failed because the bid was not accepted. There has not been a motion or vote to accept the bid.

Mrs. Weiss asked if Council should void the motion and just vote on the motion that was listed on the agenda.

Mr. Gould replied no, he would let the motion fail.

Mr. Rach asked if the voting failed could there be another motion.

Mr. McConville replied that Council could move to table.

Mr. Rach asked could Council move to table not knowing whether the motion passed or failed.

Mayor Brennan asked that Council think problematically here because if some sort of conclusion is not reached on this bid; whether it is to accepted or rejected it. If it is rejected the City is in the position to go out for bids again. If it is in limbo or tabled then it can't be accepted nor rejected and then the leaves will pile up. Mayor Brennan added that he did not think that the community would not appreciate the Administration not being able to hire additional staff to take up the leaves and that he was concerned about the timing issue with this. If something different is going to be done other than accepting the bid he would like to do that in short order.

Mrs. Weiss suggested waiting for the Mr. McConville's direction because either way we will have to out for more bids.

Mr. McConville stated that the motion to reject the bid failed, so Council can either table or entertain a different motion.

Mr. Rach commented that the City has worked with Minute Man as long as he has been on Council and even before that. Mr. Rach said that he had no problem with the bid. It has been budgeted for a period of over three (3) years. No other vendor bid, even after calls to vendors and he was not confident that anyone else would bid the second time around either. Mr. Rach added that he did not know why but Minute Man was willing to work with the City and for those reason Mr. Rach would be voting in favor of accepting this bid.

**MOTION BY MR. RACH, SECONDED BY MR. ERTEL to accept the bid from Minute Man Staffing for 2021-2023 Service Department Temporary Labor Staffing. On roll, Mr. Rach and Mr. Ertel voted “aye.” Mrs. Blankfeld, Mrs. Weiss and Mr. Gould voted “nay.”**

Mayor Brennan stated that the motion to accept the bid from Minutemen Staffing failed and that the City will go out for new bids.

**M. Motion Authorizing Seeking Bids for 2021-1 Tree Pruning and Removal Contract**

Mr. Pokorny stated that this was for a number of trees from the last pruning project as well as from the August 11 storm. Most of the them are damaged trees and or trees that were cited in our last contract that needed additional work.

Mr. Rach asked what area of the city was the project focused on. Mr. Pokorny replied that this was not a focus area but trees that were damaged or tree that were not taken care of with the previous contract.

**MOTION BY MRS. BLANKFELD, SECONDED BY MR. GOULD Authorizing Seeking Bids for 2021-1 Tree Pruning and Removal Contract. On roll call, all voted “aye.”**

**N. Motion Authorizing the Sell unneeded Service Department Pickup Truck #UH-3 Ford 2007 F-250 that was auctioned by GovDeals, Inc. for \$7,550.00**

Mr. Pokorny stated that previously in the year Council have authorized the replacement of a blue 2007 Ford pickup truck that has a rusting frame and has out lived its useful life. The department purchased and is waiting for the delivery of the new pickup, which was also authorized by council. In the meantime since the 2007 can't be use any longer it was placed on gov.deals auction and received a bid of \$7,550. There is a city ordinance that says whenever city property is being sold in an amount that exceed \$7,500 council approval is necessary.

**MOTION BY MR. ERTEL, SECONDED BY MRS. BLANKFELD Authorizing the Sell unneeded Service Department Pickup Truck #UH-3 Ford 2007 F-250 that was auctioned by Gov.Deals, Inc. for \$7,550.00. On roll call, all voted “aye.”**

**O. Motion to Accept the Bid from Terrace Construction for the 2021 Traymore Road Water Main Replacement Project as the best and lowest bid and Award the Contract to the Same in an amount not to exceed \$498,975.47**

Mr. Ciuni stated that this was 100% funded by Cleveland Water including the design and construction. The project is for the replacement of a 6” watermain line with an 8” watermain line on Traymore Road from Warrensville Center Road to Hillbrook.

**MOTION BY MR. GOULD, SECONDED BY to Accept the Bid from Terrace Construction for the 2021 Traymore Road Water Main Replacement Project as the best and lowest bid and Award the Contract to the Same in an amount not to exceed \$498,975.47. On roll call, all voted “aye.”**

**P. Motion Authorizing Mayor to Enter into Agreement with  
Signal Service for Traffic Signal Maintenance**

Chief Rogers stated that this was in regards to council regarding this receipt regarding this service, specific reporting signals and also for paid service agreements calm Signal service for this service. Chief Rogers added that it was important to not only go through some sort of context from the lessor perspective on why the recommendation Signal Service for comprehensive maintenance and monitoring service. Chief Rogers informed council that in April 2021 after 33 years of service to the city employee who handled this resigned from his position and since that time Signal Service has been providing this service and the cost has come at a lessor cost of having a city employee handle this operation. The cities of Beachwood, South Euclid also contracts out to Signal Service for all their traffic maintenance needs. The City of Cleveland Heights also contracts out the traffic maintenance needs.

**MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD Authorizing Mayor to Enter into Agreement with Signal Service for Traffic Signal Maintenance. On roll call, all voted “aye,” except Mr. Gould, who voted “nay.”**

Mr. Gould explained his vote of nay was due to receiving the contract late in the day and his not having time to fully review it.

**Q. Resolution 2021-26 To Ratify the Material Terms of the  
OneOhio Subdivision Settlement Pursuant to the OneOhio  
Memorandum of Understanding and Consistent with the  
Terms of the July 21, 2021 National Opioid Settlement  
Agreement (ON EMERGENCY)**

Mr. McConville stated that the State of Ohio has entered into some settlement agreement with Amerisource, Cardinal Health Test, three of the major pharmaceutical companies named as defendants in the State’s opioid litigation. Under the proposal, those companies will pay up to an estimated approximately \$105 million to the state over a period of 18 years. Pursuant to the settlement agreement 15% of that would go directly to the State of Ohio, 30% would go directly to municipalities, political subdivisions and 55% to a Ohio Foundation and distributed out to higher population, which will then be distributed out to municipalities in subdivision across the State of Ohio. The money will be restricted of specifically earmarked opioid related expenses and those include preapproved uses such as intervention treatment, education purposes. Participation levels in municipalities to affect how much money the State of Ohio and subdivisions receive. The City of University Heights will receive somewhere between \$43,277.17 and \$61,324.5 based on participation. The more participation among Ohio municipalities the greater amount of reward. In order for the state to maximize recovery is critical that they get at least 95% municipality participation. Municipalities have been asked to sign a Participation Agreement that participation essential functions as the release of claims.

It is anticipated that there will be at least one additional supplement forthcoming that includes separate dollar amounts that will be awarded to municipalities and that is in connection with Johnson and Johnson. At this time the administration is asking for gratification in the participation agreement that the city sent to the State of Ohio’s defense counsel for function in the timeframe required to meet the 95% participation.

Mrs. Weiss asked if the funds would go to Police and Fire. Mr. McConville said that was not exactly known but that was entirely possible because of administering programs that are consistent with the outlined approved uses under the terms of the agreement. Mr. McConville added that he suspected that the city would be getting a lot of guidance as we received funds.

Mr. Gould commented in clarifying that the State of Ohio wasn't included in the National opioid settlement, because it is currently in litigation, has trial date set? Mr. McConville replied State of

Ohio is accomplishing in part this settlement agreement is after the national agreement. Mr. McConville added that it was his understanding that strategic consideration that's based at least in part, concern, try to get these dollars in the city sooner than later before bankruptcies possibilities occurs.

Mr. Gould asked if the court set deadlines to actually accept this because he was not sure if there was a development since last week. If the agreement hasn't been accepted by defense counsel do they still have until Friday to respond? Mr. McConville stated that they were initially told the 13<sup>th</sup> it may have been extended to the 20<sup>th</sup> but in any event the city has submitted its participation form to meet the earlier deadline. Mr. Gould asked if we sent the participation form to the plaintiff's counsel Levine and Florida because they represent the State of Ohio and that this was a tool that's being used by the State of Ohio to try to suggest to the defendant that they should accept this agreement because they have a mass but there's not actually an agreement right now between them. This was a good move, in showing that University Heights is serious about this. Mr. McConville replied yes, we sent it to Levine and Florida.

**MOTION BY MR. GOULD, SECONDED BY MRS. BLANKFELD approving Resolution 2021-26 to Ratify the Material Terms of the One Ohio Subdivision Settlement Pursuant to the OneOhio Memorandum of Understanding and Consistent with the Terms of the July 21, 2021 National Opioid Settlement Agreement on emergency. Roll call on suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."**

**R. Resolution 2021-28 Declaring 3708 Meadowbrook a Public Nuisance**

Mr. Englebrecht stated that he visited this property in July with the homeowner who had just walked away from the property and moved to Macedonia. Base on a quick search the interior looked okay, the walls are going to probably rotate, roof was okay and the foundation seemed to be okay and there was a lot of junk and debris in the house which has been vacant since 2004 because there were family issues in which who had ownership of the property. The main issue is that there is a main beam that is failing, this was verified by City Engineer Joseph Ciuni. Thus, the house is a safety hazard and potential danger to the surrounding community. Currently the property is secure and the hazard still exist.

**MOTION BY MRS. BLANKFELD, SECONDED BY MR. RACH approving Resolution 2021-28 Declaring 3708 Meadowbrook a Public Nuisance. On roll call, all voted "aye."**

Mayor Brennan asked for a motion to remove agenda item S from the agenda because there will be a meeting on Friday with the vendor.

**MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD to remove agenda item S from the agenda. On roll call, all voted "aye."**

Agenda item S was removed from the agenda.

**S. Update regarding having a Level @ EV Charging Program and Authorization for Mayor to Enter into revised Grant Agreement with a Revised cost of Installation \$21,029.00 (original cost for installation was \$21,029.00 for a savings of \$3,906.00). The grant covers \$12,982.00 and the total cost to the City is not to exceed \$8,047.00.**

Mayor Brennan asked for a Motion to table agenda items T and U to the September 9 City Council meeting.

Mr. Gould stated that he would like to see both items go to the Council Committee of the Whole for discussion because there are some fairly complex issues. For instance, presently scooters on our streets are illegal. So there needs to be kind of a universal view of how these are implemented

in University Heights and an understanding by Council of what the technology is so that we can ensure that the Ordinances that are brought forth are in line with that and implemented the way council wants them to operate. For an example, are there areas of the city that we want to geo fence so that the scooters don't run in the do lot to limit them to our major thoroughfares like Silsby and Cedar and Warrensville Center so that they're not on side streets?

**MOTION BY MR. GOULD, SECONDED BY MRS. WEISS to refer agenda items T and U to Council Committee of the Whole for further discussion. On roll call, all voted “aye.”**

**T. Motion Authorizing the Mayor to enter into a Memorandum of Understanding with Cuyahoga County for Bicycle and Scooter Share Licensing**

Referred to Council Committee of the Whole for discussion.

**U. Ordinance 2021-27 Scooters (on first reading)**

Referred to Council Committee of the Whole for discussion.

**V. Motion to Enter Executive Session for the purpose of Discussing Collective Bargaining with Public Employees**

Mayor Brennan stated that the City’s Labor Council, Mr. Iosue was present to provide updates on the collective bargaining negotiations. Mayor Brennan recommended motions be made for both agenda items V and W at this point and also noted that there may action taken in regards to agenda item V after executive session.

**MOTION BY MR. GOULD, SECONDED BY MRS. WEISS to enter into Executive Session for the purpose of Discussing Collective Bargaining with Public Employees. On roll call, all voted “aye.”**

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

Mayor Brennan stated that there were facilities updates, litigation matters involving; the Alexander Shula Realty LLC, University Square and real estate matters associated with that.

**MOTION BY MRS. WEISS, SECONDED BY MR. GOULD to Enter Executive Session for the purpose of Discussing Legal Proceedings, Personnel Matters and Real Estate Matters. On roll call, all voted “aye.”**

**MOTION BY MRS. BLANKFELD, SECONDED BY MR. GOULD to resume the Regular Council Meeting Session. On roll call, all voted “aye.”**

At this time Council return to agenda item F for discussion. And for purposes of these minutes item F is listed above in correct alphabetical order.

**MOTION BY MRS. BLANKFELD, SECONDED BY MR. GOULD to add to the agenda the approval of the Collective Bargaining Agreement negotiated with local 974 IFF and for authorization to enter into agreement with the same.**

**MOTION BY MRS. BLANKFELD, SECONDED BY MR. GOULD to Approve and Authorize the Mayor to enter into the Collective Bargaining Agreement negotiated between the Local 974 IFF and the City of University Heights. On roll call all voted “aye.”**

**MOTION BY MRS. BLANKFELD, SECODED BY MR. GOULD to Adjourn the meeting.  
On roll call all voted “aye.”**

There being no further business, the meeting was adjourned at 9:35pm.

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Michael Dylan Brennan, Mayor

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Kelly M. Thomas, Clerk of Council