

**CITY OF UNIVERSITY HEIGHTS, OHIO
COUNCIL MEETING MINUTES**

JUNE 20, 2023

The regular meeting of Council was held at Wiley Middle School, 2181 Miramar Boulevard, University Heights, Ohio. Mayor Michael Brennan called the meeting to order at 7:00 p.m.

Roll Call:

Present: Councilwoman Sheri Sax
Councilwoman Threse Marshall
Councilwoman Michele Weiss
Councilman Chris Cooney
Councilman Brian Kiing

Absent: Councilman John Rach

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

Motion by Mr. King, second by Mrs. Weiss to excuse the absence of Councilman Rach. On roll call, all voted “aye.”

Agenda Items

Reading and Disposal of the Journal

Motion by Mrs. Sax, second by Mr. Cooney to table the minutes of June 5, 2023.

Additions and Removals from the Agenda, Referrals to Committee

There were none.

Comments from the Audience

Steve Wertheim, resident of 4355 Baintree Road was recognized. He stated that he is here as Chairman of the Charter Review Commission and thanked Council and the Mayor for the opportunity, adding that it was an honor serving with the ten (10) Commission members appointed by the Mayor and Council. He mentioned that the proposed amendments presented represent almost eleven (11) months of serious work by the Commission which met twice a month; that information was heavily researched, reviewed and debated with respect for each other’s opinions. Mr. Wertheim asked that there be a yes vote on all ten amendments and he summarized each. He noted that the proposed amendments are not just for today, but for the future. He asked that the voters be able to decide. Mr. Wertheim believes in the ability of the voters to both understand and support these amendments, that the City of University Heights is a dynamic and diverse community with increased citizen ownership and participation in the government of the City.

Chris Myrick, resident of 3556 Farland Road was recognized. Mr. Myrick served as Vice Chair of the Charter Review Commission. Among comments Mr. Myrick made, he referenced democracy as in “we the people” explaining that the proposed amendments expand the democratic process by allowing the people to vote. He stated that a no vote tonight would rob the people to have that chance. He pointed out that there is no guarantee that the citizens will pass the amendments, but at least they will have the option to vote; that is democracy. He briefly reviewed some of the amendments noting that the democratic process would be expanded. Mr. Myrick hoped that Council has the wisdom and courage to trust “we the people”.

Wendy Dearing, chair of the Cleveland Heights-University Branch of the League of Women Voters of Greater Cleveland was recognized. Ms. Dearing reported that the chapter supports the option of rank choice voting after years of study, adding that it is believed to reduce polarization. She applauded the City for giving consideration to same.

Shawn Logan, 32927 Lucille Drive, Lisbon, Ohio 44432 was recognized. He applauded the Charter Review Commission for allowing the voice of the people. Mr. Logan provided

background on his experience and interest in rank choice voting, encouraging passage of rank choice voting and stated that it is nothing to be afraid of by providing voters a greater say.

Kyle Herman, 3652 Highway Avenue, Stow, Ohio, was recognized and appreciated the invitation to speak on rank choice voting. Mr. Herman is the only full-time staff member for Rank the Vote Ohio. He encouraged rank choice voting.

Michael Milaskous, resident of 2592 University Boulevard was recognized. He thanked Mr. Englebrecht for the great Juneteenth Celebration as well as Council for approving some of the extra funding needed. He spoke in support of rank choice voting. Mr. Milaskous reminded Council that there were some in the community looking forward to have a chance to try rank choice voting, and he asked that Council allow residents to decide.

Shawn Belt, resident of 2292 Canterbury Road was recognized. He spoke in support of allowing residents to vote on all ten proposed amendments as it makes democratic sense to do that. Mr. Belt noted that he didn't think the threshold for denying citizens the vote is because something is disliked, that it is not good enough to vote no on something just because it is not liked. It is up to the voters in November. He believes that there are good things in the proposed amendments.

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

Mayor Brennan reported the following in his own words.

Sunday June 11 was the University Heights Bike with a Mayor event, part of the Bike with a Mayor series with Cuyahoga County. I co-hosted this event with Council member Brian King. Was happy to have more than 2 dozen riders, plus guest riders from other communities, including County Executive Chris Ronanye and Walton Hills Council member Raymond Weeden. Tentatively, I am looking to schedule another community ride later this summer, perhaps just before we go back to school. Date, TBA.

Sunday June 18 was the Juneteenth event. It was an unparalleled and unprecedented success here in the Community. Headlined by Krayzie Bone of Bone Thugs-N-Harmony, thousands of attendees showed throughout the day.

What was especially meaningful to me were the numerous black seniors in our community who have lived here for decades and told me just how happy, how elated they were, to be seen, to have the City celebrate with them America's Black Independence Day. And to do so in such a significant way.

The event was incident free from a police and fire/EMT standpoint. Juneteenth was eventful and incident free. In short, this is the biggest and best event we've done to date.

My thanks to Geoff Englebrecht, to the Juneteenth Citizens Committee, to Dollar Bank for sponsoring, to Deanna Bremer Fisher and Mike Cook of my staff, to John Pucella and the Service Department, to OIC Lt Kevin Vonhaz and the UH Fire Department, to OIC Lt Kevin Ryan and the UH police department, to the County Sheriff's department, to all the volunteers and vendors, to all the featured talent and speakers, to all the residents and attendees. Thank you all. I don't know how we top this one, but I know we will try.

After 57 years of the Memorial Day Parade, the debut of Fall Fest in 2019, and now the second annual Juneteenth celebration, University Heights is upping its game, its civic engagement, its community development, and in the process letting the world know that this is a diverse and welcoming place.

Speaking of that, yes, City Hall is flying the Pride Flag once again for the month of June. We raised the flag on the morning of June 1, and will fly all month, just as it has every June since 2019. As long as I mayor, I intend to fly it, as a celebration of the LGBTQIA+ community, and as a reminder that we still have a long way to go to gain full acceptance.

This morning I gave testimony at County Council Committee on the subject of proposed county-wide Pay to Stay legislation. Such legislation would mirror recent legislation in place in Cleveland, Cleveland Heights, Euclid, Lakewood, Maple Hts, Newburgh Hts, South Euclid, and Warrensville Heights. What Pay-to-Stay legislation does is provide that the payment of rent due plus a reasonable late fee prior to the execution of an eviction shall be an affirmative defense to an eviction. Under current law applicable to our city, after a landlord serves a 3-day notice to move out for non-payment, a landlord may refuse to accept payment and opt to evict even if the tenant is willing and able to pay and makes a tender of that full payment. I applaud the effort here at the County level by our county council member Cheryl Stephens and her colleague council member Dale Miller. Having discussed it with our Housing and Community Development Director, we intend to advance legislation on this matter, irrespective of where the county measure leads. Under home rule and per the terms of the proposed county ordinance, an ordinance we might pass that is different on the subject from the county would control.

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

Vice Mayor Weiss reported that the Building and Housing Committee met prior to this meeting to wrap up ordinances which have been worked on for months, one of which will be presented this evening.

Mrs. Weiss appreciated all of the work done by the Charter Review Commission and has reviewed all suggestions seriously. She noted that she sponsored the Charter Review to form the Commission because she believed it was time. Her personal commitment to the process led her to attend the meetings and she understands the thinking behind each suggested change. As requested, she offered suggestions at the beginning of the process on behalf of Council to the Commission to address issues encountered by Council over the years for consideration. Mrs. Weiss noted that the Commission worked extremely hard. She stated that the Charter gives Council the power to approve what proposed amendments can move forward to the voters; this requirement was not identified as one that needed to be changed by the Commission. She pointed out that the review by Council was never meant to be a rubber stamp; rather the reason it is there is because the Administration and Council are most familiar with the Charter and potential problems. She mentioned that some have suggested that it is undemocratic by not approving all amendments. By reducing the suggestions to send to the voters, Council is democracy in action. Following the rules is what democracy is all about. Rules for this process are: the Charter Review Commission submits to Council; Council decides what to put on the ballot, and then citizens decide those things which will get approved. Passing through all of the suggestions to the voters is not being democratic; it is inserting the idea of seeking consensus on everything. If Council decides to reduce the number of proposed changes for the ballot, that is democracy in action. Mrs. Weiss emphasized that the Charter Review Commission did such an excellent job, and that they were respectful in their civil discourse; the work is very much appreciated.

There were no other reports from Council at this time.

Reports and communications from the Directors of the Department of Finance, the Department of Law, the Department of Public Safety, the Department of Public Service, and other department heads as applicable, and taking of action thereon

Finance: Finance Director Dennis Kennedy reported that earlier today he submitted a draft financial statement for the year ended 2022. This is a GAP based financial statement presentation of 88 pages. Field work of the audit will be finished within the next 10 days, and he hopes to have the draft audit report by June 30 for review, which then goes to the State Auditor. Once approved, a post-audit conference will be scheduled for Council to review details in the report. Mr. Kennedy reported that while he has not seen the draft, he is unaware of any negative issues and expects to receive a clean audit report.

Law: Law Director Luke McConville had no report.

Public Safety: Police Chief Dustin Rogers is on vacation and has been excused; no report.

Fire: Fire Chief Robert Perko had no report.

Housing & Community Development: Director Geoffrey Englebrecht had no report.

City Engineer: Mr. Ciuni has been excused; there is no report.

Communications/ Civic Engagement Mr. Cook is on vacation and has been excused; there is no report.

Economic Dev. Mrs. Drucker is on vacation and has been excused; there is no report.

Reading and Disposition of Ordinances, Resolutions, Motions and Consideration of agenda items.

A. Nomination for Vacant Council Seat

Mrs. Weiss nominated Win Weizer for the open Council seat, noting that Ms. Weizer’s knowledge of urban affairs and government is vast and that she would be an asset to Council. Mrs. Weiss stated that Ms. Weizer has submitted her resume twice and she has been very dedicated to the City for decades.

There were no additional nominations.

Ms. Marshall seconded Mrs. Weiss’ nomination to appoint Ms. Weizer to the vacant Council seat. On roll call, the following voted “aye”: Mrs. Sax, Mrs. Weiss, Ms. Marshall. Mr. Cooney and Mr. King voted “nay”. The motion fails.

B. Ordinance 2023-23 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 (on emergency). This deals with Gender Neutrality.

Mr. McConville noted that this amendment deals with Gender Neutrality and that the amendment would specify gender neutrality language throughout the Charter; this will remedy the non-gender references.

Mrs. Sax stated that the City Charter is a very important document constituting how the City governs. The Charter Review Commission was established by ordinance by the current Council because it understood the need for periodic review. She thanked the Charter Review Commission for its outstanding commitment to the City by meeting semi-monthly for eleven (11) months. Mrs. Sax stated that she took the responsibility as an elected member of Council very seriously and considered it due diligence to attend almost all of the meetings to witness firsthand the discussions and pros and cons. She noted that she was clear to follow rules prohibiting elected officials to offer unsolicited opinions to influence members of the CRC during the process, and she objects to members of Council and the Administration stating publicly that “Our City Council should not disrespect the 11 months of diligent and thoughtful work by the CRC by rejecting any amendment that the Commission has proposed; and that the only grounds proper for Council to reject a proposed amendment were if it were illegal.”

Among further statements Mrs. Sax made, she noted that it would have been inappropriate to engage in discussion with the Charter Review Commission during the 11-month process. The Commission was presented with information that was from personal as opposed to professional perspectives, partial versus whole, and at times incorrect information which resulted in the amendments that are presented. Mrs. Sax stated that we are a representative democracy; that is what she represents.

Mr. McConville clarified for Mr. Cooney that the minimum number of affirmative votes needed for passage is five (5), pursuant to the Charter.

Mr. King stated that it is his intention to vote for all of the proposed amendments out of respect for the independence of the Charter Review Commission, their months of thoughtful deliberation and respect for the residents of the City, adding that he has great trust in them and their ability to decide if the amendments should pass. Mr. King recalled that at the last Charter review in 2008-2009, there was a provision in the enabling ordinance which stated that Council shall place [all] the amendments on the ballot, and that there was value in that. He stated that the enabling ordinance for this review unfortunately did not have that feature. He noted that only five Council members are present this evening, and the possibility exists of an amendment not being brought before the voters. Mr. King respects the work that has been done by the Charter Review Commission.

Mayor Brennan stated that the City Charter is the “Constitution” of the City; how the government is organized; it sets forth the structure and fundamental rules of our city government. Mayor Brennan noted that the proposed amendments from the CRC go before Council for approval for the November ballot today, June 28, 2023. This cannot be tabled; if not approved today the amendments are rejected. The proposed amendments should all go to the people to decide; that is democracy. He reported that he attended many of the meetings and watched the members work and respected same. Mayor Brennan stated that we should believe in the process and honor the work and advance to the ballot all ten amendments the Commission proposed. While he mentioned that he is indifferent about one of the proposed amendments, he believes that all ten should go to the people to decide. Each amendment requires an affirmative vote of five Council members to place on the November ballot. Mayor Brennan urged Council to have faith in the residents and their decision-making capabilities and let them decide on all ten amendments.

Motion by Mrs. Weiss, second by Mr. Cooney to approve Ordinance 2023-23 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 (on emergency) This deals with Gender Neutrality.

On roll call, all voted “aye”. The motion passes.

C. Ordinance 2023-24 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 (on emergency) This deals with Eliminating Term Limits.

Mr. McConville stated that this amendment would eliminate term limits. The current Charter specifies that no person shall hold elective office for more than three (3) consecutive four (4)-year terms or fourteen (14) consecutive years, whether elected or appointed. This would delete that language and eliminate term limits.

Mrs. Sax commented that having term limits does not limit one to twelve (12) years in office; it just allows a reset of two to four years before that person may serve for another twelve years. She stated that during this period, the person is able to continue their commitment to civil service in the city by serving on committees, boards, commissions, etc. A reset also allows for new people with fresh ideas to be elected, and that is something to be considered.

Motion by Mr. Cooney, second by Mr. King, to approve Ordinance 2023-24 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 (on emergency). This deals with Eliminating Term Limits.

On roll call, Mrs. Sax, Ms. Marshall, Mrs. Weiss and Mr. Cooney voted “nay”. Mr. King voted “aye”. Motion fails.

D. Ordinance 2023-25 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 (on emergency). This deals with the Law Director Appointment process.

Mr. McConville stated that this amendment would eliminate the provision that the Law Director is a Council appointment and would cause the position to be a Mayoral appointment subject to Council approval with termination rights given to either the Mayor or Council.

Mrs. Weiss reiterated what she reported at the last Council meeting, that she had witnessed first-hand recent issues with a mayor and a law director. She feels strongly about this. Mrs. Weiss suggested that if the last sentence of Article Six read that the *Director of Law may be suggested to be removed by the Mayor and approved by Council*, she would consider this. She stated that one person should not be able to remove a director that is counsel for seven as well.

Mrs. Sax stated that she has carefully reviewed this. She stated that this would remove the checks and balances because it would allow the Mayor to hire and fire the law director without Council approval, which could result routine hiring and firing of the law director whenever there is disagreement with the law director's opinion. Mrs. Sax noted that the law director serves all city constituents elected, employees and residents, and has been accessible to administration and council on city-related issues. Mrs. Sax felt that critical decisions seem to be more even-handed when there are seven people versus a unilateral decision of one person.

Mayor Brennan offered clarification. He stated that the Law Director does not serve at the pleasure of the Mayor or of all constituents or of all City employees. The law director serves at the pleasure of the Council alone; the Mayor has no say in the hiring/firing of the law director and is powerless. Reference was made to discussion at the last meeting regarding the firing of a law director ten years ago because it was determined that the law director did something not legally supported by the Charter. Mayor Brennan stated that if this amendment had been in place, Council could still fire a law director without Mayoral approval. This amendment puts a law director in the position of recognizing that in representing the City the position must balance the issues of both Council and Mayor in representing the city as a whole. Currently the Charter does not recognize that and that is why the Mayor supports this amendment. Mayor Brennan stated that it makes no sense that the Mayor would not have a say in who the Law Director is, and that is why this amendment should be put on the ballot and passed by the people.

Ms. Marshall believed that if Council has a role in selecting a law director, they should be included in the process of removing same. She suggested that maybe something could be included in the amendment at a later date, but she is not comfortable with Council not having a say in the removal of the law director.

Motion by Mrs. King, second by Mr. Cooney to approve Ordinance 2023-25 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 (on emergency). This deals with the process of the Law Director Appointment. On roll call, the following voted "nay": Mrs. Sax, Ms. Marshall, Mrs. Weiss, Mr. Cooney; Mr. King voted "aye". The motion fails.

E. Ordinance 2023-26 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 (on emergency). This would set forth a centennial Charter Review.

Mr. McConville stated that this amendment would mandate that a Charter Review Commission be convened no less than once every ten (10) years. It will also be comprised of the same membership as the current Charter Review Commission with each Councilperson selecting an appointment and the Mayor gets four appointments. Mr. McConville explained that there is nothing in the Charter requiring a Charter Review Commission to be convened.

Mr. Cooney stated that this amendment focusses on the process and not the person. It does not depend on the Mayor or Vice Mayor to initiate a charter review. He pointed out that the Charter Review Commission doesn't have to wait ten years; it could even meet in less than ten years.

Mr. Cooney stated that he found this quite interesting, and that it provides that the focus is on a process for continuing the work that should be done, noting that some of the amendments could possibly be considered again or revised.

Mrs. Sax agreed with Mr. Cooney and agreed that the Charter should be reviewed more than it has been. She suggested that in order to lessen the possibility of politicizing the Charter, she thinks ten years is just too close because people could still be in office and pushing agendas. She believes every sixteen (16) or fifteen (15) years discussed would be more appropriate to ensure that elected officials have rotated off the rolls.

Mr. King stated that multiple people have mentioned that ten proposed amendments are too many to consider. He believes that having a process in place every ten years to review could help to see what needs to be tweaked. He felt that by doing the review more often there may not necessarily be ten amendments proposed. Ms. Marshall agreed with Mr. King; she thinks ten years or even less is a more reasonable time to review the Charter.

Motion by Ms. Marshall, second by Mr. Cooney to approve Ordinance 2023-26 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 (on emergency). This would set forth a centennial Charter Review. On roll call, Mrs. Sax and Mrs. Weiss voted “nay”; Ms. Marshall, Mr. Cooney and Mr. King voted “aye”. Motion fails.

F. Ordinance 2023-27 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 (on emergency). This deals with department name modernization.

Mr. McConville stated that this amendment would change references in the charter as follows: The Department of Law would be the Law Department; the Department of Finance would be the Finance Department; the Division of Police would be the Police Department; the Division of Fire would be the Fire Department; the Division of Building Engineering and Inspection would be the Building Department.

Motion by Mrs. Weiss, second by Ms. Marshall to approve Ordinance 2023-27 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 (on emergency). This deals with department name modernization. On roll call, all voted “aye”. Motion carries.

G. Ordinance 2023-28 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 (on emergency). This amendment is on Rank Choice Voting.

Mr. McConville deferred this to his law partner, Mike Cicero, who participated in drafting this amendment to summarize this amendment.

Mr. Cicero explained that the CRC recommended an amendment providing for the election of the Mayor and members of Council by rank choice voting also known as RCV. It would permit voters to rank up to six candidates for a specific office no matter what it is. Votes are counted using every voter’s first choice. If there is not a majority for one position, the bottom candidate gets knocked off and so on. It is done in other states. Mr. Cicero stated that he has had conversations during the last two weeks concerning whether or not Ohio is prepared or can do it; and it is his understanding that when he spoke to someone in the office of Candidate Services at the Cuyahoga County Board of Elections in early March, he was informed that Cuyahoga County was prepared to do it. New voting machines are being chosen. Emails have exchanged between various individuals to members of this Council and there is no information on that tonight.

Mr. Cicero stated that if Council passes this and it goes to a vote of the people and the people pass it, then Council would require the State of Ohio to something about it. He suggested that Council think about that.

Mr. McConville added that it is always a mistake for any law department of a municipal corporation to cede any ground whatsoever. This is a charter municipality with Home Rule with home rule powers and there is nothing that is more a matter of local self-government than local elections, and that would be the City's legal position regarding rank choice voting.

Lengthy discussions ensued regarding the RCV process, and Mr. Cicero answered questions and provided clarification. Mr. Cicero explained that regardless of information that the CRC was provided in February/March and what he was provided when speaking with the Board of Elections, it does not matter if the Board or the State of Ohio doesn't have a system in place. If this amendment were to be passed by the voters, the State has to put something in place to affect the change because University Heights is a charter municipality, and this is the law of this city; therefore, the Cuyahoga County Board of Elections and the State of Ohio must provide the City with something to accommodate the change.

Mrs. Sax reported on conversations she had with the Cuyahoga County Board of Elections and correspondence to Council from Mr. Herman, Rank the Vote Ohio as well as with Mr. Wertheim regarding the issue. Mrs. Sax commended the Board of Elections after summarizing events leading up to the current status with various individuals with often conflicting information.

Ms. Marshall also reported on contact she had with an employee of the Cuyahoga County Board of Elections who stated that the current machines are not equipped for rank choice voting.

Mr. King stated that the Board of Elections does not have the ability to dictate how we perform our elections. He stated that by passing this amendment the need would be established for the Board and the State to support the City. Mr. King supports the amendment.

Motion by Mr. King, second by Mr. Cooney, to approve Ordinance 2023-28 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 (on emergency). This amendment is on Rank Choice Voting On roll call on the motion, Mrs. Sax, Mrs. Weiss, and Mr. Cooney voted "nay"; Ms. Marshall and Mr. King voted "aye". Motion fails.

H. Ordinance 2023-29 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 (on emergency). This deals with Recall Elections.

Mr. McConville stated that this would cause the recall provision in the Charter to be consistent with mainstream recall provisions. The current provision results in a runoff election. This amendment would give electors of the city the right to circulate a petition stating their reasons for recall. The ballot question that would be submitted to voters is simply "*Shall the name of the elected official being recalled be recalled or removed from the office that he or she holds?*".

Motion by Mrs. Sax, second by Ms. Marshall to approve Ordinance 2023-29 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 (on emergency). This deals with Recall Elections. On roll call, all voted "aye". Motion carries.

I. Ordinance 2023-30 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 (on emergency). This deals with Initiative and Referendum

Mr. McConville stated that this would slightly modify the initiative, referendum and recall provisions. It would change the percentages of signatures required and change the method of calculating those to be based on the total number of voters casting ballots at the last regular municipal election, rather than the percentage of registered voters since that number is in contact flux. However, the total number of voters casting ballots at the last regular municipal election does not change. Mrs. Weiss also made the point that the current method does not provide enough time for absentee ballots to be processed.

Motion by Mrs. Weiss, second by Mrs. Sax to approve Ordinance 2023-30 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 (on emergency). This deals with Initiative and Referendums. On roll call on the motion, all voted “aye”. Motion carries.

J. Ordinance 2023-31 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 (on emergency). This pertains to Presiding Officer at Council Meetings.

Mr. McConville stated that this amendment would change the presiding officer of Council from the Mayor to the Vice Mayor. It was noted that it may be the fact that the City’s current Charter has the Mayor presiding over Council meetings, and it may be a carry-over from the time when the City was Idlewood Village. Mr. McConville stated that it is more customary for a member of council to preside over Council meetings.

Mrs. Weiss asked Mr. McConville and Mr. Cicero whether if in either cities they serve as Law Director if the Vice Mayor or Council President is the one presiding. Mr. McConville stated that his two other municipal clients are both villages, and in each one of those the Mayor presides over the meeting. Mr. Cicero stated that in Richmond Heights, the council president runs the meeting and it is actually a specific office. It is not one of the members of council when candidacy is declared; the position is running for President of Council. In South Euclid, the President of Council runs the meetings.

In response to questions Mrs. Weiss posed in the above scenarios, Mr. Cicero reported that the Mayor gives a Mayor’s report; the Mayor is permitted to put legislation on the agenda. If the Mayor has something to say during a meeting, the Mayor has a seat on the Council dais. Mr. Cicero believes the way that this amendment is structured by the Charter Review Commission, the Mayor can participate in the discussion of any legislation or motion before the Council.

Mrs. Sax asked about the duties of the Mayor in the above cases. Mr. Cicero stated that the Mayor no longer runs the meeting and is not responsible for putting the agenda together; the Mayor would be no different than any other member of Council that would submit proposed legislation to the Vice Mayor. The Clerk and the Vice Mayor would put the agenda together; the Vice Mayor would preside over the meetings just as the Mayor does now.

Mrs. Sax reviewed that the directors report to the Mayor, but in order to set the agenda, the Vice Mayor, as head of Council presiding would need to speak to the directors. She asked if that is how it works in Mayfield Heights. Mr. Cicero’s understanding with South Euclid since he has been acting law director off and on for 20 years is that the Mayor speaks with department heads, and if they need anything, they give it to the Mayor. The Mayor then communicates it to the Clerk and the President of Council and items are placed on the agenda. Mr. Cicero stated that if this were to be passed by a vote of the people, there would be an extra step; but it is an extra step that every other city he is familiar with engages in. With reference to Mrs. Sax’ question regarding change in compensation because of reduced responsibilities, Mr. Cicero replied that would be up to Council.

Motion by Mrs. Weiss, second by Ms. Marshall, to approve Ordinance 2023-31 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 (on emergency). This pertains to Presiding Officer at Council Meetings. On roll call on Mrs. Weiss’ motion, all voted “aye”. Motion carries.

K. Ordinance 2023-32 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 (on emergency). This amendment deals with anti-discrimination.

Mr. McConville stated that this would add non-discrimination language to the Charter. He noted that a prior meeting, it was discussed that this would not provide private cause of action or create

any exposure to liability for the City that doesn't already exist. The language speaks for itself and is all encompassing.

Mrs. Sax stated that she supports anti-discrimination and does not want to mislead residents that this would be upheld in court. She wondered if this would mislead residents to think there is some sort of protection that they are not entitled to whether or not it is in the Charter. Mr. McConville stated these protections exist in law now. Mr. Cicero stated that this does not create a private cause of action that could risk further exposure to the City, its officers or employees. There is no provision for money damages or injunctive relief if you violate the Ohio Civil Rights Act; that is all under federal law.

Motion by Mrs. Weiss, second by Mrs. Sax to approve Ordinance 2023-32 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 (on emergency). This amendment deals with anti-discrimination. On roll call, all voted "aye". Motion passes.

Mayor Brennan recapped that six of the ten proposed amendments have been approved for the November 7, 2023 ballot. The amendments that have been approved his evening are listed below.

The following six (6) amendments were approved and will advance to the November 2023 ballot.

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| 1. | Amendment 1 (Ordinance 2023-23): | Gender Neutrality |
| 2. | Amendment 5 (Ordinance 2023-27): | Department Name Modernization |
| 3. | Amendment 7 (Ordinance 2023-29): | Recall Elections |
| 4. | Amendment 8 (Ordinance 2023-30): | Initiative and Referendum |
| 5. | Amendment 9 (Ordinance 2023-31): | Presiding Officer at Council Meetings |
| 6. | Amendment 10 (Ordinance 2023-32) | Anti-Discrimination |

The following four (4) amendments were not approved:

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| 7. | Amendment 2 (Ordinance 2023-24): | Eliminating Term Limits |
| 8. | Amendment 3 (Ordinance 2023-25): | Law Director Appointment |
| 9. | Amendment 4 (Ordinance 2023-26) | Decennial Charter Review |
| 10. | Amendment 6 (Ordinance 2023-28) | Rank Choice Voting |

L. Ordinance 2023-34 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 (on emergency).

Mr. McConville stated this ordinance from the Building and Housing Committee was requested by Director of Housing and Community Development Englebrecht. This would add language to the rental registration ordinance to create uniform time periods each year regarding when a rental registration must be filed. Applications would be advertised for in March, submitted by the end of May and granted in June of each year.

Mrs. Weiss thanked Mr. Englebrecht and Mr. McConville for their diligence on three very lengthy and detailed ordinances that they were asked to prepare in the last two weeks.

Motion by Mrs. Weiss on emergency, second by Mr. Cooney, to approve Ordinance 2023-34 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 (on emergency). On suspension of the rules, all voted "aye". On the main motion, all voted "aye". Motion carries.

M. Ordinance 2023-35 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 (on emergency).

Mr. King stated that in 2021 two ordinances authorizing a pilot program for scooter ride-share within University Heights with heavy restrictions were enacted. The hope was to obtain data in order to solidify the ordinances. The only company responding thought the stipulation that use could only take place on Taylor, Green, Warrensville Center Road, Meadowbrook Roads, and Fairmount Boulevard (not in University Heights) was too limited. This legislation removes the pilot language from the ordinances as well as the time restrictions of operation only between 7:00 a.m. and 7:00 p.m. Mr. King added the restriction that only one rider be on the device at one time, recommended by Mr. Cooney.

Mrs. Weiss thanked Mr. King for handling this. She explained that the committee thought this was very restrictive, and the goal is to be able to exit a bus and then go to your home, but that can't be done. No company wanted to do business in the city because it was nearly impossible for them to make any money. She felt there are good safety precautions in the ordinance and that the police chief will report on the safety aspect of this next spring.

Mr. King noted that this works well with the work that Mr. Englebrecht is doing with South Euclid and Cleveland Heights toward implementing a network of neighborhood greenways connecting our cities and to Cleveland as well; promoting multi-modal transportation without having to get into cars.

Motion by Mr. King, second by Mrs. Weiss, on emergency to approve Ordinance 2023-35 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 (on emergency). On suspension of the rules, all voted “aye”. On the main motion, all voted “aye”. Motion carries.

N. Ordinance 2023-36 Amending Codified Ordinance Section 1064.05 Entitled “Storage Behind Rear Building Line” and Declaring an Emergency (on emergency).

Mr. McConville stated that this is also from the Building and Housing Committee. Mr. Englebrecht has reported that he gets numerous calls weekly from residents complaining about trash cans being left out overnight. There is an ordinance currently on the books that prohibits garbage cans from being located forward of the rear foundation line under certain time periods, but there is no enforcement mechanism in place. This legislation is designed to replace the current ordinance which indicates that garbage cans cannot be stored or kept forward of the rear foundation line of a home except after sundown on the evening immediately before the day for refuse collection; and, for twelve (12) hours following refuse collection by the city. This sets out an enforcement process to be followed on a first instance of violation a warning notice is given by the Housing and Community Development director. If there's a subsequent violation within eighteen (18) months of the first one, the homeowner/resident will be cited again with a fine of \$75.00. Mrs. Weiss added that this is typical of cities, and is not overly prohibitive.

Mayor Brennan expressed concerns about proving the timing and enforcement of this. He discussed his concerns and added that he did not feel this is ready to be passed and should go back to committee. He noted that the times cannot be proved; there are “missed” pickups. He also mentioned that schedules of the housing inspectors would be changed, etc. and was concerned about fairness enforcement. Mrs. Weiss addressed the Mayor's concerns and stated that it is definitely known when people are twelve hours off because their trash is picked up on Monday, Tuesday or Wednesday or Thursday, so if the trash is there the next day, we know that they haven't taken the cans in. She added that Mr. Englebrecht was specifically asked if his inspectors had time to do additional work, he said yes.

Mrs. Sax noted that Item R on tonight's agenda deals with transitioning to loose recycling – dealing with trash; she suggested that perhaps this item (N) can be tabled and discussed in totality of all of the trash collection as part of a plan rather than piecemealing. More discussion may be helpful.

Mr. Cooney stated that this is a problem that has been going on for several years, but it is not city-wide. He noted that there are two issues being discussed, collecting recyclables and the manner in which residents make trash available during those timeframes.

Mrs. Weiss stated that Mr. Englebrecht also has the option to waive a fine, but that caveat is not in the ordinance. Discussion ensued regarding the community-wide enforcement. It was noted that many of these properties could be rentals. Mr. McConville stated that enforcement would have to be community-wide. He also pointed out that citation issued by Mr. Englebrecht to a chronic offender would be subject to an appeal to the Board of Zoning Appeals – an administrative appeal because it is the Housing Director’s decision.

Motion by Mrs. Weiss to approve, on emergency, second by Mr. Cooney Ordinance 2023-36 Amending Codified Ordinance Section 1064.05 Entitled “Storage Behind Rear Building Line” and Declaring an Emergency (on emergency). On roll call on suspension of the rules, all voted “aye”. On the main motion, all voted “aye”. Motion carries.

Mr. McConville stated that prior to this meeting, there was a Building and Housing Committee meeting at which the following ordinance (Agenda Item O) was addressed. He explained that the following change has been made. In Section 1493.01 A, the first sentence will be deleted and replaced with the following language: *“An owner or manager shall be required to obtain an annual rental permit for each apartment building located in the city.”*

O. Ordinance 2023-37 Adopting Codified Ordinance Chapter 1493 Entitled “Apartment Building Registration and Inspection,” and Declaring an Emergency (on emergency).

Mr. McConville stated that this ordinance would provide the City to require an annual registration permit for any apartment building and would include rights of inspection including common areas and the dwelling units located therein. The fire chief has expressed safety concerns about building code compliance in these structures since there is nothing in the Code that contains provisions to allow inspections of individual dwelling units and apartment buildings. This would require all buildings to be registered annually and meet standards that must be complied with in order for an annual permit to be issued.

Fire Chief Perko explained that most of the fire prevention efforts focus on businesses including three and greater unit apartment buildings, but the inspections are confined to the common areas. There is no jurisdiction permitting inspections of the individual, one and two units. He noted this will be good collaboration with the building department to enforce safety. It was agreed that this is good for the residents who rent, ensuring safety. These efforts were supported and commended. It was pointed out that this is long overdue. Mayor Brennan whole-heartedly supports this legislation.

Motion by Mrs. Sax to approve on emergency, second by Mr. Cooney, to adopt Ordinance 2023-37 Adopting Codified Ordinance Chapter 1493 Entitled “Apartment Building Registration and Inspection,” and Declaring an Emergency. (on emergency). On roll call on suspension of the rules, all voted “aye”; on the main motion to adopt, all voted “aye”. Motion carries.

P. Resolution 2023-33 Alternate Tax Budget for 2021 (on second reading).

Mr. Kennedy stated that this substantiates to the county the need for the city to assess property taxes. He stated that a Resolution of Necessity will be received by the city in late August and that traditionally this issue is considered at the first Council meeting in September. There is no change to the current tax rates.

Motion by Mrs. Weiss, second by Mr. King, to approve Resolution 2023-33 Alternate Tax Budget for 2021 (on second reading). On roll call, all voted “aye”. Motion carries.

Q. Motion Approving Emergency IT Support and Service from Starfish Computer for the period July 1, 2023 through July 31, 2023 in an amount not to exceed \$5,500.

Mayor Brennan stated that there is not a contract this evening but he is requesting one more month of support and service in the amount of \$5,500 provided by Starfish Computer.

Motion by Mr. King, second by Ms. Marshall, to approve the Motion Approving Emergency IT Support and Service from Starfish Computer for the period July 1, 2023 through July 31, 2023 in an amount not to exceed \$5,500. On roll call, all voted “aye”. Motion carries.

R. Motion to Authorize the Mayor to Enter into an Agreement with SCS Engineers LLC consistent with SCS’s June 16, 2023 Proposal (revised from March 28, 2023) to Develop a Plan and Associated Costs for Implementation of Ordinance 2023-05 in an Amount not to Exceed \$28,200.00

Mrs. Sax thanked Mayor Brennan for this, adding that this will be beneficial to the City. Mrs. Weiss referred to the second page of the contract and requested that the language be clarified where it refers to “Acting Service Director”. **NB: Unsure of what was said**
Mayor Brennan was agreeable to the correction. It was suggested that the contract could be approved conditionally.

Motion by Mr. Cooney, second by Ms. Marshall, to table Item R, Motion to Authorize the Mayor to Enter into an Agreement with SCS Engineers LLC consistent with SCS’s June 16, 2023 Proposal (revised from March 28, 2023) to Develop a Plan and Associated Costs for Implementation of Ordinance 2023-05 in an Amount not to Exceed \$28,200.00. On roll call on the motion, all voted “aye”.

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

Mayor Brennan did not have a need for an Executive Session, but Mrs. Weiss requested an Executive Session to discuss legal/real estate matters.

Motion by Mrs. Weiss, second by Mrs. Sax, to enter into Executive Session. On roll call, all voted “aye”. There will be an Executive Session following the regular portion of the meeting.

Reports of standing committees and the taking of action thereon:

BUILDING/HOUSING

Committee: Chris Cooney, John Rach, Brian King (alternate)

Mrs. Weiss stated that an ordinance discussing short-term rentals will be on the agenda in September.

COMMUNITY OUTREACH

Chairperson Brian King

Committee: Michele Weiss, Sheri Sax (alternate)

Mr. King had no report.

ECONOMIC DEVELOPMENT

Chairperson John Rach

Committee: Michele Weiss, Threse Marshall (alternate)

Mr. Rach was absent; there was no report.

FINANCE

Chairperson Michele Weiss

Committee: John Rach, Threse Marshall

Mrs. Weiss reported that there will be a Finance Committee meeting on June 27

RECREATION

Chairperson Chris Cooney

Committee: Brian King, Sheri Sax, Michele Weiss (alternate)

Mr. Cooney stated there will be a Memorial Service for Raymond Lancaster at Purvis Park Pool on Sunday, June 25 at 9:30 a.m. for Ray's service to the City; also, a small library will be installed near the playground and Purvis Park pool to honor Ray's love for reading. Several residents have been actively involved in this effort. Mr. Cooney encouraged attendance.

SAFETY

Chairperson Threse Marshall

Committee: Brian King, Sheri Sax, Chris Cooney (alternate)

No report.

SERVICE AND UTILITIES

Chairperson Sheri Sax

Committee: Chris Cooney, Threse Marshall, John Rach (alternate)

No report.

COMMITTEE OF THE WHOLE

Vice Mayor Michele Weiss

No report.

REPORTS OF SPECIAL COMMITTEES, and the taking of action thereon

There were none.

UNFINISHED AND MISCELLANEOUS BUSINESS

There was none.

Motion by Mrs. Sax, second by Ms. Marshall to return to the regular Council meeting

Motion by Mrs. Weiss, second by Mrs. Sax, to adjourn the meeting. On roll call, all voted "aye".

The meeting adjourned at 9:48 p.m.

Jeune Drayton
Assistant Clerk of Council

Michael Dylan Brennan
Mayor