

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
TUESDAY, SEPTEMBER 5, 2023
Meeting was Held at John Carroll University
Dolan Science Center Auditorium**

Mayor Michael Brennan called the meeting to order at 7:05 p.m.

Roll Call:

Present: Mrs. Michele Weiss
Mr. Christopher Cooney
Mrs. Sheri Sax
Mr. Brian King
Mr. John Rach
Ms. Therese Marshall
Ms. Winifred Weizer

Also Present: Law Director Luke McConville
Clerk of Council Kelly Thomas
Finance Director Dennis Kennedy
Police Chief Dustin Rogers
Fire Chief Robert Perko
Economic Development Susan Drucker
Housing and Community Development Geoff Englebrecht
Communications / Civic Engagement Mike Cook

Approval of Council Minutes:

June 5, 2023 City Council Minutes

Mrs. Sax noted that her name was misspelled in a few places.

There were no other additions or correction to the City Council minutes from June 5, 2023.

MOTION BY MRS. SAX, SECONDED BY MS. MARSHALL to approve the City Council minutes from June 5, 2023 with the correction of Mrs. Sax's name. On roll call, all voted "aye," except Ms. Weizer who "abstained".

June 20, 2023 City Council Minutes

The minutes were not ready for review at this time.

MOTION BY MR. COONEY, SECONDED BY MS. MARSHALL to table the approval of the City Council minutes from June 20, 2023. On roll call, all voted "aye," except Ms. Weizer who "abstained".

June 28, 2023 Special City Council Minutes

There were no additions or correction to the Special City Council minutes from June 28, 2023.

MOTION BY MRS. WEISS, SECONDED BY MRS. SAX to approve the Special City Council minutes from June 28, 2023. On roll call, all voted "aye," except Ms. Weizer, Mr. King and Mr. Cooney who "abstained".

July 10, 2023 Special City Council Minutes

There were no additions or correction to the Special City Council minutes from July 10, 2023.

MOTION BY MR. RACH, SECONDED BY MR. KING to approve the Special City Council minutes from July 10, 2023. On roll call, all voted "aye," except Mrs. Weiss and Mr. Cooney who "abstained".

August 15, 2023 City Council Minutes

Ms. Weizer asked that her comments in relationship to Agenda item “C” Ordinance 2023-40 be placed in the minutes. “Ms. Weizer said that she was not in favor of bringing in people from outside the city being appointed to the Architectural Review Board because of the unique nature of University Heights.”

There were no other additions or correction to the City Council minutes from June 5, 2023.

MOTION BY MRS. SAX, SECONDED BY MS. MARSHALL to approve the Special City Council minutes from August 15, 2023. On roll call, all voted “aye,” except Mr. Cooney who “abstained”.

Additions and Removals from the Agenda; Referrals to Committee

There were no additions, removals or referrals to committee.

Comments from Audience

There were no comments from the audience.

Reports and Communications from the Mayor, and the taking of action thereon:**Mayor’s Report**

We have had a busy summer here at the City since the last regular meeting of June 20, 2023. In the interests of time, this mayor’s report is not going to be a comprehensive back to school essay on “what we did last summer.” There is still much to cover.

On June 28, we began installing the new City signs at the primary and secondary city gateways. These signs bear the mosaic branding, these signs having been designed in 2019 shortly after we developed and began implementing the mosaic brand in 2018 – my first year in office. The priority one signage program is nearly complete, with 2 gateway signs left to install, the rest of the Walter Stinson Community Park signage to install on the west end of the park, and a punch list of items relating to the installation and placement. From residents and visitors we have had nothing but positive response to the signs, their design, and their fabrication, and installation. The renewed sense of civic pride is palpable. We look forward to the development of the next phase of the program which will include new signage for City Hall and Purvis Park, among other wayfinding and placemaking signs.

Front Desk Receptionist

The City has created a new position, Front Desk Receptionist, and posted it on the City website. The job posting ran in Sunday’s Plain Dealer, and will appear in the Sun Press this Thursday. It is online in the Cleveland.com classifieds. And the job posting has been shared on LinkedIn.

This is a new position that replaces and incorporates the duties of the Phone Operator. This position will be in Administration, rather than in the Service Department. I would like to take this time to thank our Service Department colleagues and Laborers 860 who worked with the administration collaboratively on an MOU to allow us to reimagine the former phone operator position as a new position that works in Administration.

The Front Desk Receptionist will answer the main phone line, direct callers to the departments that may assist them, greet visitors to City Hall, among other responsibilities. This person will be the first person they see when visitors enter the City Hall building. The successful applicant will be personable, friendly, and have strong customer service skills.

I am sharing this tonight for several reasons. First, to keep you apprised. We serve our constituents better with a live person answering calls. We do not expect every caller to know what department in the City can best assist them, and a phone tree cannot provide the assistance that a live person can. Second, having someone whose job it is to receive visitors to the building is essential in how City Hall receives visitors during regular business hours. For more information, visit the employment page on the city’s website. We will accept and consider applications until the position is filled.

This is the first regular meeting of council since Mr. Ciuni and GPD provided their notice of resignation effective at year end, so I am providing this for the record [read memo of July 25, 2023]

On Monday, July 24, 2023, I met with Joe Ciuni and Mo Darwish of GPD Group. Attached please find a letter hand-delivered by Joe Ciuni and GPD at that meeting.

As you will see from their letter, it is a notice of intention to terminate contract or renewal of Professional Services Agreement with GPD. Neither Mr. Ciuni nor GPD Group will be returning to University Heights in 2024.

As set forth in the letter, and similar to former Service Director Jeff Pokorny's departure, Mr. Ciuni and GPD will not be attending any further City Council meetings through the end of this year. As Mr. Ciuni's stipend was in substantial part to cover his attendance, he will be foregoing his stipend from the new pay period through the end of the existing contract.

In discussion with Mr. Ciuni and Mr. Darwish at the July 24 meeting, while Mr. Ciuni was looking to limit his work overall with an eye towards retirement, none of the engineers at GPD are interested in taking on University Heights as a client.

Their disinterest is a direct consequence of two key developments.

First, City Council members' (John Rach and Michele Weiss in particular) disrespectful and unprofessional treatment of GPD professionals at City Council meetings on the facilities and projects these last two years. These meetings are recorded and their conduct verifiable.

Further insults were reserved for unrecorded closed-door "working group" meetings throughout 2022 led by Michele Weiss and John Rach with Mr. Ciuni, Rick Brenner, Stephen Wertheim, and me. The indignities inflicted by Rach and Weiss upon Mr. Ciuni impugning his integrity throughout those meetings were demeaning and ultimately became outrageous and intolerable. This has carried over into even the most recent special meeting of council in Rach's behavior towards Mr. Ciuni.

In short, GPD engineers are not interested in working here under these conditions.

Second, City Council's passage of Ordinance 2023-07. As I stated in my Mayor's Report of March 8, 2023, this ordinance profoundly changed the position of City Engineer – from a *provider* of engineering services to a *manager* of engineering services. Mr. Ciuni stated on the record of the February 6, 2023 meeting that he would resign immediately if this ordinance were passed. In response, the City Council nevertheless passed the ordinance, merely amending the effective date of the ordinance as to the City Engineer to December 31, 2023.

Accordingly, when I issue on behalf of the City the Request for Qualifications for City Engineer for 2024, Mr. Ciuni and GPD have now confirmed that they will not be bidding. They will leave at year's end, coinciding with the effective date of the ordinance. This ends the City's 45-year relationship with GPD and its predecessor engineering firm, and all the institutional knowledge of our City's infrastructure that goes with it.

This unnecessary and avoidable disruption by our Weiss-Rach controlled City Council puts into jeopardy the timely completion of several projects, including the planned redesign of Warrensville Center Road, the joint project with NOACA and Cleveland Heights for the multipurpose path from Cain Park to Walter Stinson Community Park and the JCU campus, among others.

Having a solid, superior and reliable civil engineering firm working for the City promoted stability and progress in our long-term projects – and has since 1978. The arrangement was beneficial and economical to the City. Weiss and Rach's intemperate and obstructive actions have not only ended the relationship, but destabilized these crucial projects.

Joe Ciuni served this City with distinction for over thirty years. I thank Joe Ciuni for his service. I am hopeful a qualified city engineering candidate and firm will present themselves in spite of the conduct of certain current council members.

Unfortunately, Michele Weiss and John Rach's damage to the City's relationship with our current engineers is permanent. It will make the City's recruitment of a new city engineer more difficult. The refusal or inability of Weiss and Rach to work with others has driven away an excellent city engineer

and his firm. This is the latest example of certain council members and council leadership not working with others and undermining the progress of the City.

It has been suggested that Mr. Ciuni did not say on the record that he would resign if the City Engineering position was changed as it was changed. But he did say that. The minutes of the February 6, 2023 meeting, page 12, second to last paragraph, Ciuni stated his intention to give notice. The response by council was to delay the effective date of the changes to the City Engineer position to 12/31/23. And that is now the effective date the Joe Ciuni and GPD's resignation.

I now turn to the Waterstone Medical Building and its condition. This council and the public are generally aware of the run down condition of the property. In general, even after a building fails inspection, the City tries to work with property owners who are actively working to bring their properties into compliance. The principal behind the ownership group of Waterstone Medical Building, Ned Wasserstein, refused. He wrote on his violation notice, that we could take him to court, and that he would fight. So, Geoff Englebrecht referred the matter to city prosecutor Mike Cicero, who brought a criminal complaint for the outstanding building code violations on behalf of the City. On August 9, 2023, Ned Wasserstein pled no contest and was convicted of all 122 counts of Exterior Property Maintenance. The Court fined him \$122,000 in total, and Wasserstein faces up to 18 months in jail. The Court suspended all fines and jail upon the completion of 1 year of active probation and fixing all items to the Chief Building Official's satisfaction. To that end, the Court ordered Defendant Wasserstein and CBO Denis Garcia to meet at the property on or before 8/23/23 to establish a definitive list of items to be repaired/replaced with exacting requirements. That meeting was had, and we await Mr. Wasserstein's repair schedule which he said he would have to us today.

The City Administration takes public safety seriously. Regardless of any possible redevelopment at the current Waterstone site (which remains to be seen, whether it is Chick-Fil-A or something else), the City will not allow the property to remain in a code-noncompliant state. I will not hesitate to ask our prosecutor to review this matter for probation violation and the imposition of sentence if Mr. Wasserstein fails to take action to remedy all 122 violations and bring the building into full compliance.

Speaking of building code violations, I will address the elephant in the room. We are here today at John Carroll University, in the Donahue Auditorium at Dolan Science Center. And not the former Wiley school building, which has served as meeting space for the City since 2021.

On Monday, August 28, the Wiley building failed inspection by our Fire Department on 7 of 8 state fire code items, and failed inspection by our Building Department on 18 state building code items. Following those inspections, the school district advised through a representative that the Wiley building was closed to all outside agencies until the building was made safe.

CH-UH School district employees and contractors, and city of University Heights employees and the City's building department and chief building official, worked all week last week to remedy conditions. On Friday morning, Wiley passed fire inspection, but again failed building inspection. I understand work continued over the weekend. I thank SafeBuilt for getting an inspector out yesterday, Labor Day, to conduct another reinspection. While that inspector passed the building with a limited inspection, he did not have Mr. Garcia's inspection or reinspection notes, and he did not issue an occupancy permit, deferring that to Chief Building Official Denis Garcia. Per the inspector, James Novak, the persons present for the Labor Day inspection were advised to follow up with Mr. Garcia and the building department this morning.

Today after no one contacted our building department to get an occupancy permit, Mr. Garcia endeavored to follow up with the parties. As of this afternoon, there is still no occupancy permit on the Wiley building. While I know of no particular reason why one should not be issued, one has not been issued.

Notwithstanding this last point, I want to thank our fire department, who rose to the occasion even as they were responding to the storm on Friday August 25 – as that was also the first day it was brought to the administration's attention that the school district had entered into an arrangement for Hebrew Academy of Cleveland to hold classes at the former Wiley school for the next 4 to 6 weeks. Likewise, I thank our Building Department and the numerous employees of SafeBuilt who made this a priority item all week, and indeed, even on Labor Day, to inspect and reinspect the work that was done by the school district to bring the building up to code. I want to thank the Hebrew Academy parents who called me concerned that their children were missing school last week over this issue, and for their understanding that the City is here to ensure that state code is followed to assure the safety of some 300 Hebrew academy school children and 75 teachers and staff who would be using the Wiley building. And finally, I want to thank the numerous representatives of the CH-UH School District and of Hebrew Academy of Cleveland, for their efforts this last twelve days.

Finally, with regard to the storm of Friday, August 25, I sent the following message to all city employees on Monday, August 28th:

Good morning.

I want to take this opportunity to thank everyone in the Fire Department, the Police Department, the Service Department, together with individuals in all departments who have contributed in any way to the emergency response since the severe storm in the first morning hours of Friday, September 25.

I especially want to recognize and thank our first responders, who worked through the first morning hours, followed by our Service Department, who came in and then worked on into the night. Rising to the occasion as you did reminds us why we all went into public service. Here in University Heights, everyone part of this critical response exemplified that.

Emergencies of this magnitude challenge us individually. They challenge our residents, dozens of whom are still without power. They challenge the systems we have created and are part of. In the upcoming days, with the situation fully resolved, we will take stock of everything we did well, everything we could improve upon, and apply what we have learned.

[I would note now that those last 98 homes had power restored by Tuesday August 29.]

Hearing from residents since Friday, the acclaim for your response has been universal. I join them in gratitude and say thank you on behalf of all University Heights residents. Thank you.

Thank you, this concludes my report.

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

Mrs. Weiss thanked the City Council members who marched in the Labor Day 11th Congressional District parade and that it was nice to have representation for the district and city there. In reply to the Mayor's statement regarding GPD. Mrs. Weiss said she was stating publicly for the third time and to give a little history about that. There was a discussion about the Professional Service Ordinance with a working group of lay leaders, Councilman Rach, herself and the Mayor, plus Mr. Ciuni many times in a very collaborative manner to try to resolve the Engineering bidding, which has not historically taken place. Council wanted to do this without an ordinance and were very close to the end of that working group with a successful policy and procedure and then in a Council meeting, the Mayor all of a sudden presents a contract that the city's engineer was not an individual anymore, but was a company. And then the Mayor continued to say that the working group was a farce, which was an awful statement considering there were lay residents and everyone was working extremely hard, including the Mayor himself, Council Members and the Engineer. Mr. Ciuni was included in every single meeting for the Professional Service ordinance and Mr. Ciuni agreed to every single piece and part of that professional service ordinance and actually stated that he felt that GPD would be very competitive in the bidding. Mrs. Weiss reminded everyone that a project over \$50,000 is extremely rare in University Heights that comes every three to five years. So, GPD will basically be receiving every single contract. Mrs. Weiss added that she was not sure what happened behind closed doors but no one was disrespectful and Mr. Rach apologized that one time that the meeting got slightly heated. Open meetings have always been respectful and collaborative. And, for the Mayor to say that again it just shows the divisiveness that he has put into this council which does not that have to happen.

Mr. Rach commented that both he and Vice Mayor Weiss were both named he wanted to respond to the Mayor's comments towards the two of them. Mr. Rach said that the Mayor speech was nothing more than a stump speech if you were to ask him. Mr. Rach said that he read through Mr. Ciuni's resignation letter and nowhere in there did it describe anything like the Mayor described. What the Mayor described was not factual but more of an opinion. Mr. Rach continued to say that the Mayor notated several key points here about disrespectful treatment and he (Mr. Rach) believed all the meetings were respectful and that it was unfortunate that the Mayor was usually the most disrespectful in those meetings, as he name called, harassed, threatened to vote certain ways. Everyone else remained very respectful. In the closed-door meetings that were with Mr. Ciuni and residents everybody gave their time and this was all done voluntarily. Mr. Ciuni was very appreciative of those efforts. In the committee meetings, Mr. Ciuni mentioned that he was going to retire and as part of his retirement, he would ask that GPD go forward with submitting a statement of qualifications when an RFQ is done. Mr. Rach said that he saw nothing in the letter that substantiates the Mayor's claims. Mr. Rach notated that the ordinance changes engineering services from that of a Provider to a Manager so it is a little skewed because the contract that the City had with Mr. Ciuni was that of a manager; he was the city engineer, he had a fee to do city engineering services, anything above and beyond that he submitted a proposal because it was not part of the scope. When Mr. Ciuni wanted to provide engineering services, and it was not part of his scope,

he submitted a proposal. The desire was to correct some of that behavior in which that were not aligned with the State of Ohio's laws. The State of Ohio is very clear that professional services over \$50,000 must be done in a competitive and public manner and that had not been done. So, the ordinance was to correct that. Mr. Rach said that the Mayor notated the 45-year relationship with GPD, which everyone appreciates. But, this relationship without ever competing for the work, without ever submitting a proposal in a competitive manner. There are dozens and dozens of engineers in the county within the county who can respond to the city's work. Mr. Rach added that he looked forward to the RFQ for engineering services that the Mayor mentioned. And when that comes forward, Mr. Rach said he would move that council moves it to committee, so that the facilities and infrastructure subcommittee can review the RFQ to ensure that it aligns with the city's ordinance and so it is fair and competitive for all engineers to compete for.

Mrs. Sax commented that being at John Carroll University was a breath of fresh air from being at Wiley. It has been brought up several times that an alternate site would be appreciated and Mrs. Sax believed that the Vice Mayor invited the administration to check out Bellefaire, John Carroll and possibly other places and then report back the findings. During the meetings at Wiley everyone has been frozen from the lack of heat, boiled from the lack of air conditioning, seen what looked like maybe more than the ceiling tiles and things falling off the ceiling. The room and desk were flip/switched around because the sound did not work, that actually poses an obstacle to public meetings. When the Zoom or the streaming isn't working that is an obstacle. Mrs. Sax stated this was the first time she heard in a public meeting about the condition of Wiley and she found it interesting, at the very least and at the very best the timing of this of the Mayor looking into Wiley as a public health hazard. What about for our public?

Mayor Brennan offered some clarification. First to Mrs. Sax's point on Friday, August 25 around 2pm is when the school district requested that the city conduct inspections of the property. Those inspections were conducted the following Monday. With regard to this facility or working with John Carroll, working with Bellefaire. The Bellefaire facilities were visited and although nice they really were not suited for what the city was looking to do, at that time John Carroll was not in a position to offer rooms. Mayor Brennan said he made a personal plea to John Carroll following the closure of Wiley last week and asked if they could help the city out for the following week and here we are. There was talk that something might need to be done beyond that because it was uncertain at that time, what was going to happen with regards to Wiley. Whether the building was even going to be fixed, let alone ultimately pass inspection. It was not known at that time how long we would be out of the building. Mayor Brennan continued to say that as it was that evening the School District did not an occupancy permit for Wiley so the Mayor was glad that they followed through with finding an alternate location and sticking with it. It will be determined sometime between now and the next regular council meeting whether the meeting will be in this room or in a different room at John Carroll, back at Wiley or somewhere else. As for what Mr. Rach brought up Mayor Brennan stated that he was not taking the RFQ to the Council committee for review. The hiring of the City Engineer is with the province and discretion of the Mayor. The Mayor will be issuing the RFQ, interviewing and following the process consistent with the Ordinance that was passed. And, then bringing a recommended candidate to the City Council sometime before the end of the year. Mayor Brennan stated that Mr. Ciuni emailed him following the memo he wrote and that there had been some dispute over the veracity of what he said. Mayor Brennan said that Mr. Ciuni's own words were; Thank you, Mayor. I was contemplating same similar words at some point. But I could not have said it better than you just did. As we said in the meeting, we will assist you with the process to hire an engineer and I will always be available to you for the continuity of service, and to provide any institutional knowledge I have for whatever matter may arise.

Ms. Weizer said that she has known Mr. Ciuni since 1995 and she thought that turning his retirement into a political football was demeaning for the man for the work he put out for the city. He did a lot, he was not perfect, none of us are, but what he did, he did in good faith. He worked for the Mayors of the city, he cut corners when it was necessary to cut corners around the year 2005/2006 and that is why only 10% of the curbs were replaced when the streets were resurfaced, the funds simply were not available for that. Mr. Ciuni did what was within the city's operating budgets. Ms. Weizer added that she had not seen a resolution from the city administration nor city council thanking Mr. Ciuni for his service and that she would hope that council would prepare a resolution thanking Mr. Ciuni for what he did for the city in all the years he has services the city.

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

Mr. Kennedy reported that there the Finance Committee would be holding a meeting the following week. Mr. Kennedy also provided an update in regards to the Regional Income Tax and Property Tax collections thus far and stated that the annual property tax assessments would be heard later in the meetings.

Law Department – Luke McConville

Mr. McConville stated that regarding the University Square bankruptcy litigation. A hearing was originally scheduled for today to address several issues, including principally the proposed schedule for the litigation that will establish a date for the auction and sale of parcels in bankruptcy, or parcels under the purview of the trustee bankruptcy. At the end of last week, the bond holders filed a motion to continue that hearing to allow for additional negotiation with both Target and Macy's in the hopes that through that negotiation, they cause Target or Macy's to agree to the schedule of events. The Court granted that motion and the hearing has been rescheduled to next Tuesday, September 12.

Mayor Brennan asked Mr. McConville what the schedule generally looked like with regard to the sale of University Square.

Mr. McConville replied that in looking at the proposal that was put before the court the schedule is very aggressive with the calling for both the auction and sale to be completed before the end of the year.

Service Department – Allen Pennington

Mr. Pennington reported that the department is continuing the clean-up of brush from the storm. The department also collected spoiled food from households during the power outage.

Economic Development – Mrs. Drucker

Mrs. Drucker reported on the summer activity for the city businesses. On August 20th Bialy's Bagels had a soft opening for the expansion of a sandwich shop at 2267 Warrensville Center Road. Green Road liquor store at 2181 South Green expanded their area into the adjoining space at 2179 South Green that was the former Bar None. The Happy Buddha also expanded their to the adjoining space at 2173 and 2171 South Green. Family Dollar, 13470 Cedar Road completed a full interior renovation. Love My Hair at 2259 Warrensville expanded her space to 2261 Warrensville and is now a cosmetology school as well as wig business. Clean Eating, 2263 Warrensville have had all their permits closed out, but there still is not an opening date. The garage at 13485 Cedar Road has a fence, which will also be redone, around it and they are making some improvements to the parking lot and to the exterior of the building. The garage did have permits that were issued back in July 2022 for building renovation, but they are now expired so any interior work will require resubmittal to the Planning Commission before work can start. The Sauce, 13888 Cedar Road has been temporarily closed due to a mechanical failure. The Knez Townhomes on South Taylor have their rough mechanicals completed and they are starting the drywalls. Once that is done they will start hosting open houses for the sale of the completed units. Boston Market on Warrensville Center Road closed in August and there is a lot of interest in that site.

Mrs. Sax asked what was the timeline for the Knez Townhomes and asked if Mrs. Drucker knew why they started on Wynn Road and not South Taylor.

Mrs. Drucker replied that as Knez sell the units, they will build more units and they probably started on Wynn Road because the units that face South Taylor will be more custom design with the roof pitch depending on what the buyer wants. Otherwise Mrs. Drucker did not have a specific timeline, but stated that she kept in contact with them.

Ms. Weizer noted that some of the commercial work is being done without permits and asked if there was a way to remind them do obtain the appropriate permits.

Mr. Rach asked Mrs. Drucker if she knew if any of the units had sold yet because in looking online he noticed that they were asking \$569,000 per unit and if they can get the price it would be great. But when Knez presented the project to the Planning Commission and City Council they sold everyone on that plan that the units would sell for \$300,000 each. Mr. Rach said that gave him a little bit of a concern right now, since they just doubled the price out of nowhere, and maybe that's the market but maybe not because they haven't sold. Mr. Rach asked Mrs. Drucker if she could find out if the \$569,000 was the

true market price of if Knez planned on honoring the \$300,000 they sold the city because the city owned and sold the land to Knez approximately \$1000 per parcel.

Mrs. Drucker replied that she was not going to speak for them, all she could say was that at the time they presented, which was before COVID they were pricing the units between \$300,000 and \$400,000. Mrs. Drucker said she did not think even in the development agreement that the city could control what their asking price is. The asking price is their right.

Mr. Rach stated that the plan was for Knez to build four units at a time and once those four were done move on to the next four. Mr. Rach concern was that with the selling price being \$569,000 and if they did not sell then Knez would have all the land with four empty units. What the Community Investment Corp. wanted to do was turn the space into 30 townhomes at a market rate. If it will take longer than 24/36 months to move the 30 units because of the asking price that is something Mr. Rach felt the city had some control over.

Mrs. Drucker stated that Vice Mayor Weiss had brought that to her attention and when she approached Knez the response was that all the supply cost had increased and that they were also having supply chain issues thus the increase of selling cost. Mrs. Drucker said that she would follow up with Knez regarding the cost of the units.

There were no other department reports.

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

A. Ordinance 2023-48 Authorizing the Mayor to Enter into a Managed Services Agreement with Starfish Computer Corporation, and Declaring an Emergency (on emergency)

Mr. Patrick Hanrahan, Starfish Corporation was present to answer any questions and noted that both Starfish Corp. and the city agreed with the contract terms.

Mrs. Weiss acknowledge the recent acquisition with MSM Technologies and asked how that would affect to agreement with University Heights.

Mr. Hanrahan replied that no adjustments or downsizing occurred with Starfish and that Starfish was gaining additional engineers which would only enhance the service University Heights receives.

Mr. McConville summarized the most substantive changes in the agreement. A municipal corporation can only provide an indemnification to a third party that appropriates funds for that purpose. So as a practical matter, cities in the State of Ohio take the position that they cannot indemnify. That was explained to starfish and all parties agreed to having all the identification language removed from the contract. In addition to that, the early termination fee without cause that provision was also we negotiated. It originally called for a payment of the total amount left for the remainder of the contract, that was negotiated that down to a six-month timeframe. The renewal percentage for the cost of the contract was negotiated down from 5%, to 2.5%. There were several other substantive changes made that the city requested.

MOTION BY MR. KING, SECONDED BY MS. WEIZER for the Passage of Ordinance 2023-48 Authorizing the Mayor to Enter into a Managed Services Agreement with Starfish Computer Corporation on Emergency. Roll call on the suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."

B. Motion Approving Emergency IT Support and Service from Starfish Computer through September 5, 2023 in an amount not to exceed \$1,252.50

Mayor Brennan reported that was intended to serve as a bridge for the gap in time between the contract with Starfish being signed.

MOTION BY MRS. WEISS, SECONDED BY MR. KING approving Emergency IT Support and Service from Starfish Computer through September 5, 2023 in an amount not to exceed \$1,252.50. On roll call, all voted "aye."

C. Resolution 2023-41 Levying Tax Year 2023 Special Assessments in the amount of \$4,000,000.00 for The Core Retail Parcel in the University Square Development, Permanent Parcel No. 721-01-001, and Declaring an Emergency (on Emergency)

Mr. McConville stated that the assessment amount of \$4 million represented the shortfall between the amount of payments and low taxes or credit payments that were received by the owner of the property which also happens to be the bondholders and the amount of indebtedness over the TIFF. It is the owner's right to levy these assessments on an annual basis to the extent that there is a shortfall. Unfortunately, this has become a habit. And in this case, owners have an additional purpose for Readiness Assessment, which is to further demonstrate to Bankruptcy Court the need for the sale of the property. Mayor Brennan received correspondence from the bond holders directing the City to levy those assessments, and the City is contractually bound to do so.

Mr. Kennedy added that once this and the other Special Assessments are approved by Council he will file them with the Cuyahoga County Fiscal Offices.

MOTION BY MRS. WEISS, SECONDED BY MS. MARSHALL for the passage of Resolution 2023-41 Levying Tax Year 2023 Special Assessments in the amount of \$4,000,000.00 for The Core Retail Parcel in the University Square Development, Permanent Parcel No. 721-01-001, and Declaring an Emergency. Roll call on the suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."

D. Resolution 2023-42 Levying Tax Year 2023 Special Assessments for the Cost of Constructing, Maintaining Repairing, and Cleaning of the Sanitary Sewer System within the City, and Declaring an Emergency (on emergency)

Mr. Kennedy stated that this was an annual assessment resolution and that there is no increase in rates. The resolution also incorporated all the agreed upon changes with John Carroll University based on the properties that John Carroll University owns.

Mr. Rach noted that when the Equalization Board ruled on all of the parcels that are part of the John Carroll University property did anybody follow up to see if those particular parcels were still considered single family homes for the purpose of renting or duplex? or have any of those particular parcels been reprogrammed for education or administrative use?

Mr. Kennedy stated that he has verified each of the parcels in accordance with the terms of whatever agreement applies extending the agreement to last year. There was one parcel that the school sold so it was reinstated at the original base rate for that particular parcel as opposed to the lower rate that was contained in the agreement.

MOTION BY MR. MARSHALL, SECONDED BY MR. KING approving Resolution 2023-42 Levying Tax Year 2023 Special Assessments for the Cost of Constructing, Maintaining Repairing, and Cleaning of the Sanitary Sewer System within the City, and Declaring an Emergency. Roll call on the suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."

E. Resolution 2023-43 Levying Tax Year 2023 Special Assessments for the Cost of Street Lighting Within the City of All Designated Properties Served by Street Lights at the Rate of Eighty Cents (\$0.80) per Frontage Foot and Declaring an Emergency (on emergency)

Mr. Kennedy stated that there was no change in the special assessment per frontage foot in comparison to prior years going back to 2019.

Mr. Rach asked what was the solvency of this fund because he remembered that in past years that there was more money going out of the funds than going into these special assessment funds.

Mr. Kennedy stated that Mr. Rach was correct and that some of the funds have been subsidized by transfers from the General Fund. The eighty cents per one foot is not sufficient to cover the increases that have happened over the past four or five years of streetlight so that would have to be taken under consideration spring of next year.

Mr. Rach said he did not want to see a change in the resident's taxes but that is something that can be looked at in the Finance committee meetings to see if an adjustment could be made to a different fund such as the shade tree fund to offset some of the increases. Is there any way that the city can lobby First Energy to replace the street lighting with LED lighting or something more economical, more efficient and more sustainable?

Mr. Kennedy replied that he would probably be presenting an agreement with NOPEC to Council for review at the next council meeting.

Mrs. Weiss asked if there were any plans for First Energy to replace the street lights with LED lighting when the bulbs need replacing.

Mayor Brennan replied that the agreement calls for when a street light requires replacement they are replaced with LED lights. This is because the other lights are no longer manufactured thus there is a gradual change over to LED lights.

Mr. McConville noted that the city had entered into a MOU with the acronym PCFO Power Clean Future and that he would see if there was any funding for the city to reduce the energy cost.

Mr. King commented that he had spoken with PCFO last year and they provided some initial information of what other communities have done. Mr. King agree that the city should revisit with PCFO.

MOTION BY MRS. WEISS, SECONDED BY MR. RACH approving Resolution 2023-43 Levying Tax Year 2023 Special Assessments for the Cost of Street Lighting Within the City of All Designated Properties Served by Street Lights at the Rate of Eighty Cents (\$0.80) per Frontage Foot and Declaring an Emergency. Roll call on the suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."

- F. Resolution 2023-44 Levying Tax Year 2023 Special Assessments for The Cost of Planting, Maintaining, Trimming, and Removing Shade Trees at the Rate of Seventy Cents (\$0.70) per Frontage Foot, and Declaring an Emergency (on emergency)**

Mr. Kennedy stated that there were no changes in the rates.

MOTION BY MR. KING, SECONDED BY MR. COONEY approving Resolution 2023-44 Levying Tax Year 2023 Special Assessments for The Cost of Planting, Maintaining, Trimming, and Removing Shade Trees at the Rate of Seventy Cents (\$0.70) per Frontage Foot, and Declaring an Emergency. Roll call on the suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."

- G. Resolution 2023-45 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions (Lawn Care) at Various Locations Throughout the City of University Heights and Declaring an Emergency (on emergency)**

Mr. Kennedy explained that this resolution applies to unpaid fees that residents and businesses have been billed for in the City of University Heights according to Ohio Revised Code. Mr. Kennedy said that the city provides notice of the in advance of the final assessment for anyone who delinquent in paying any of the charges that were assessed for grass cutting, brush removal, general maintenance or additional penalties that were assessed. Persons can pay any time prior to the filing with the county to have their names removed off the list; otherwise the city has the authority to place the charges on the property tax bills for next year for collection. All of the violations have been noted by the Housing Department and bills were sent out.

MOTION BY MS. WEIZER, SECONDED BY MS. MARSHALL approving Resolution 2023-45 Levying Special Assessments for Providing City Services in the Removal of Nuisance Conditions (Lawn Care) at Various Locations Throughout the City of University Heights and Declaring an Emergency. Roll call on the suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."

H. Resolution 2023-46 Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax levies and Certifying them to the County Fiscal Officer (on first reading)

Mr. Kennedy reported that this resolution was based on the tax budget that Council approved in late June that was filed with the County in July and proposed property tax rates of five mills. This combination offset is 13.15 mills. inside millage is 4.05 and outside millage is 9.15 is 13.2 mills total. There is no increase in these proposed rates prior years.

Ms. Weizer commented that she thought that in the 1970's the city passed an ordinance that dedicated funding for paramedic training and asked if that has somehow disappeared.

Resolution 2023-46 Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax levies and Certifying them to the County Fiscal Officer was placed on first reading.

I. Ordinance 2023-47 Amending Ordinance 2022-69 Authorizing Permanent Appropriations Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2023 and Ending December 31, 2023 and Declaring an Emergency (on emergency)

Mr. Kennedy stated that the appropriations were adjustments necessary for things that have come up since the passage of the budget last year, which was passed prior to the end of 2022. In reviewing the some of the adjustments Mr. Kennedy said that there was an increase in the General Fund for \$1,332 to support the expenses for the County Health Department. The Recreation Fund had an increased total of \$27,602.10 for the additional funding that was appropriated for the Juneteenth event and \$4,444 grant received for the Fall Fest because that is considered as revenue. There is an increase for the Civil Service Commission, \$11,000 to cover the payment of testing and evaluation fees for safety forces and promotion processes, the budget this year did not contemplate those fees. There is an approximately \$80,000 needed for fuel cost for the remainder of 2023. The new total budget with approval all the requested adjustments would be \$23,117,787.57.

MOTION BY MS. MARSHALL, SECONDED BY MRS. SAX for the approval of Ordinance 2023-47 Amending Ordinance 2022-69 Authorizing Permanent Appropriations Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2023 and Ending December 31, 2023 and Declaring an Emergency. Roll call on the suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."

J. Motion to Approve 2023 Road Program Change Order for C.A. Agresta Construction regarding August 24, 2023 Tree Storm Damage on Ashurst Road for an amount not to exceed \$8,000

Mr. Pennington reported that during the most recent storm the property at 2567 Ashurst received damage to the curb, tree lawn and sidewalk from the uprooting of a tree. The best and most efficient way to address this situation was to have C.A. Agresta who was already doing work in the city to handle the repairs as opposed to using the city's emergency contractor Nerone who would charge a mobilization charge of \$4,000 in addition to whatever work they would perform.

Mr. Rach asked if there was a line item in the original contract with C.A. Agresta for contingencies that could absorb this change order.

Mr. Pennington replied that the amount of remaining contingency was not enough to cover the \$8,000. But since Mr. Ciuni was managing the project he did not have the exact itemized listing but the final change order to adjust the quantities would be at with the final project costs.

Mr. Rach clarified his question by noting and asking if there were changes made either in the field, either by owner requested changes or unforeseen conditions that had happened. Mr. Rach asked Mr. Pennington if he was confirming that this was not the first change order.

Mr. Pennington replied that this was not the first additional work that has occurred but that nothing had been done as far as a change order because those are typically done at the end of the project as the final adjustment of quantities.

MOTION BY MR. RACH, SECONDED BY MR. KING to Approve the 2023 Road Program Change Order for C.A. Agresta Construction regarding August 24, 2023 Tree Storm Damage on Ashurst Road for an amount not to exceed \$8,000. On roll call, all voted “aye.”

K. Ordinance 2023-50 Approving the Renewal of the Jail Contract with the Solon Police Department on emergency

Police Chief Rogers stated that this was specifically discussed at a Safety Committee meeting prior to this Council meeting. The new agreement extends the Solon jail contract an additional three years at an annual rate of \$80,800 which is the same base price that has been in place for the past four years. Chief Roger reported that the agreement would require the city to appropriate \$110,000 for the Solon jail services. For the past six years the Solon jail has been providing effective efficient professional jail service filling the city’s prisoner housing needs.

MOTION BY MRS. SAX, SECONDED BY MS. MARSHALL approving Ordinance 2023-50 Approving the Renewal of the Jail Contract with the Solon Police Department and Declaring an Emergency. Roll call on the suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”

L. Ordinance 2023-49 Accepting A Proposal from SCS Engineers for Consulting Services to Develop a Plan for Implementation of Loose Recycling for \$28,500 and Authorizing the Mayor to Enter into a Contract on the Terms and Conditions Set Forth in a Certain Proposal and Declaring an Emergency (on emergency)

Mayor Brennan stated that packet a revised proposal dated August 18 2023. There have been a couple of revisions since the initial proposal from March 28 2003 and presented at the first council meeting in April. This is a subsequent revision to that. Mayor Brennan added that he thought that it was worth going over for the record as to how it got to this point. Back in 2019 the City engaged GT Environmental to do a solid waste study to update a previous study that have been done approximately 10 years prior with regards to waste collection here in the City of University Heights. Numerous recommendations were made for the analysis of costs, analysis of the need to improve the city’s recycling. The bottom line recommendation was a recommendation to convert to curbside automated for rubbish and recycling pickup. There is a draft report dated for July of 2019. There were actually some change orders and discussion about paying those change orders. There was a final report issued in May of 2020. The total amount paid to GT environmental for the 2019 and 2020 work \$70,153.75. Since that time, there has been extended discussion about whether implement the recommendations of solid waste solid reflecting nationally recognized best practices or to do something else. The city has been engaged in a pair of surveys in 2022. One was paid for by the County Solid Waste District at no costs to the city that survey was conducted RRS industry professionals with regard to solid waste and recycling collection. Another was paid for by the City's CIC and then the CIC was reimbursed by the City Council, that particular survey cost \$8,960.41. The CIC founded that money and eventually the City Council reimbursed the CFC for that. Mayor Brennan thought for the benefits this particular discussion, that since that time, numerous changes have been observed within our own community with regard to cost of recycling. In September of 2020 City Council adopted a bid on recycling from Kimble. At that time, the cost of the recycling was \$96 per ton with certain escalators. It was controversial and not all council members voted for it. It did ultimately pass, not on emergency bases but with the bear vote of four. There was a period of time in October, 2020, when the city had no recycling program as we have no contract in place for the processing of recycles. Nevertheless, there is a commitment by the elected officials in the city to proceed at that time with continuing the program, rather than ending the program. And for that, Mayor Brennan said he appreciated for all those who voted later. Since that time Mayor Brennan said he was reelected and sought to engage in a compromised position with regard to collection because it is essential and needs to be provided. This is in ordinance 2023-05, where this particular proposal is to help implement that it is necessary that we convert from bagged recycling pickup to loose recycled paper. There is currently just one MRF that processes bag recyclables, every bag is thrown away in that process those bags themselves one time use plastic bags represent a contaminant in the recycling stream. And most of the other modern MRFs (material recovery facilities) do not process plastic bag recycles at this point. Going to Kimble means some other limitations; although the glass that is collected, sent to Kimble and referred to as being recycled is not actually recycled. It is reused, crumbled and turned into an aggregate for pavement. For people who would prefer to see the glass which is entirely recyclable

actually be recycled keeping the program is not consistent with wanting to see glass recycled in the city. A couple years ago the city sent out recycling magnets going over what the core collection items were for recycling in University Heights. Of the five core items listed, Kimble no longer recycles cartons, such as milk cartons, half and half cartons. Those items used to be recyclable in University Heights but they no longer are recyclable in University Heights, but are in Cleveland Heights. Not as long as Kimble handles the recycling. In Cleveland Heights they have nine core items that they can recycle because they have loose recycling that is picked up curbside by Central Waste Management. Waste Management also pays Cleveland Heights for their recyclables. Beginning October 1, University Heights will pay over \$185 a ton to have our recyclables processed under Kimble's arrangement. The movement towards loose collection pickup is called for and technically Ordinance 2023-05 does seek to do that. That ordinance was passed on emergency this past February by a 5-2 vote. Two of the council persons that that opposed it are still here on this council. Two of the five members that passed it on emergency are no longer on this council. And though the ordinance calls for the collection of loose recyclables, it goes additional step unlike any other community I've seen, where it mandates that the collection of those loose recyclables is to be done in the backyard. There are only two other communities on the east side of Cleveland that still have backyard collection, neither of them has an ordinance that mandates that. It is done by administrative customs and supported by their city councils by ensuring that there is money and resources appropriated for performing the collection in that way. That being said, the city now has an ordinance that mandates the collection of loose recyclables in the backyard, but without any plan to actually implement that. Mayor Brennan continued to say that while he did not veto or sign ordinance 2023-05, he nevertheless deemed it as his duty to seek out assistance in determining a plan for how to implement this particular ordinance because there was no plan in place, no plan proposed, no funding actually provided, no appropriations done to do any of this work. It was the supporting opinion and also the opinion of Mr. Pennington that additional equipment and labor will be necessary to implement this ordinance. And, because it is such a unique ordinance, the administration is not seeking outside consulting to help provide what is generally an off the rack solution with regard to implementing a national best practices collection, which would be curbside automated. We are seeking to have something very unique done here and thus the administration sought the assistance of SCS engineers, Stacy Demarest and Tony Puccio. Their initial proposal had less items and some things were added at the committee level. Mayor Brennan added that he was very hopeful that there will be loose recycling collection soon. In Cleveland Heights, once they had their curbside automated recycling collection program fully in place the fourth quarter of 2022, their recycling increased by 70%. And University Heights can have that kind of resolved here if we are willing to do what it takes to pick up those recyclables appropriately. And ultimately able to switch to a MRF who will accept those nine items recyclables that Cleveland Heights is able to put out versus the four or five or six that University Heights have. The proposal is to spend \$28,500 to seek assistance from SCS Engineers to help University Heights implement Ordinance 2023-05.

Mrs. Sax also went over the history of Ordinance 2023-05 and said yes, the GT Environmental 2020 study was done for \$17,000. Mrs. Sax stated that she spoke with Mr. Jim Skora, who composed and carried through the study. The study was not conclusive of curbside automated collection. The second recommendation out of seven, right behind education and awareness was customer service, and it emphasized it was a priority order of recommendations and that it was necessary to do customer service to ask our residents via survey, what method they would prefer, how they would like the trash to be collected. Continue in the backyard or side door, or, alternatively, at the curbside? Two surveys were sent, each one came up with three items that were preferred by most of our residents. Number one was to maintain backyard/side door collection, number two was improving recycling, and number three was to maintain the service staffing levels. With that information there was a Service and Utilities committee meeting on January 4 and all of the items in Ordinance 2023-05 were approved unanimously based on what the residents wanted. Council serves the residents and there is a way to achieve all of those things. As far as the ordinance not having a planning component, the council has been accused on numerous occasions of overstepping its bounds into the executive branch of government by doing such things as planning. Planning this up to the administration to be able to implement the ordinances. Council's job is two things; to legislate and to appropriate. It is then up to administration to execute. Mrs. Sax stated that her professional career is in planning and implementation of new programs; is this something she could present? Absolutely, but it would be inappropriate. The word curbside refers to residential property. It refers to the preferred method of achieving improved outcomes of recycling, where the city will go to the residential property to collect the recycling materials as opposed to a recycling desert. In order for residents of those communities to recycle materials, they have to go to a different location, whether it's a different location in their city, outside of their city, regional, whatever. When we say curbside, we say back yard, if we're using it correctly it just means on the residential property. So, collecting the trash, the rubbish recycling, at the back yard or side door is actually a preferred or premium method. Mrs. Sax said that she has spoken to and visited people at all levels and several municipalities of the 59 in Cuyahoga County. This was done via on the phone, emails to the Solid Waste District. When you compare the annual reports from 2020, 2021 and 2022 you see mostly either the same or worse, recycling rates, not of the yard waste, but of the percent recycled materials in most of the

municipalities. Thus, the case still needs to be made for if automated curbside or curbside really improves the recycling rate. Mrs. Sax said that she was saying that the data does not support it and she would love for somebody to present it to her otherwise at any level. But regardless, Council is going to move forward with what the residents want and it can be done. Mrs. Sax said that she would hope that there is constant education awareness and updates, which is the number one recommendation of the Solid Waste Study. It was at a Spring time Service and Utilities committee meeting shortly where Council was able to talk Mrs. Demers about consideration of expanding her presence in her due diligence, from a phone call or two to actually coming on site coming to University Heights for the full four days of rubbish collection. At that time, it was a brought back to council and Councilman Cooney suggested we table it until the new Services Director was hired because perhaps that person would not be able to plan it on his or her own with that type of experience and knowledge in Service Department Management. Mrs. Sax said that she had since had the honor to meet with Mr. Pennington and while Mr. Pennington has a good career as an Engineer with municipal experience, this is the first time as a Service Director. Mrs. Sax said that she asked Mr. Pennington if he had an opportunity to read through the SCS contract, and asked if he would prefer to try it on his own or have that assistance. And he said the SCS contract would be helpful. After considering everything for about a week, Mrs. Sax said she sent the Mayor and copied Council, the Law Director and maybe Mr. Kennedy, her thoughts about this contract and in her decades of experience with planning and implementing successful new projects she finds from her experiences, whatever it is rubbish collection, programs for the elderly, all kinds of things that the best way to do that is to look at the entire operation, because the efficiencies and effectiveness, cost efficiencies and other can only really be understood when the whole operations. In looking at the collection of rubbish Monday through Thursday mornings, what is going on in the afternoons, what is happening on Fridays? How could there be more efficiently and effectively implemented? Does it make sense maybe to have recycling collection on Fridays and maybe every other week or maybe Sunday? With staffing and equipment issues perhaps there are things that have to be adapted and to look at it through the entire holistically may make the most sense. Mrs. Sax added that she did not want to table this but it doesn't fit. We need to go forward with SCS, but at this point, Mrs. Sax wanted to see Mrs. Demers come on site for a full week to see the entire Service Department operations and work together with Mr. Pennington and the administration to give the best most effective, most efficient program that is possible and in the spirit of doing what is what are right servants one, and in doing what our Earth needs.

Ms. Weizer commented that she thought that the people have heard so much about garbage that when you talk to them they are tired of hearing about it. Ms. Weizer added that she thought that Council person Sax's idea could actually help the entire Service Department and all of its operations and with that it might be a very good idea because we will find out if it is cheaper to continue to outsource sewer work as we do now, versus attempting to purchase equipment and use man hours to do that work. A large portion of the savings from the 2019 Study depended upon eliminating the four positions. Mayor Brennan has said no, no, we can't eliminate those positions, we will just move them and have them do other things. But we very validly need to find out if that is as efficient as you wish the Service Department to be. Number two, Ms. Weizer said she looked at houses in Cleveland Heights and chose not to live in Cleveland Heights. Noting she could appreciate that the Mayor had a fondness for Cleveland Heights, and how Cleveland Heights does things. However, the Mayor also talks about the uniqueness of University Heights. But then proceeded to tell us that we all should be likely Cleveland Heights. Ms. Weizer said she thought that everyone needs to get really clear where they live. Ms. Weizer stated that the Mayor talks about sustainability but she teaches sustainability. Studies have begun to show that what we gain towards climate control by recycling is marginal. It is at the edges, it is not a huge return. Yes, we should recycle. We need to get rid of plastic. And we were back to the old days of actually doing deposits and glass bottles. But the Ohio legislature does not want us to do that either. So, we are going to have to find ways to do things that can be compromised. We have debated the back yard versus curbside pickup for years. Ms. Weizer asked the Mayor if he was so dedicated to this, why didn't he put it on the ballot? Instead of playing with surveys and spending a lot of time talking about it. Because that would have resolved it once and for all. When the survey was done and the council approved it, Ms. Weizer said she really thought it was going to come back for curbside, which it did not. All that said was that right now the taxpayers in the city, at least a large portion of them still do not want to let go of an amenity called backyard. The city has a pool, this is an amenity a lot of people don't use. Should we get rid of that, would that make it efficient? How much money do we pay per year for the pool? Have we begun to even plan to replace some of the pool? There is a tremendous number of things that should be focused on outside of garbage.

Mr. Rach said that he has talked to neighbors and what on everyone's mind right now is that they don't want to lose their amenity. Council is so close right now with ordinance 2023-05 to get us to where we need to be for backyard pickup loose recycling and it is something that Council actually agrees with the Mayor on; wanting loose recycling, it will be more environmentally friendly and save cost. Mr. Rach said his concern at hand was when you bring in a company to do a review for \$28,000 but the Mayor rhetoric supports a different outcome such as curbside collection, then Mr. Rach was worried that they are not

doing this in good faith. Why should the taxpayer pay \$28,000 for a study that the Mayor is not in support of. Mr. Rach stated that he wanted to move forward with this and that he would like to see what systems can be done to improve and to put together a plan for the Service Department. Mrs. Sax mentioned she like to have SCS here for a week and he supports that. SCS proposals states that as requested by the City Council, they will observe existing trash and recycling collection operations for four days, focusing on neighborhoods with larger families, and higher waste quantities. Questions on how the collection system could be more efficient would be solicited from a collection staff during this time. So, SCS has every intention, at least according to the proposal to do that.

Mr. King commented that SCS Engineer and Consulting are an environmental company who was contracted to review the solid waste aspects of the Service Department. Mr. King thought that they were getting away from the scope of what SCS proposed, and possibly what their capabilities are by expanding it to be the entire scope of the Service Department. Mr. King recommended that if they wanted to move forward with this, that they look at it as it stated on this evening's agenda.

Mr. Cooney stated that his concern was that they would be spending nearly \$40,000 without changing the method of pickup. It is costly, it is labor intensive, it is inefficient and it is outdated. Quite frankly many surrounded by communities have gone to curbside pickup and taken advantage of the efficiencies and improved work and conditions. Mr. Cooney Councilman said that he appreciated Council person Sax for the work that she put in to try and improve the recycling rate. But at the end of the day it is an extremely physically demanding job. And our labor market level is tight and with no one help in sight it would be very difficult to continue to maintain the staffing levels needed. Mr. Pokorny, the previous Service Director, the current assistant service director and the current staff publicly stated early in the year to move to curbside pickup.

Mayor Brennan commented on the shortage of four part-time positions and three full-time positions in the Service Department that the administration has not been able to fill.

Mrs. Sax stated that she presented a budget analysis of five different scenarios with the various methods of curbside collection versus backyard versus loose. And again, there was negligible difference in the cost between those five scenarios, with the exception of Service Department reduction. As far as this being work that is being portrayed as undesirable. The few times that she had spoken with and interacted with the Service Department she found that they are people who take immense pride in what they do, and that is commendable. There are all kinds of other professionals that backbreaking work where they have lift things. When we look at our neighbors who have backyard collection; Shaker Heights, Pepper Pike they do not have the same staffing vacancies we have so she did not think that could be placed entirely on the work. Perhaps there are other things that could incentivize people to want to work for our city in this area. Mrs. Sax said that she had not heard or seen anything posted about hiring, referrals, bonuses, all kinds of other incentives that is mainstay these days in a variety of labor-intensive professions.

Mrs. Weiss commented that Mrs. Sax had presented a very robust financial analysis of different ways of rubbish pickup. The only way that the city saved money was a reduction in workforce. Mr. Cooney even suggested attrition where he actually said in a meeting, give us a plan Mayor because as was stated beforehand, it is an administrative type of decision and not a council decision. Mrs. Weiss continued to say "give us a plan." what does this look like 10 years from now, if we do attrition as opposed to reducing the workforce right now, that has never ever come up in any detailed discussion. Mrs. Weiss said that she thought everybody would be willing to listen to that.

MOTION BY MRS. WEISS, SECONDED BY MR. RACH to approve Ordinance 2023-49 Accepting A Proposal from SCS Engineers for Consulting Services to Develop a Plan for Implementation of Loose Recycling for \$28,500 and Authorizing the Mayor to Enter into a Contract on the Terms and Conditions Set Forth in a Certain Proposal and Declaring an Emergency

Ms. Weizer said that she had a major objection to the line in this contract that reads "we will focus for four days, we will focusing on neighborhoods with larger families and higher base quantities" because quite honestly, there is one section of the city that probably is less in support of retaining the service we have versus going to curbside and it ignores the other side of the city where there are other legitimate reasons why people have argued to retain backyard. If we are going to do this, it would be nice to do it fairly. Ms. Weizer added that she thought being fair was more appropriate than doing something to get an answer you want. If you do it fairly on both sides, and you get the answer you want, then there is peace in the household. But if you do it fairly, and things come up where you see what you might need to deal with, then we can make better decisions. So, in view of that line of the contract, Ms. Weizer said she was sorry, but she would vote against it.

Mayor Brennan informed Ms. Weizer that that line was added based on a Committee meeting prior to her coming aboard City Council. It was added at the direction of City Council.

Mrs. Sax clarified that she believed that the idea was to reference that the service collection routes had not been reviewed for 20 years, since 2004. And it was meant to incorporate that into the assessment of the service routes, and if they were as efficient as possible. That was the intention.

Mayor Brennan said he thought that would have to be negotiated with SCS.

Mrs. Sax asked if that could be done before the next council meeting.

Mayor Brennan replied perhaps, but he could not speak for SCS.

Mrs. Sax added that was what came out of the Service and Utilities committee meeting and she would prefer that that not be misinterpreted because it was pretty clear.

In reviewing the contract, Mayor Brennan stated that the contract was mainly for making observations and then as it says, factor those into a plan for collecting loose recycles. But there is not a deliverable here for proposing, specifically for proposing new routes or rewriting routes.

Mrs. Sax commented to put it into context, the discussion went like this. It was pointed out that routes had not been reassessed since 2004. Mrs. Demers said, Oh, well, I just assumed and she used the word "assumed" that it was not necessary because the economic development and footprint of the city had not changed significantly. Therefore, the rubbish collection also has not changed to which we had a discussion that said; well true the economic footprint has not changed, but the housing and the residential family sizes throughout the city and the number of trash cans and such has changed. So that was the context of the discussion. And as result that came through that perhaps as it was time to reassess the routes for more efficiency if that would be a factor.

Mayor Brennan replied that he could see how that can be done subservient to the overall scope of the work, which is to help the city implement the plan for Ordinance 2023-49.

Ms. Weizer said that her point was that because it does potentially eliminate other areas of the city from consideration, she did not think they should open the door to that. Four years has been spent on the topic of trash, so if we are going to get to this point let's be clear so that nobody can come back and say you did not pay attention to my area. Ms. Weizer offered could a friendly amendment be sent to SCS to delete that and to note that for all four day they would see all areas of residence and not just focus on one area.

Mayor Brennan replied that he did not see why SCS would not be amenable to that, but again he could not speak for them. Also, he understood that by what was meant by operations for four days, is that they were going to observe routes on Monday, Tuesday, Wednesday, and Thursday, four days in a row. If we want to talk about seeing every resident don't forget that there is an A and B route every day. So, if you literally want them to ride all eight routes, and then they will be here for eight days to ride all day. That wasn't contemplated, it wasn't proposed, it wasn't asked for and it wasn't included.

Mrs. Weiss retracted her motion in order to table this matter and ask the Mayor to go back to the company and ask them to delete "focusing on neighborhoods of larger families and higher waste quantities." There are a number of people that are going to be interviewed per this contract and she though it was also very clear from council's conversations, that they realize that there is a certain neighborhood that has higher waste levels. The deletion of that line should take care of everything.

Mayor Brennan asked if when he goes back to ask SCS for that deletion was there also an appetite/desire to ask and have them specified that they would observe existing trash and recycling operations for four days representing the four different days of the week, we perform the service. Thus, we are observing on Mondays and Tuesdays and Wednesday and Thursdays and thus seeing all sections of the city.

Ms. Weizer commented she thought that would be good. That way, all areas of the city are covered and nobody can complain, no resident can complain that they were not included. This is an amenity that the residents pay for and they should have a right to speak to it.

Mr. Rach retracted his second.

Mr. McConville asked if there was any reason why council would not consider voting on a motion to amend the contract language? And then if that motion passes, then voting to voting on an ordinance and then submitting the contract as a mandate to the vendor that will decide whether they'll accept it if they

do you have a contract. Mr. McConville suggested that that sentence simply read “as requested by the city council, we (SCS) will observe existing trash collection for four consecutive days.” Mr. McConville asked if there was a motion to that effect?

MOTION BY MRS. SAX, SECONDED BY MR. RACH to amend the contract to read as requested by the city council, SCS will observe existing trash and recycling collection for four consecutive days. All voted “aye,” except Mr. Cooney, who voted “nay.”

MOTION BY MRS. WEISS, SECONDED BY MS. MARSHALL for the adoption of Ordinance 2023-49 Accepting A Proposal from SCS Engineers for Consulting Services to Develop a Plan for Implementation of Loose Recycling for \$28,500 and Authorizing the Mayor to Enter into a Contract on the Terms and Conditions Set Forth in a Certain Proposal and Declaring an Emergency. Roll call on the suspension of the rules, all voted “aye,” except Mr. Cooney, who voted “nay.” Roll call on passage, all “aye,” except Mr. Cooney, who voted “nay.”

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

There was no need to hold executive session.

Standing Council Committees:

Building Committee –

Ms. Weizer reported that the committee will meet at 6pm on September 18th to discuss the SAFEbuilt contract.

Economic Committee – Mr. Rach

Mr. Rach reported that he spoke with Mrs. Drucker and that ZoneCo will be ready for another meeting in the Fall. Mr. Rach said he would be working with the Administration to get that meeting scheduled.

Finance Committee – Mrs. Weiss

The Finance and Finance Lay Committee will meet on Tuesday, September 12th at 6:00pm.

Council Committee of the Whole – Mrs. Weiss

The Committee of the Whole will meet on September 19 at 6:00pm to discuss Rank Choice Voting.

There were no other Council Committee reports.

Reports of special committees, and the taking of action thereon

None

Unfinished and miscellaneous business

None

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

There being no further business, the meeting was adjourned at 10:13pm

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council