

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
MONDAY, APRIL 17, 2023**

Mayor Michael Dylan Brennan called the meeting to order at 7:00 p.m.

Roll Call:

Present: Mrs. Michele Weiss
Mrs. Barbara Blankfeld
Mr. Christopher Cooney
Mr. Justin Gould (7:16pm)
Mr. John Rach
Mr. Brian King

Absent: Mrs. Sheri Sax

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

MOTION BY MRS. WEISS, SECONDED BY MR. RACH to Approve the Absence of Councilpersons Justin Gould and Sheri Sax. On roll call, all voted “aye.”

Approval of Council Minutes:

Council Meeting April 3, 2023

There were no corrections to the City Council minutes of April 3, 2023

MOTION BY MRS. WEISS, SECONDED BY MR. RACH to approve the April 3, 2023 Council Minutes. On roll call, all voted “aye.”

Additions and Removals from the Agenda; Referrals to Committee

None

Comments from Audience

There were no public comments.

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

Mayor’s Report

April is Spring Clean-up Month in the Service Department. As the department continues to be short-staffed with most or all laborers in the department working solid waste pickup, at the beginning of last week I authorized voluntary overtime for the month of April. Tonight we have 7 service employees working overtime to cut grass, repair a sewer on Channing Road, and do leaf pickup – items that are not getting done during the day when we need all hands just to pick up rubbish. Similarly, a repair on Fenwick Road from last year was performed last week, as well as some work at The Walt in advance of May when we usually address the parks, including repairing a piece of workout equipment, and cutting and installing new sycamore wood for the natural play area, and other items that were performed on Saturday that would otherwise not yet be done. Thank you to Assistant Service Director John Pucella and everyone in the Service Department for rising to the occasion.

Cleveland Heights has the oldest poet laureate program in the state of Ohio. In our efforts to encourage civic engagement through the arts, this year, University Heights is joining Cleveland Heights in support of the first poet laureate for all the Heights. Siaara Freeman, Heights Poet Laureate, will be speaking at the May 15 University Heights City Council Meeting. Heights Arts Director Rachel Bernstein will introduce her.

As we continue to grapple with the many challenges in today's post-pandemic world, poetry can help us reconnect and heal. University Heights is excited to support the Heights Poet Laureate, and we look forward to working with her at our community events.

Deanna Bremer Fisher, Assistant to the Mayor on Special Projects and co-author of the Euclid Golf Neighborhood history book, will be making the presentation, "University Heights: from Idlewood Village to City of Beautiful Homes" on May 17th at 7pm at the JCU Dolan Science Center in the Dolan Reading Room. This program is part of a series sponsored by the Cleveland Heights Historical Society, and is co-sponsored by City of Cleveland Heights Landmarks Commission, Cleveland Restoration Society, and City of University Heights. Ms. Bremer Fisher has been combing through the archives and has numerous discoveries to share that I will not spoil here tonight. Don't miss this, it will be fascinating.

Congratulations to the Heights High School Academic Challenge Team for their win on Saturday. As the qualifying rounds continue, if Heights High finishes in the top three, we will see them back on TV for the finals next month. As of this past Saturday they would qualify. Stay tuned.

And speaking of tuning in:

Tune in or stream me this Friday at 5pm on WJCU 88.7FM for The Vinylthon!

People who follow my social media know I spin vinyl at City Hall. They know there is a turntable in the Mayor's office. This even made Spectrum News 1 Ohio, when a Bob Dylan record was returned to the University Heights Library 48 years overdue, and we played it at my office on my turntable. (The library no longer has one!)

Zachary Sinutko and the folks at WJCU took notice. Then they teased out my background. I myself was a college DJ. And back in my day <ahem> we played vinyl and carts. When I started we didn't even have a CD player in the broadcast booth. I spun records. Cued 'em up by hand with one ear while monitoring the broadcast with the other.

This Friday is Vinylthon 2023 at WJCU – an all vinyl broadcast. And somehow, they saw fit to dig up this dinosaur. I'm going to spin records in the 5pm drivetime hour on WJCU 88.7FM. I get one full hour to inflict my music on the John Carroll University campus and the City of University Heights. And streaming to the rest of the world through the WJCU app.

I am beyond excited. In more recent years and before I was mayor, I used to DJ Prog Night at the Tavern Off Broadway in Bedford, the Parma Pit Stop, and The Colony in Cleveland Heights. This Friday, I'll be playing music across genres and not just progressive rock. And I may have a Public Service Announcement or two on point for the city/state/country/world we live in today, because college radio is about education and the public interest as much as it is about music.

Thanks in advance to Zachary Sinutko of 808s & Mixtapes for being there with me in the studio this Friday. I may be a little rusty with the equipment.

That's this Friday April 21 at 5pm on WJCU 88.7FM! I get an hour! I am bringing vinyl from my personal collection and I will make the most of it.

Memorial Day Parade Update. Applications have gone out to past parade participants. Prospective participants may visit the website "special events and services" page to sign up.

In 2023, the parade will once again step off at 11 a.m. on Memorial Day, **May 29**, with a memorial ceremony immediately following at Gearity School. Community groups are invited to participate.

Recognizing how our community has overcome difficult challenges and continues to stand up for our values, this year's theme is RESILIENCE.

New this year is an opportunity to work with artist **Robin VanLear**, Cleveland Arts Prize winner and co-creator of Parade the Circle, to help parade participants express this year's theme and add unique personality to their unit. We will hold two community workshops where up to three leaders of your unit can work with Robin to create and build costumes for your members to wear during the parade. There is a \$25 fee to participate in a workshop and space is limited. Sign up for a specific workshop on the parade application form.

Again the form may be found on the city website "special events and services" page.

While I anticipate a Bike Month Resolution on the agenda for May 1, I am happy to announce now that local bicyclists should reserve Sunday afternoon, June 11, for a community bike ride here in UH co-sponsored by Cuyahoga Greenway Partners, Councilmember Brian King and me. Mr. King is working on the route now, and details will be forthcoming. But in the meantime, I thank Elaine Price and everyone at The Greenway Partners for their assistance in sponsoring this ride, as well as Hike-with-a-Mayor, Bike-with-a-Mayor and Celebrate Trails events all over the County over these next few weeks, starting with this Saturday's kickoff bike ride at Merwin's Wharf from 1:00 to 3:00PM with Cleveland Mayor Justin Bibb, Cuyahoga County Executive Chris Ronayne, and Cuyahoga Metroparks CEO Brian Zimmerman. This Saturday's ride will be a casual 5 to 7 miles using both trails and roads, with assistance from both Bike Cleveland and squad support from Slow Roll Cleveland. Ohio City Bike Co-op will be there to perform bike safety checks. Helmets are strongly encouraged, and I hope to see you there.

Construction of the Washington-Silsby-Saybrook intersection modification began today and will be completed by Memorial Day.

The demolition of the fire damaged house at 3873 Meadowbrook will proceed as soon as tomorrow, having gotten final clearances from the EPA and the gas company.

May 10 at 7pm is the Reaching Heights Adult Spelling Bee at Heights High School. Once again the "Mayors' Team" of Mayor Kahlil Seren, Mayor Georgine Welo, and me will compete and defend our second place finish from last year. Just like last year, Mayor Welo is sending Councilmember Susan Hardy of South Euclid in her place. Maybe she's the ringer, because it isn't me or Mayor Seren! It is not too late to field a team, simply go to ReachingHeights.org to register and pay the \$500 fee – it is a fundraiser to benefit Reaching Heights' efforts at improving and supporting public education.

For the last meeting, I drafted and sponsored Resolution 2023-15 entitled

A RESOLUTION IN SUPPORT OF RESTORING HOME RULE TO ALLOW LOCAL GOVERNMENT TO AGAIN REGULATE FIREARMS, CALLING UPON THE STATE OF OHIO TO BAN THE AR-15 AND AR-15 STYLE OF SEMI-AUTOMATIC WEAPONS, AMONG OTHER COMMON SENSE GUN SAFETY REFORMS.

After some discussion, council voted to refer this Gun Safety resolution to the Safety Committee for further consideration there.

It has since come to my attention that the next Safety Committee meeting, on May 1, 2023, is the same day I will be out of town for the Leadership Cleveland class trip. It is not something I can reschedule, and so I will not be in attendance at either the Safety Committee meeting or that evening's city council meeting.

Last week I asked Mrs. Thomas to pass along that I'd like another meeting date polled and scheduled for discussing my resolution, as I cannot be there. As I have not gotten an answer, and no date has yet been polled, I am asking again now, publicly, in the spirit of cooperation, if I could have another meeting date for the Safety Committee for consideration of Resolution 2023-15, of which I am the sponsor. This is an issue of great importance to me – and clearly – to the community, given the number of people who attended and spoke at the last city council meeting, and I did not object to council's referral to committee, even though I believed the resolution was ready to be voted on at the last meeting. I do ask however that the committee consideration of the resolution be held on a date when I can attend.

Thank you, this concludes my report.

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

Vice Mayor Weiss reported that it had been a year since Council's biannual Council of the Whole Council Retreat. During the retreat each committee got to brainstorm their list of priorities with other council members.

The Economic Development committee report that their main focus would be updating the City's Zoning Code and that project is currently in full swing right.

The Recreation Committee discussion centered around the of possibility of outsourcing concessions, this has been done and implemented. The was discussion about murals, possibly having public art within our city, this was discussed at the last committee meeting. The Recreation Director spoke about possible upgrades and changes for the next the summer concert series season.

For the Building and Housing Department, the POS (point of sale) inspection process was finalized. Moving the Board of Zoning and Architectural meeting responsibilities to SAFEbuilt, this was also a priority has been completed.

In the Council of the Whole the following were implemented: signage, Charter Review was implemented, the formalization of a Sub Facilities and Infrastructure Citizens Committee that would include members of the ARB and Planning Commission.

The Finance Committee brainstorming session provided that there be a budget process timeline and that was implemented with quarterly finance meetings, the creating an Ordinance for large service contracts, was done and just passed. The need for Council to have the awareness of the union negotiations before the final contract is negotiated, has been implemented.

Community Outreach Committee – Council's communications is more streamlined on social media, the community is bike friendly, the RFP for IT service contracts is out and the phone system will also upgraded.

Safety Committee – The door to door registry has been implemented. Discussions about neighborhood improvements have started.

Service and Utilities Committee – Completed the finalization of Council's rubbish collection surveys.

Mrs. Weiss congratulated everyone for what was accomplished the past year and commented that she thought that everyone should be proud of what they have done and that there are still lists of items that need to be implemented.

Mr. Gould asked for the floor and gave the following statement.

“There's a sentiment shared in my faith tradition. When we lose ourselves in the service of others, we find our life's purpose and happiness. In 2018, I found myself lost in the fog of the most personally excruciating error of my adult life. I reset that course by turning to those core values that I was taught growing up. Michele Weiss spoke to me about an opportunity to serve on Council. I met with Mayor Brennan over coffee to help translate my professional skills and experience into campaign literature. And in January of 2020, with many of you present my mom administered my oath of office at John Carroll. Since then, we've made University Heights a more equitable and safe place to live. We have successfully navigated budget cycles and a global pandemic. And although it has become painful, more recently, to increasingly become unable to differentiate dissent from dysfunction in our leadership. Serving the citizens of this lovely city, has also offered joys and helped me grow. Mayor Brennan, Vice Mayor Wise I am grateful for the passion which you bring to your positions. And for the important lessons I have learned from the ways you have chosen to lead. Indeed, through my service, I have reconnected with my life's purpose. The beautiful thing about living your most authentic life is the truly phenomenal people that you will attract. I have made lifelong friendships with so many of the special people who live in and serve University Heights, including many of my council colleagues. Thank you for your commitment to our citizens and the welfare of our city. On a personal note, I attracted a Southern gentleman who recently asked me to marry him. I said yes, and that is also a core value, love as a core value of mine. And following it in this instance will take me to North Carolina. So, after a decade of Federal service, I resigned from the

Department of Justice last month and will resign my City Council position at the close of this meeting. To our talented directors, employees, service and safety forces, to Kelly Thomas our Clerk of Council and Luke McConville, our Law Director, thank you for your professionalism and for the miracles you perform for us each and every day. To the citizens who have granted me this opportunity beyond your curbside and the virtual stage of social media, University Heights is undergoing substantial change. JCU is transforming the southern gateway of our city and the broader composition of our housing stock. Deals are being forged at University Square and beyond. Our Charter, Zoning Code and facilities plan are simultaneously being modernized. And that modernization cannot come fast enough. As some of the ways our city has been planned are so outdated, they are no longer legally enforceable, and our safety forces live and work in disrespectful conditions. We continue to compete for business investments, against neighboring projects with budgets and the 10s of millions of dollars. Pay attention to the people who represent you. You are seeing through the words they use and every action they take or delay. Take account of what they prioritize and evaluate whether those are your priorities or are the true priorities of your city. Do this, lest you find yourself living in a community you do not recognize. Finally, and most sincerely I thank you for the incredible honor of serving as your council person and wish you safety and prosperity in future.”

Reports and Communications from the Directors, and the taking of action thereon

Finance Department – Mr. Kennedy

Mr. Kennedy commented that there were technology issues but provided a brief financial summary. Mr. Kennedy said he would provide Council with financial summaries later in the week.

Law Department – Mr. McConville

Mr. McConville stated he would give his report in Executive Session.

Communications and Civic Engagement – Mr. Cook

John Carroll’s WJCU is partnering with the city on the summer concert series, this will be done for free and they will be promoting the shows on station, live broadcasts prior to the shows, and also a live break-in during the show.

There were no other department reports.

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

A. NOPEC Update from Tony Ramos, Relationship Manager regarding Electric and Gas Renewals as well as the Green Community Choice Option

Mr. Ramos stated that NOPEC was back in University Heights and that residents have been receiving electric opt out letters. The NOPEC electric aggregation program starting with the June meter read price will be 6.45 cents, the published utilities price will be significantly higher at 10 and a half cents more and with the additional riders cost it will be raised to above 12 cents.

Mr. Ramos added that this year price cost is the reverse of last year. Last year NOPEC went out to market buying electricity when the market was high, so the NOPEC price went high which caused NOPEC to return all of their customers back to the utility because that price was lower. This year is the reverse of what happened last year, the utility now is above market and NOPEC is below market. Residents who want to participate in the aggregation program don't have to do anything and they will be automatically enrolled. If a resident decides that they do not want to participate, they can opt out by returning the opt out card included in the opt out letter, or they can mail it, fax it and this year is the first time that they have the ability to call to opt out.

In regards to being a Green Community as University Heights starts to move through that process and develop what the climate goals and actions that the city wants to take, NOPEC is a resource to help to reach those goals. One of those options is that green Community Choice program which would provide 100% renewable energy to the residents. Mr. Ramos noted that residents can sign up for the Green Community Choice program even without the city taking any action by just calling NOPEC.

Mr. Gould took the opportunity to remind everyone that last year the city entered into the Do Not Knock Registry with NOPEC. As the weather is turning warmer and people are starting to go door to door residents can sign up for that program. The program generally requires that people going door to door presents residents with a license that is attached to their bodies. If a resident calls the non-emergency number at the police department or sees someone coming to their door that is not identified or asked to see their identification. Residents can sign up for that list for free on the NOPEC website by selecting the University Heights option. NOPEC will send out literature regarding the Do Not Knock program as well as decals for residents' front window or front door free of charge.

B. Motion to Authorize Advertising and Accepting Bids for 2023 Street Improvement Program

Mr. Ciuni reported that based on the street inventory and the physical review of the city's streets by himself, the Mayor and Assistant Service Director John Pucella they recommended the following six streets be resurfaced in 2023 in priority order. Miramar from Milford to Washington; Charney from Hillbrook to Dysart; Ashurst from South Corp. line to Meadowbrook; Edgerton from the South Corp. line and Meadowbrook; Claridge Oval and Laurelhurst. Laurelhurst had its waterline replaced a year ago. The scope of work includes three-inch mill infill and replacement of 100% of the curbs. Mr. Ciuni added that it was brought to his attention by someone who is wheelchair handicapped that at the corner of Miramar and Milford there is no crosswalk, no handicap access there. A crosswalk that is handicap accessible and ADA compliant is needed there. Mr. Ciuni suggested that it be done along with the Miramar resurfacing because it is the same type of work. Lastly, the Canterbury Road resurfacing from East Scarborough to Meadowbrook is included the MCIP Sewer District Project and includes the resurfacing of that short block which will also be resurfaced in 2023. Mr. Ciuni said that it was his understanding that the budget is about \$585,000 for resurfacing and this list adds up to more than that. Mr. Ciuni recommended increasing the budget if possible and if not, the streets are listed in priority order and the ones that fit into the budget will be done. The exact cost will not be known until the project is bid. This is a request for the approval of list or the increase of the budget. This is not a request for money because again the cost will not be known until the bids are received. This is just to authorize preparing the bid specs and to go out for bids.

Mrs. Weiss commented that on street list that Mr. Ciuni emailed in the past the currently present six streets were not the priority and they were not in the same order as on the street list. Mrs. Weiss asked Mr. Ciuni if he was not going in 123456 order and just doing the linear feet instead?

Mr. Ciuni replied that the list is what it is was prepared last fall and that they always do a spring review of all the streets depending on how they came through the winter. The streets presented here are the ones that, again, the Service Department had input in. They know the streets that they are patching and they felt that they were the ones to be done this year.

Mrs. Weiss asked if the current list was an updated list because the list that she had was as of November 2, 2022.

Mr. Ciuni stated that yes, it was an updated list because after the pre-thaw cycles of the winter they took a ride around and adjusted the priority.

Mrs. Weiss asked Mr. Ciuni if he could send Council the updated list. Mr. Ciuni replied yes.

Mrs. Weiss asked if this wasn't late to get bids and would there be contractors available to work on this project?

Mr. Ciuni said that several communities that had already bid out their projects ready and he would expect to receive some bids. Contractors who come out first will be looking for work afterwards. Based on the schedule by getting started now and beginning the design tomorrow the construction would not start until the end of June with finishing up in September.

Mrs. Weiss' last question was about the budget and stated that \$580,000 was current amount approved in the budget. Mrs. Weiss asked Finance Director Mr. Kennedy about some projects that they thought they would get money back from last year, like ARPA and ODOT funds.

Mr. Kennedy stated that when the budget was built for this year it was projected to include reimbursements for some of the ODOT projects like the Cedar Road project. The city is still owed because that project did not have its final reconciled yet, so the final cost is not known yet. Also, into the budget for the Street Fund for this year, was built in the potential reimbursement from the City of South Euclid for \$79,800. There was a Cuyahoga County Transportation grant for \$250,000, Cuyahoga

County ARPA grant \$129,420 were to cover the increase that came out late in the ODOT Project. NOACA had also pledged \$128,000 towards that. All of those were built into the budget which was started this year.

Mrs. Weiss asked if there were any reimbursement not in the revenue budget?

Mr. Kennedy replied no. All of the reimbursements for the ODOT project were built into the construction fund 200, which is the street maintenance repair budget. Those were all built-in, if there is any savings in that final reconciliation of ODOT, noting that the city's costs were a little over \$1.1 million and if the city gets all those reimbursements then there will be savings. That savings theoretically is available for use for any other purpose. But those funds were not budgeted because Mr. Kennedy did not have the final numbers for that.

Mrs. Weiss asked Mr. Ciuni if there was an estimate if there would be any savings.

Mr. Ciuni replied that the last he saw was about \$400,000 under the contract amount, but he did not know if that was 100% University Heights savings. But again, the cost is not closed out because the project is not completed yet.

Mrs. Weiss said that she was very hesitant to go above the \$580,000 because the budget was already in deficit spending because there were a couple of things that were added in, that already put us over. So, this would just be eating into all of the reserves and reserves will be needed for the new facilities. What would what would the \$580,000 look like with these six streets? What would be cut out of there?

Mr. Ciuni replied that was a tough question but he thought almost the first three streets could be done.

Mrs. Weiss added that normally three to four streets are done.

Mr. Ciuni said that the total length of the six streets was 8200 feet or about a mile and a half. There are 32 miles of streets in University Heights. So, 32 divided by one and a half is every 21 years to get to every street. If you do less than that, then you are just pushing the other streets out each year.

Mr. Kennedy pointed out there was \$166,000 left in the ARPA fund that was not appropriated last year. So theoretically, that could be available as well.

Mr. Rach asked if there was a deficit budget to begin with, and the \$166,000 was part of the beginning balance, adding it to the road program that we can debate, would increase the deficit spend, correct?

Mr. Kennedy replied yes.

Mr. Rach comment that in November, Council heard from the City Engineer that the recommended budget was \$520,000. Now Mr. Rach was seeing it is \$585,000 and that he did not remember how that figure increased. Regardless that Mr. Rach asked what streets were Mr. Ciuni considering when he made the recommendation to Council to budget the \$585,000?

Mr. Ciuni replied he thought they were similar ones that are on the presented list, but he thought that was a moot point now that the presented streets are the ones that are the highest priority.

Mr. Rach clarified that he was asking what streets were set aside when he (Mr. Ciuni) recommended the budget of \$585,000? What went into that number?

Mr. Ciuni said that he was trying to get Council into a habit of spending enough money, so that the City can resurface the streets every 20 to 21 years. If less dollars are spent, then you are pushing streets out 25, 26 years that they don't get touched.

Noting that there was a half million-dollar discrepancy. Mr. Rach asked what happened? Because a few months ago, the project was budgeting a million and a half. But today it is a million. And since Mr. Ciuni said he measured the street did the streets size and square footage decrease? Or are was a different unit cost being used?

Mr. Ciuni replied that the costs in his memo from April 4, were accurate and that the formulas and maybe the spreadsheet that was prepared has been used for years. It may not be as accurate as what Mr. Ciuni was providing at this meeting, but it is in the City's favor and that he went out and measured the streets, counted the catch basins, the iron in the streets, the number of curbs, etc.

Extensive discussion was had regarding how the listed streets were decided, how the formula for the cost were measured and the comparison with the report card from November 2022.

Mr. Rach summarized that in November when Mr. Ciuni was before the Council he recommended that Council should consider a road program and recommended Miramar, Charney and Ashurst and gave a price, which was incorrect. But today Mr. Ciuni you are saying over the course of the winter, some other streets have accelerated their priority in resurfacing. Mr. Rach said that he had no problem doing roads. He is all for doing roads because they are all terrible. But what he wanted to really be careful of is that on Mr. Ciuni's spreadsheet, the streets are rank in order; from stop sign to stop sign. And there are a few of these that are ranked threes and fours on the report card. It has always been a policy of the city at least as long as he had been sorting that streets graded one get resurfaced. And the one we can't get through all the ones but they will be on next year's schedule or twos would be on next year or the year after. But seeing on the report card, that Edgerton scored a three and Claridge's overall score of four. So, what happened? How did it go from four to one, it's been a pretty mild winter?

Mr. Ciuni replied that some of it is due to condition others is because we're already in that area resurfacing.

Mr. Cooney thanked Mr. Ciuni for going out and verifying the information that was on the scorecard from November that Council all received to make sure the number was accurate. There were some issues last year with the striping and to go back and verify the information was appropriate, as opposed to simply just not verifying it. But the trust would verify approach was appropriate. The fact that the budget numbers came in higher than that in November, as to where we are now. Mr. Cooney said that he was comfortable with them because it shows that if Council is going to proceed with something where the streets are needed, that there is more accurate information. Council has to remember at the same time and at a minimum that the six streets that have been recommended at a minimum have not been done in 18 years. The oldest one has 27 years since the last time it's been done. The city needs to get the street done. Council needs to do it, to simply send out for bids, needs to be done. And then Council could always decide if something is not to liking, if a layer needs to be peeled back. Mr. Cooney said he strongly felt that this should go out for bid to get feedback.

Mr. King asked Mr. Kennedy if there was any sort of deadline on spending down the ARPA dollars that Council needed to be aware of.

Mr. Kennedy replied, nothing in the immediate future and he believed they had until the end of 2024.

Mrs. Blankfeld agreed that the streets need to be done and Council approves as much as they are able each year. There is a formula used each year to do those roads and the engineer provides Council with what she was hoping was accurate data to base those budget decisions on, but that doesn't seem to be the case. You put it out to bid you see what comes back, but Mrs. Blankfeld said she had a lot of reservation about what numbers are actually accurate.

Mayor Brennan encouraged Council that they go out to bid on all these items with an eye toward finding a way to fund the whole project.

Mrs. Weiss again stated that Council knows the streets need to be done, but she was having a hard time because when Council budgeted they had \$580,000 and everyone agreed and nobody asked to insert any more streets at that point. Mrs. Weiss said she was willing to be flexible. Maybe put that \$160,000, maybe compromise and go in the middle between the \$580 and the million. But to go all the way up to the million, we don't have the money. We are dipping into our savings, when we specifically said we do not want to touch that because we need new facilities. So, it is, again, a balancing act like the Mayor mentioned. Mrs. Weiss asked Mr. Ciuni if he was saying that, if we bid out the full million dollars and then start cutting, that it's not fair to those contractors.

Mr. Ciuni commented that in his opinion that would not fair. But you could always bid this out and then nonperformance depending on what the costs are.

Mr. Rach agreed with Mr. Ciuni in that it's not fair to go out for bid if there is no intention of doing the full project.

Mr. Cooney said that it sounded like Council based on some of the funding that is available for this budget and based on the updated information from the November scorecard maybe it is appropriate to look at streets numbered one through four, five through six since the need is not as great. That sort of gets us closer to stretching a little bit and attending to those streets that are probably most in need. If something were to change between now and receipt of the bid, Council could look at the other projects that maybe those could be reconsider, based on Mr. Rock's analysis.

Elaborating on Mr. Cooney comment, Mrs. Weiss said that Laurelhurst was actually in more need than Edgerton and Claridge Oval.

Mr. Ciuni agreed.

Mrs. Weiss suggested doing streets number 1, 2, 3 and 6. And then if things change reconsider the others like suggested.

Mr. Rach said that would bring the cost down to the \$750,000 total that they were talking about.

Mr. Ciuni asked Mr. McConville if the numbers came in favorable and the city is able to come up with more budget could the project be added to after it is bid?

Mr. McConville said he did not think so and that it would have to be rebid. There is the flexibility to take work off. Maybe one more street could be included and then decide whether to take that off or not?

Mr. Rach commented that because other cities have gone out to bid months ago and we are bidding out in May according to the schedule, he did not want to mess around with the schedule at this point. We're down to the wire. It should have been done two months ago. We have a good plan doing street numbered 1, 2, 3, and 6.

MOTION BY MR. RACH, SECONDED BY MRS. WEISS to authorize the advertising for bids for the 2023 Street Improvement Program for the streets; Miramar (Milford to Washington), Charney (Hillbrook to Dysart), Ashurst (from the South Corporate Line to Meadowbrook), and Laurelhurst (University Parkway to East Carroll). On Roll call, all voted "aye."

C. Motion to Accept and Approve the Bid from Extreme Land Care Landscaping LLC for the 2023 Yard Abatement Program

Mr. Englebrecht reported that bids went out recently for grass cutting and yard abatement this year. This year's winner was Extreme Land Care Landscaping, owned by Vinton Neely, who was actually the only bidder this year. His rates are actually comparable to the rates that were paid out last year and the year prior with the previous contractor. Mr. Neely is actually insured and his rates for high grass is \$35 an hour, shrub trimming \$25 an hour, leaf cleanup \$30 an hour and debris removal \$25 an hour. He has the machinery and the ability to do the work. The City Inspectors have started citing for grass and for garbage this week.

MOTION BY MRS. WEISS, SECONDED BY MR. KING to Accept and Approve the Bid from Extreme Land Care Landscaping LLC for the 2023 Yard Abatement Program. On roll call, all voted "aye."

D. Motion to Approve the Purchase ten (10) Fire Department Motorola Mobile Radios in an amount not to Exceed \$33,600.00

Fire Chief Perko stated that these 10 Mobile radios were referenced in the five-year capital improvement plan as far as maintaining the department's mobile communication system and upgrade those as they reached their life expectancy. Back around the year 2007 University Heights participated in a regional FEMA grant application to migrate over to high band radios and the entire fleet of mobile and portable radios were replaced at that time. Since that time, the radios have been replaced as they age and became in disrepair or ever new vehicles are acquired. The fleet has 16 Mobile radios and at this time, 10 are still the original radios. The Marks radio system and the Cleveland radio system are no longer going to be supporting these model radios and the manufacturer is not going to be supporting or supplying parts for them either. Currently, these mobile radios are around a \$5,000 a unit before options and with the State Fire Marshal's grant pricing through Chagrin Valley Dispatch, they are around \$3,000. So, for the 10 radios that the Department needs, there would be a savings of approximately \$20,000. Chief Perko added that he was not made aware of this pricing until early last week, with the deadline also being through April 20. Otherwise, he would have taken this to the Safety Committee first if there was more time. Chief Perko said that he did reach out to the Safety Committee Chairperson to make sure that he was aware of this.

MOTION BY MR. GOULD, SECONDED BY MRS. BLANKFELD to Approve the Purchase ten (10) Fire Department Motorola Mobile Radios in an amount not to Exceed \$33,600.00. On roll call, all voted “aye.”

E. Authorization to purchase 2 new police vehicles, related equipment, and install from Statewide Ford and multiple other vendors in the total amount of \$135,567.81

Police Chief Rogers stated that these two police vehicles were reflective of the information that was provided in the police five-year capital information to the Finance Committee in November of 2022. These two vehicles that are due for replacement, are also part of the permanent appropriations for 2023. Specifically marked unit two #7238, a 2014 Ford Taurus that has been discontinued and is in poor condition at this time. The other vehicle #7255, a 2007 Jeep Cherokee and old parts are very difficult to find for replacement. The Department has been utilizing Statewide Ford, which is an extremely reputable and professional vendor that has provided police vehicles throughout the Midwest to law enforcement departments. Statewide also matches the State bid price for police, utility vehicles or explorers in this case and they also provide pre-built options at this time that are readily available. There's no wait. The inventory moves very quickly. Chief Rogers respectfully requested authorization to purchase the two vehicles, all the related equipment, and also the turning of seven fleet vehicles that are ready for trade and for a total expense of \$111,367.81.

MOTION BY MR. GOULD, SECONDED BY MRS. BLANKFELD to Approve the purchase of two (2) new police vehicles, related equipment, and install from Statewide Ford and multiple other vendors in the total amount of \$135,567.81 On roll call, all voted “aye.”

F. Authorization to trade-in 7 police vehicles no longer to be in service to Statewide Ford, for a credit of \$24,200; which will offset the original expense of \$135,567.81

Chief Rogers stated that it was his understanding that the invoice for the purchase of the two vehicles will reflect this credit at the time of purchase.

There was no additional discussion for this item.

MOTION BY MRS. WEISS, SECONDED BY MR. KING to trade-in 7 police vehicles no longer to be in service to Statewide Ford, for a credit of \$24,200; which will offset the original expense of \$135,567.81. On roll call, all voted “aye.”

G. Resolution 2023-16 Authorizing participation in the ODOT Road Salt contracts Awarded in 2023

Mayor Brennan asked Mrs. Thomas to present this item because she worked on it with Assistant Service Director John Pucella.

Mrs. Thomas reported that Resolution 2023-16 was for the annual winter road salt agreement with ODOT. It is anticipated that 2,500 tons of road salt will be required with 1,000 tons going to the city's on-site storage garage and 1,500 tons going to the Cleveland Heights storage facility. The agreement requires the purchase of between 90% and 110% of the 2,5000 tons for a contract quantity at the awarded bid price of between 2,250 and 2,750 tons of road salt. The deadline to submit everything to ODOT is May 1, 2023.

Mr. Gould thanked Mrs. Thomas for offering her talents to this issue but asked for help in understanding what part she played in the research and the project overall. Also, what portion of her duties apply to the salt program? Mr. Gould added that he was having difficulty understanding the overlap between the Service Departments work and the Clerk of Council and why the Clerk of Council would be involved in salt research and presentation to council.

Mrs. Thomas replied that she was an all hands-on person and knowing that the City was in transition with Mr. Pokorny's retiring and the Assistant Service Director John Pucella filling both roles she offered her help. The actual numbers came from Mr. Pokorny and she just helped Mr. Pucella with completing the required documents.

MOTION BY MR. RACH, SECONDED BY MR. COONEY for the Passage of Resolution 2023-16 Authorizing participation in the ODOT Road Salt contracts Awarded in 2023. On roll call, all voted “aye.”

H. Ordinance 2023-17 Authorizing the Mayor to Extend the Agreement for Recycling Processing Services between University Heights and Kimble Company and Declaring an Emergency

Mayor Brennan reported that this was a contract that has been before the city time and again since 2020. City of University Heights has contracted with Kimball through the Cuyahoga County Solid Waste District Eastside Consortium for the transfer of processing of recyclables collected in the city. The City exercised the option one contract option with the contract last year and are due to exercise option two by May 1 just as what was done last year. Mayor Brennan stated that the city was not in a position to go back out to bid at this time for recycling other communities in the eastside consortium did last year. Those that have loose recycling services have taken advantage of substantial cost savings including payment for their recyclables. University Heights is standing to have to pay \$105.92 a ton for option year two of the contract. Nevertheless, under the circumstances, the best alternative given where the city is at this time. Mayor Brennan recommended that city council motions to authorize the Mayor to continue with the contracted service with Kimball for option year two from October 1, 2023 through September 30, 2024.

Mr. Gould asked Mayor Brennan if his understanding was correct what the consortium went out to bid and that there were returns of bids for loose recycling and bagged recycling as part of those bids.

Mayor Brennan replied that he did not believe that there was bagged recycling, and that it was like the way Shaker Heights and Cleveland Heights went ahead with loose recycling in the Murph and not accepting bags.

Mr. Gould said that in his understanding was that the part of the bids that the consortium put out included bag recycling so he wanted to understand what that number came back because the conversations at the Service Committee meeting about when those bids would be going out during the last cycle was yes and it was not like residents would have to sign up with it. The problem was that the City was renewing at this time last year, and the bids weren't going to go out from the summer. Mr. Gould added that he never heard an update about the pricing that was returned as a result of that bid. Also, the Solid Waste District assured us that we would be able to sign up as part of the consortium bid, if we so chose. And so, in comparing these numbers, before committing to renew the current contract, Mr. Gould wanted to understand what the numbers came back at from the consortium.

Mayor Brennan said that he did not have those numbers with him, but he said that the bid that was accepted was one that did not include a bagged option. So, he did not think that there was anything the city could pivot to at this time, we would be talking about going out to bid on our own.

Mr. Gould said that again it was his understanding based on conversations that were held in great detail with a representative from the Solid Waste District at a Service /Utilities Committee meeting that when the consortium returns the bid amounts they would send out bids, get the pricing back and then any of the consortium communities could decide to sign up. So, part of the bid process is holding this price for the term of the contract for consortium communities to sign up for. That was what was communicated by the Solid Waste District. It would be helpful to understand what those numbers are so at least Council would have that information in the event that that price is lower. Mr. Gould said he understood that the Mayor did not number currently, but if he could find that number it would be important information for the council to have.

Mr. King said that it was his recollection from the conversations that there was an option to join the accepted bid, but only if the city was in a position to collect loose recycling. Mr. King said he did not think there was a number that exists as part of that bid that included bagged recycling. None of the of the people who went out to bid had bagged recycling as an option.

Mayor Brennan said that was his recollection also and that he did not believe that there was a figure. And he believed that the city was not in a position where it would be converted to lose recycling by October 1.

MOTION BY MR. KING, SECONDED BY MR. COONEY to Approve Ordinance 2023-17 Authorizing the Mayor to Extend the Agreement for Recycling Processing Services between University Heights and Kimble Company and Declaring an Emergency. Roll call on the

Suspension of the Rules, all voted “aye.” On roll call, voted “nay” except Mr. Cooney and Mr. King, who voted “aye.”

Mayor Brennan stated that the motion failed.

Mr. Gould asked for a point of clarification and asked Mr. McConville, in the event that this vote was to fail, could a motion be made to authorize the Mayor to enter into this contract on emergency on the condition that there in fact, is no bid that includes bagged garbage from the Solid Waste Consortiums 2022 bid cycle; and, or that those rates are higher than those offered under the current extension? Meaning could there be a condition on the authorization?

Mr. McConville answered that Council could condition the authorization.

Mrs. Blankfeld comment if that were the case she would be inclined to change her vote.

MOTION BY MR. GOULD, SECONDED BY MRS. BLANKFELD to amend the agenda to place for consideration the previously downloaded item. On Roll Call, all voted “aye.”

Mayor Brennan stated that the item was back on the agenda. Ordinance 2023-7 Authorizing the Mayor to Extend the Agreement for Recycling Processing Services between University Heights and Kimble Company and Declaring an Emergency.

MOTION BY MR. GOULD, SECONDED BY--- to Amend the Motion to pass Ordinance 2023-17 Authorizing the Mayor to Extend the Agreement for Recycling Processing Services between University Heights and Kimball Company and Declaring an Emergency on the Condition that there either does not exist a bid including bagged recycling or the returned bid pricing is higher than that offered by our extension contract with Kimball.

Mr. McConville suggested that Council modified the language in section one in order to approve the contract by Ordinance where section one would read The City shall the approve the extension of the recycling agreement on its current term rates set therein for one year from October 1, 2023, to September 30, 2024.

Mr. Gould added the condition that unless a bid exists and is available to the City which was part of the Cuyahoga County Solid Waste Districts 2022 bid cycle which includes as an option bagged recycling that is less expensive than the extension contemplated with Kimble. Thereby, the extension is authorized unless there is an available existing bid that is lower.

Mr. McConville said he would amend the Ordinance upon its passage and prepare it for signage of approval.

MOTION BY MR. GOULD, SECONDED BY MRS. WEISS to Amend Section 1 of Ordinance 2023-17. On Roll Call, all voted “aye.”

MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD to Approve Ordinance 2023-17 as Amended and Declaring an Emergency. Roll Call on the Suspension of the Rules, all voted “aye.” Roll Call on Passage, all voted “aye.”

I. Ordinance 2023-18 Authorizing the Mayor to Extend the Agreement for Solid Waste Disposal Services between University Heights and BFI of Ohio (Browning Ferris Industries of Ohio, Inc.) and Declaring an Emergency

Mayor Brennan stated that similarly, the city is in a second option year on the tipping fees for the disposal of solid waste. Unlike the recycling contract that went out to bid last year, the solid waste did not. The city is looking at option year two at a cost of \$44.21 per ton. Therefore, a recommendation that Council authorized the Mayor to continue to contract its service with Browning Ferris Industries of Ohio through option year two from October 1, 2023 through September 30, 2024 similar to the Kimball contract. The deadline to exercise the option is by close of business on May 1.

Mr. Gould asked since the contract was extended last time did that mean that the city did not take advantage of whatever bids came back from the consortium.

Mayor Brennan replied that were no bids on solid waste, there was only bids on recycling. But because there was an inconsistency in a memo they had that suggested the city was going to have for both he

got clarification there was only bids for the recycling. Mayor Brennan noted that everyone inside the Consortium would be going out to bid again after this upcoming year.

MOTION BY MRS. WEISS, SECONDED BY MR. KING to Approve Ordinance 2023-18 Authorizing the Mayor to Extend the Agreement for Solid Waste Disposal Services between University Heights and BFI of Ohio (Browning Ferris Industries of Ohio, Inc.) 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 the Amended Purchase Price of the new Kubota for Service Department use based on the Amended Increased Price of \$20,847.00

Mr. Kennedy stated that this item was originally bid last year in 2022 and was awarded to ABC Equipment Rental. The Finance Department does have an open purchase order in the amount of \$18,487. Mr. Kennedy added that apparently the vendor notified Mr. Pokorny before he retired that they could no longer honor that \$18,487 price and asked for an increase of approximately \$2,000. And to Mr. Kennedy's understanding if the city is not willing to pay that price they will not deliver the Kubota. And they will put it up for sale to someone who is willing to pay their new determined price. If that were to happen the city have to go out to bid again. There a couple of options in terms of legalities, but the bottom line is the vendor wants \$2,000 more than the original price. Since the money was encumbered last year, the only monetary impact on this year's budget would be the \$2,000, the other \$18,487 remains set aside from last year's budget

Mr. Gould asked Mr. McConville if he had the opportunity to review the current agreement, if any and its effect on the offered price?

Mr. McConville replied he had not reviewed the agreement.

Mayor Brennan commented that this was an unusual situation. Normally you go out to bid, bids received, we accept the bid and the vendor is supposed to deliver the item for the price that was bid. There is the legal position that the city can take and then there is the practical matter that there are two Kubota dealerships in the community that the city deals with. And one of them is saying that they are not going to deliver the Kubota for the agreed upon price without the additional \$2,000. If the city wants to go to court over it, it could do that and the Mayor thought the city might even prevail. But it would be a year or more down the road before the Kubota is delivered and the Kubotas are needed in the meantime; and, would be burning a relationship with the one come up with one of the two Kubota dealerships we work with. Not fond of the tasks or the choice that is before the city. But the Mayor's recommendation would be to pay the amended increased price and get the Kubota sooner rather than go to court over it.

MOTION BY MR. GOULD, SECONDED BY MRS. BLANKFELD to Table this item and refer it to the Service Committee pending the Law Director's evaluation of the document and records in the case on the matter.

Mrs. Weiss asked why this matter was not brought to Council before now, the contract was sign well before now.

Mr. Kennedy replied that original purchase order was dated May 2022 and from the documents he looked at, the Service Department was apparently notified in the middle of February that there were issues related to the delivery for the schedule. The vendor apparently did the same thing with the City of Pepper Pike and had to requote that price to them. Mr. Kennedy said that the first time he was aware of it was sometime in March.

Mr. Rach asked very clear understanding of the timeline in regards to this purchase. Where Council agreed to going out to bid for the Kubota and the bid came in at approx. \$18,000 (\$18,487) and there is a lead time before the Kubota would be delivered. Mr. Rach asked Mr. Kennedy if he knew supposed date to receive possession of the vehicle was?

Mr. Kennedy said that he believed that Mr. Pokorny was expecting it to be in about October, November.

Mr. Rach asked what was their rationale for hiking up the price and that he sees this as the vendor holding the Kubota for ransom?

Mr. Kennedy said that he did not that information but he had some notes from emails that he was copied on and it was basically a supply chain supply chain issue.

Mr. Rach asked if the vehicle was completed.

Mr. Kennedy said that it was his understanding that it was coming in. But he did not see anything about the fact that a vehicle is actually secured and set aside for us. The Vendor wants to know about the pricing first.

Mr. Rack said that these companies build in a profit of probably 20% and this is a 10% increase. Mr. Rach added that he thought that the vendor would have to eat that. And as the Mayor said, not a lot of cities that use Kubotas. Mr. Rach also wants to hear from the Law Director in a committee meeting. But he did not want to make this a practice of changing a bid price just because.

Mayor Brennan clarified that there are plenty of communities that use Kubotas, there are very few that use them for what we use them for.

Mr. Rach replied that this is a custom-made vehicle for our specifications for a specific amount of trash and a specific amount of recycling.

The Mayor replied that no, it really wasn't. There is a lead time but, the hopper and everything is something that we do once it gets here. It doesn't come that way.

Mr. Kennedy said in looking back at the original bid document that was sent out, the delivery provision of that document said delivery shall be made within 30 days of the acceptance of the bid.

Mrs. Weiss stated that she did not think this needed to go to committee and that she rather have the Law Director take a look at it and report back to council at the next meeting and go from there.

MOTION BY MR. GOULD, SECONDED BY MRS. BLANKFELD to Table this item and refer it to the Law Director for evaluation of the document and records in the case on the matter. On Roll Call, all voted "aye."

In light of Councilperson's Gould resignation Mrs. Weiss asked for the floor to add an item to the agenda naming a chair of the Safety Committee.

MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD to Amend the Agenda and add a motion to name a new Safety Committee Chairperson. On Roll Call, all voted "aye."

New agenda item: **Motion to appoint new Safety Committee Chairperson**

Mrs. Weiss stated that in the interim, Council has 30 days to appoint a new council member. Mrs. Weiss said that she did not mind heading the Safety Committee for the next 30 days until the new council member would take her place because there is an important issue as well as a May 1 meeting.

Mr. Gould called for a point of order and commented that it was his understanding that the powers vested by the Charter to appoint are unilaterally with the Vice Mayor that makes those appointments within her purview. And so, a motion would be inappropriate because this council has no ability to vote up or down. It is only on her position as the Vice Mayor that this that this body vote.

Mr. McConville replied that was correct. And that in effect, the Vice Mayor is given the power to make assignments.

Mayor Brennan clarified that instead of making a motion, the Vice Mayor was making an announcement of the assignment.

There was nothing further for this agenda item.

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

Mayor Brennan reported that an executive session was needed to discuss a legal matter.

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

Standing Council Committees:

Community Outreach Committee – Mr. King

Mr. King reported that the Tech Advisory Committee would be meeting April 27 at 7pm to hopefully to choose a IT provider for the city.

Finance Committee – Mrs. Weiss

There will be a Finance Committee meeting on April 25 at 7pm.

Safety Committee – Mr. Gould

At the last meeting of this body, there was a vote to refer to the Safety Committee an issue regarding the Mayor’s Resolution regarding gun control to the State of Ohio. I would suggest to this body that this is a broader issue, which could have a more collaborative and inclusive approach to bringing about gun control and safety measures that are within our constitutional purview at the local level. And also, we’re sending a message as I believe, as the Mayor is intent to the State. But I think that this should be part of a broader citizen effort with council, because of the impact and the importance of this. By forming a Committee or Subcommittee of this Council, either the Committee of the Whole or another, we can bring in members of the Economic Development Committee who may have business interests in this issue. We can bring in members of the Finance or Budget Committee who might be able to discuss the budget impacts. We can bring in members of the Safety Committee, who can also bring in outside members that are housed our partners that are housed here, like the library system, the school district, these are all people that should have a view to this, I do not mean to belabor the issue such that this important issue is not brought into scope by this body. Rather, I mean, to underscore the universal impact of this very important issue on our citizens, the businesses that operate here, the children that go to school here. And, to demand from this body and from the administration, real actions at the local level to change these when they are not preempted by the State of Ohio, or prohibited by the constitution of the state or federal government. So that would be my recommendation to you to take up. If you wanted to add that to the agenda at the end of this agenda, we could do that to form that committee. Otherwise, I know that there was a conflict in the Mayor’s requesting that you remove that from the agenda. I don’t have the ability to do that unilaterally as the Chair of the committee, when there is a referral by this body. So, my request would be in furtherance of the Mayor’s request that you do add something to the agenda, if it is not to create a broader subcommittee of this body. I would ask that you simply remove that from consideration at the next meeting, which is set whenever I guess you can change the meeting now but whatever the meeting is, so that the mayor can be present for that discussion.

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

MOTION BY MR. RACH, SECONDED BY MRS. WEISS to Amend and Add to the Agenda a Change Order to SAFEbuilt in an amount not to exceed \$6,000. On Roll Call, all voted aye.”

MOTION BY MR. RACH, SECONDED BY MRS. WEISS to Amend and Add to the Agenda a Change Order to SAFEbuilt in an amount not to exceed \$6,000. On Roll Call, all voted aye.”

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

There being no further business, the meeting was adjourned at 9:32pm

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council