

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
MONDAY, MAY 15, 2023**

Mayor Michael Brennan called the meeting to order at 7:01 p.m.

Roll Call:

Present: Mrs. Michele Weiss
Mrs. Barbara Blankfeld
Mr. Christopher Cooney
Mr. Brian King
Mr. John Rach

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
Economic Development Susan Drucker
Housing and Community Development Geoff Englebrecht

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

Approval of Council Minutes:

April 17, 2023 City Council Minutes

There were no additions or correction to the City Council minutes from April 17, 2023.

MOTION BY MRS. WEISS, SECONDED BY MR. KING to approve the City Council minutes from April 17, 2023. On roll call, all voted “aye.”

May 1, 2023 City Council Minutes

Mr. King made two corrections to the May 1, 2023 Minutes.

Mr. Cooney was absent and Mrs. Sax was present
Enter into executive session for Real Estate issue

There were no further additions or corrections to the City Council minutes from May 1, 2023.

MOTION BY MR. KING, SECONDED BY MRS. WEISS to approve the City Council minutes from May 1, 2023 as corrected and amended. On roll call, all voted “aye,” except Mr. Rach, who “abstained.”

Additions and Removals from the Agenda; Referrals to Committee

Mayor Brennan asked for a motion to add to agenda as item “F” a motion to waive competitive bidding and authorize the purchase of two Kubota utility vehicles from Mentor MFG in the amount of \$43,852.00

MOTION BY MRS. WEISS, SECONDED BY MR. RACH to add to the agenda item “F” a motion to waive the competitive bidding and authorize the purchase of two Kubota utility vehicles from Mentor MFG in the amount of \$43,852.00. On roll call, all voted “aye.”

Comments from Audience

Mr. Jim Outman, was present to address a widespread rumor and asked Council member Blankfeld if she had plans to resign from Council in the near future on the grounds that she plans to move into another municipality?

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

Not only is it starting to feel like summer, the event season is picking up:

Wednesday May 17: Talk about history. City Hall's Deanna Bremer Fisher will give a talk about the history of University Heights on Wednesday, May 17 at 7 p.m. at the Reading Room at the Dolan Science Center.

Deanna has done a ton of research in preparation for this event, and you're going to be entertained and informed. You will not want to miss this. See you there.

Sunday May 21: Sustainable Gardening at The Walt. Join the Friends of the Walt and University Heights Green Team in learning about Sustainable Gardening at Walter Stinson Community Park, 2301 Fenwick Road, on Sunday, May 21, from 11 a.m. to 2 p.m. Additional participants—Rustbelt Riders, Meadow City Native Plant Nursery, the University Heights Branch of Heights Libraries, and Heights Tree People—will showcase sustainability practices for your home garden, give away free gardening books and seeds, offer native plants for sale, provide tree planting and composting assistance, and more!

At 1 p.m., Carin Miller, education specialist at the Cuyahoga County Solid Waste District, will present a Backyard Composting 101 Workshop.

Sunday May 21: Walter Stinson tree dedication. At 2 p.m. on May 21, I will help dedicate a tree planted in memory of Walter Stinson, longtime community coordinator and senior services manager for the City of University Heights. This memorial installation is a gift from his grandchildren, Luke and Evangeline. The program will take place at the Fenwick Road side of Walter Stinson Community Park and will also feature remarks from Heights Poet Laureate Siaara Freeman. This event follows the Sustainable Gardening event happening that same day.

Sunday May 29: University Heights Memorial Day Parade. The parade will feature over 45 entrants, including 5 musical acts, including the Heights High Marching Band. While the deadline to participate in the parade has officially passed, we are still taking a few late entrants and adding them to the end of the parade. If you haven't registered, and still intend to, please do it now. Form is on the city website. Due to construction at John Carroll University, the end of the parade takes a slightly different route this year: on South Belvoir, upon reaching Washington Boulevard, the parade will take a left on Washington, then a left on Bromley Road. Also, the post-parade ceremony will not take place at JCU. It will instead be held at Gearity, immediately following the 11 a.m. parade. Executive Director Rick DeChant of Northeast Ohio Foundation for Patriotism will be our featured guest speaker. The ceremony will also feature University Heights Symphonic Band, and Heights Poet Laureate Siaara Freeman.

LC23

I missed the last city council meeting as I was on the Class Trip with the Leadership Cleveland Class of 2023 organized by Cleveland Leadership Center. We spent three days in Newark, New Jersey. For all the times I have been to New York City to visit family, I had never spent any meaningful time in Newark. As a once and always student of political science and comparative government, the class trip was especially meaningful. Cities like Cleveland, cities like ours in the first ring of suburbs, have more in common with Newark than one might expect. There are differences of intensity and degree, but many of the concerns are the same. Concerns regarding poverty, housing, economic development, opportunity, DEI, public safety, and good schools. Our class, including fellow elected officials Cleveland Heights Mayor Kahlil Seren and Cleveland City Councilwoman Jenny Spencer, were especially pleased to meet and hear from both Mayor Ras Baraka and City Council President Lamonica McIver, as well as Councilman C. Lawrence Crump who also joined us. It was heartening to watch and listen to elected officials work together towards the progressive vision they share, and their active and collaborative approach to issues facing their community. I look forward to watching their progress while cheering them all on.

CBUS

Last Wednesday, I attended the Mayors Day in Columbus. I heard from and met with numerous state elected officials, including our State Senator Kent Smith, and our State Representative Juanita Brent. Representative Brent urges that as a City Government, we should be active in passing resolutions on state issues, to help provide her the backup for work she is doing for us and for our district. I favor this, and take it as a good reason why we should take the time to do it. There are decisions being made in Columbus that are affecting our constituents, and we should be taking a more active and comprehensive approach in our own advocacy and representation of our residents.

Which brings me to my next topic:

We learned that same day, last Wednesday, that there will be a Special Election August 8, 2023. (There is a Court challenge on this, but for now, we should assume it is on.)

The sole issue on the ballot is whether to amend the state constitution to require 60% passage of future constitutional amendments.

Since 1912, the State of Ohio constitution has permitted constitutional amendments by simple majority. Requiring a supermajority to pass an amendment enables minority rule – where it takes only 40% plus one voter to defeat an otherwise popular amendment. In other words, this proposed amendment would enable anti-majority rule.

This is anti-democratic. It has bipartisan opposition by former governors of both parties: Dick Celeste, Bob Taft, Ted Strickland, John Kasich, as well as opposition by numerous public interest – a couple hundred of them, too many to list here. It is opposed by just about everybody but the 62 legislators whose own supermajority exists due to an illegal gerrymandered map.

By scheduling this as a special election in August, it is openly and clearly intended to make it harder for abortion rights supporters to pass in November the proposed constitutional amendment protecting reproductive freedom. It also calculated to make it harder to pass citizen proposed amendments on an array of other issues besides – including possible amendments for anti-gerrymandering reform, for cannabis reform, and against gun violence.

If one opposes the “anti-majority rule” amendment, it is not enough not to vote YES. One must participate in the election, show up, and actually vote NO. I urge everyone here to oppose the amendment and urge the community to show up and vote NO.

Shifting gears slightly. Due to construction at John Carroll University, and the restoration of UH Public Library, some precincts are planned to be reassigned for the August election and for elections going forward into the foreseeable future. Watch your mailboxes for a notice from the Board of Elections if your polling place has changed. The changes are not yet official, so I will not announce them here tonight. In time we will help the BOE get out word of the changes.

Finally, the deadline to register to vote or to update your registration in time for the special election is July 10, 2023.

And while we are on the subject of construction at JCU, I want to acknowledge publicly what we your elected officials at the City have known for some time, which is that JCU was acquiring – and has since acquired – certain land at Fairmount Circle (where BP and Mr. Tire are located) as part of the proposed South Gateway project. JCU made a public project presentation on the project as well late last year. The BP has closed operations. Later this week, and under EPA guideline for permanent closure, removal of the underground storage tanks and fuel distribution system will commence. These items are not allowed to sit unaddressed as a matter of federal regulation.

A few more things of note:

I attended William “Bootsy” Collins’ Funk Not Fight event at the Rock Hall on May 11, a campaign directed at the youth against gun violence. Collins is a 1997 Rock Hall inductee as part of Parliament Funkadelic.

I attended the FutureHeights Spring Open House on May 4, with CH Mayor Kahlil Seren and several members of Cleveland Heights City Council, where I got to spend some time with new Executive Director Kristine Pagsuyoin and new Director of FutureHomes and Revitalization Hilary Shickler, and look for new ways to work together for the benefit of all the Heights but also University Heights.

I attended the Destination Cleveland Annual Meeting on May 3, with several of my fellow suburban mayors as well as Mayor Justin Bibb and County Executive Chris Ronayne, and presentation by President & CEO Dan Gilbert as Destination Cleveland plans for the upcoming major events: Forbes Under 30 Summit (October 8-11, 2023), NCAA Womens Final Four Tournament (April 5-7, 2024),

Pan-American Masters Games (July 12-21, 2024), and perhaps best of all, the total eclipse of the sun on April 8, 2024. Yes, Cleveland is in the path of totality for next year's solar eclipse.

Last Wednesday, I participated in the Reaching Heights Spelling Bee together with Mayor Seren, and Councilwoman Susan Hardy of South Euclid. The Dewey Decimators won again. And we were eliminated on the word FREESIA.

And last Friday, I chaired the NOACA Finance and Audit Committee, where we recommended entry into a \$3.5m contract to construct the first 40 of approximately 120 EV charging stations to be constructed in the five-county region. That goes to the full board next month.

Thank you, this concludes my report.

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

There were no reports or communications from City Council.

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

Finance Department – Mr. Kennedy

Mr. Kennedy provided an update in regards to the Regional Income Tax collections thus far. Mr. Kennedy noted that the 2023 tax budget will be due on July 15 and that he will be presenting to Council the Tax Resolution for consideration and passage at the next two council meetings in June.

Service Department – Mayor Brennan

Mayor Brennan reported that Spring clean-up ended at the end of April and that the park clean-up is under way for the month of May. The tennis courts are open. The search for the new Service Director continues and when that is completed the Mayor will issue an announcement. In the meantime, the best way to reach to Service Department is by emailing servicedepartment@universityheights.com that email is also listed on the city's website.

Housing/Community Development Department – Mr. Englebrecht

Update regarding our Juneteenth Celebration, scheduled for Sunday, June 18th at the Walt. This year, the Juneteenth Committee came together several times to discuss ways to make the Celebration even better than last year's event. Based on the group's collective, we'll have a great Celebration in store for the City. This year we'll have two stages for performances and interactions with the public. Our Main Stage this year will be mainly focused on musical acts. The event will again be Emceed by Kierra Cotton of WKYC with Marcus Alan Ward providing music sets. For our main stage lineup, we have The Cleveland Chorale opening, followed by Councilman Conwell & The Footprints, then Hubbs Groove. We'll then have members of the Divine Nine present with their youth squads who will perform their stepping routines, and showing out. Afterwards, we'll have a special presentation from the Spread The Love Foundation, who's focus is on showing the youth in Greater Cleveland the various avenues and career paths associated with the arts and entertainment industry. We'll then have a performance by members of The Life Entertainment, including two-time Grammy Award Winner, two-time American Music Award winner, and Soul Train award winner, Krayzie Bone of Bone Thugs-n-Harmony. The Dollar Bank Stage will be located at the opposite end of the park and will be more interactive with community members and families who come to the event. The lineup includes Yoga, Zumba, Hip-Hop workouts, a community forum led by Dr. Alicia Sloan, Spoken Word (from Siaara Freeman), and financial literacy talks provided by Dollar Bank throughout the day. We've been able to put all of this together through the budgeted amount from the City along with sponsorships and donations currently totaling \$5900 coming from several sources with potentially more on the way- including from the Cuyahoga County ADAMHS Board. During the next Council Meeting, I'll be requesting that Council allow for the sponsored and donated dollars to be included with the actual budgeted amount in order to cover the costs for the event. I met a few weeks ago with Chief Rogers and Chief Perko regarding security at the event, and there's been a recommendation made for more security based on the amount of people who may show up for the acts we have lined up for the event. I also spoke with the County Health Department about the event and they recommended more porta-potties for the event than the four we had last year. Though we've received sponsorships and donations to cover the artists and acts who will be performing, I did not previously take into account the need for additional security and porta-potties until the safety meeting. I'll be requesting an increase in the overall budgeted amount during the next council meeting in order to cover the costs of the event infrastructure we'll need to make sure it's a success.

Engineer Development – Mr. Ciuni

Mr. Ciuni reported that the Washington Silsby Saybrook Intersection Modifications project is almost completed. The Cedar Road Improvement project is finishing up and the restriping will be done with thermal paint. Lastly, the 2023 Road Program is out for bids.

There were no other department reports.

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

A. Nomination for Vacant Council Seat

Mrs. Weiss thanked the community for all the resumes that were submitted for the vacant council seat position and added that after personally being involved in three other vacancies processes prior to this one this was very difficult because so many of the received candidates resumes were excellent. The candidates were professional, involved in the city, long-time invested residents. After a number of meetings and interviews Mrs. Weiss personally nominated Threse Marshall for the vacant council seat. Mrs. Marshall has been involved with the city in different capacities throughout the year and most recently part of the Charter Review Commission.

Motion by Mrs. Weiss, Seconded by Mr. Cooney nominating Mrs. Threse Marshall for the vacant council seat.

At this time the floor was opened for other nominations for the vacant council seat.

There being no other nominations for the vacant council seat, the Clerk was asked to call the roll.

On roll call, all voted “aye.”

Mrs. Threse Marshall will fill the vacant council seat.

B. Heights Arts presents Poem Reading by Poet Laureate Siaara Freeman and Former Poet Laureate Ray McNeice

Mrs. Rachel Bernstein, Heights Arts Executive Director. Mrs. Bernstein stated that Heights Art was excited to join partnerships with University Heights as they have partnered with Cleveland Heights for many years and provided an overview of their programming before turning the floor over to Siaara and Ray. Heights Arts is a local non-profit organization founded in 2000 in response to comprehensive citizen-driven visioning process organized by the City of Cleveland Heights to create a venue to enable artists to connect with local audiences. This Laureateship is the longest running Laureateship in the state.

Former Poet Laureate Ray McNeice stated that Laureateship were growing like mushrooms all over America and lively recited a poem entitled “The Revenge of Cleveland”

Poet Laureate Siaara Freeman said that she was grateful to be able to be a representative for different cities that encompasses multiple demographics. Literature, words, oral history is how people have gotten to the current state of being as a people. Without words we would be nothing, words change effort. Laureate Freeman recited a poem dedicated to mothers.

C. Ordinance 2023-19 Establishing that the Annual Rate of Pay for Members of Council Shall not be Less than the Minimum Amount Necessary to Qualify for Eligibility for Ohio Public Employee Retirement System Years of Service, and Declaring an Emergency

Mayor Brennan stated that Ordinance 2023-19 was on second reading.

Mr. McConville stated that this Ordinance would create an automatic pay raise for council members in the event that the rate of pay falls below that which is necessary to garner a full year of credit under the Ohio Public Employment Retirement System and with the caveat that no such raise will occur as an interim pay raise. The pay raise will be staggered and council members will become eligible for it as they either join Council or become re-elected to Council.

MOTION BY MRS. WEISS, SECONDED BY MR. KING to Approve Ordinance 2023-19 Establishing that the Annual Rate of Pay for Members of Council Shall not be Less than the Minimum Amount Necessary to Qualify for Eligibility for Ohio Public Employee Retirement System Years of Service, and Declaring an Emergency. On roll call, all voted “aye.”

D. Ordinance 2023-21 Authorizing the Mayor to Enter into a Project Award Agreement with Cuyahoga County for ARPA Grant Funds in the amount of \$129,420.00 and Declaring an Emergency

Mayor Brennan noted that Ordinance 2023-21 is on first reading but also declaring an Emergency so it could be passed if the rules are suspended with the appropriate number of affirmative votes.

Mr. Kennedy stated that the agreement represents the County's formal process in order to process payment for the City in that set amount which County Councilwoman Steven's office had agree to contribute to the Cedar Road project that is run by ODOT. Upon the County's receipt of passage, the County will replenish some of those monies that were originally funded in advance for the ODOT project out the City's proceeds. Mr. Kennedy added that he did confirm with ODOT that NOACA did provide the monies that they had committed to the City directly to ODOT. All those funds will be included in the final reconciliation process that takes place after the project and restorations are completed.

MOTION BY MR. COONEY, SECONDED BY MRS. BLANKFELD to Approve Ordinance 2023-21 Authorizing the Mayor to Enter into a Project Award Agreement with Cuyahoga County for ARPA Grant Funds in the amount of \$129,420.00 and Declaring an Emergency. On roll call, on the suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."

E. Motion to Approve the Additional Expenses related to the Blight Study performed by CT Consultants totaling \$11,825.62 in payment

Mr. McConville stated he was contacted by Ms. Kristen Hopkins, Principal at CT Consultants in connection with the blight study the CT Consultants performed for the city in relations with the City's intent to appropriate the University Square parcels. Ms. Hopkins informed Mr. McConville that the amount of work performed exceeded what was initially authorized by Council in providing the blight study. Mr. McConville commented that CT Consultants did provided additional work beyond what was initially authorized by Council, but that additional work was a tremendous aid in the successful negotiations to having a fully executed memorandum in relations to the future development of that property. Negotiations with Target, Macy's and the Developer continue towards that end. Mr. McConville added that he had no reason to believe that the CT Consultant billing was anyway inflated.

Mrs. Weiss asked if when Council had originally approved CT Consultant for the project if the approval was a not to exceed amount or was it was a specific dollar amount? Mrs. Weiss also noted that there were two invoices and asked if the total would be the \$11,825.62?

Mr. McConville replied that the originally approved project amount was \$8,000 based on CT Consultant proposed amount. But that the two invoices totaling the \$11,825.62 was the correct total invoice amount.

Mayor Brennan also noted that the project was not a bid project as it was a contract for professional services. The project ended up being a more extensive and involved project, so he was in favor of Council approving the additional amount up to the \$11,825.62.

Mr. Rach commented that he usually was not for approving this type because when you have a not to exceed, it not to exceed. But, it looks like CT's invoice notations there were two items; one being a report that they received from the city towards their finishing their report, so that is due to the city. The other notation was the amount of research and data analysis required. Mr. Rach added that he understood that in this particular situation and the gravity of the structure itself and the city getting information to CT Consultant last minute led to the extra cost and the city has to pay that extra cost.

MOTION BY MRS. WEISS, SECONDED BY MRS. BLANKFELD Approving the Additional Expenses related to the Blight Study performed by CT Consultants for a total payment of \$11,825.62. On roll call, all voted "aye."

F. Motion to Waive Competitive Bidding and Authorize the Purchase of two (2) Kubota Utility Vehicles from Mentor MFG in the amount of \$43,852.00

Mayor Brennan stated that the need for this immediate purchase emerged late the previous week and that there is an immediate availability of the vehicles. Mayor Brennan read his memo to Council dated May 15, 2023 into the record which explained the need and the fact the ABC Rental, who was awarded the purchase of the one Kubota last year did not hold their original bid price of \$18,487 increasing it to \$20,847; plus, the availability of the unit is still uncertain. Mayor Brennan added that as of last week there were only the two Kubota Vehicles still available for purchase at Mentor MFG.

Mrs. Weiss asked Mr. McConville if he had contracted ABC Rental as Council requested in requiring them to up hold their bid amount of \$18,487?

Mr. McConville replied that he had not.

Mrs. Weiss replied that was an issue.

Mayor Brennan stated that he had informed Mr. McConville over the weekend that he would be bringing this additional agenda item for the purchase of two Kubotas from Mentor MFG to Council tonight for approval and that he should delay that research. There may be research that could be done where the city holds them (ABC Rental) to the bid price, but it would not get the city the needed Kubota in the next two weeks.

Mrs. Weiss commented that it was not a matter of research. Council had asked the Law Director to contact ABC Rental a month ago to ask them if they would hold to the contracted price because sometimes when you get a call from an attorney it prompts people to change their decision.

Mayor Brennan said that even if ABC Rental holds the contracted price, that would not get the city a Kubota in the next few weeks because they do not have any in stock.

Mr. Rach asked what happened to the Kubota that ABC Rental ordered for the city?

Mayor Brennan said that it had not come in yet and in order for them to still get it the price was higher. In any event ABC Rental still could not guarantee when they would be able to get it for the city.

Mr. Rach said that he understood the need to back-fill one of the Kubotas, in that it was supposed to be done last year. He just wanted to be sure that the proper protocol was being followed for the 2023 purchase. So at least go out for bids this year for one Kubota and discuss backfilling the 2022 vehicle that is currently needed.

Mayor Brennan commented that he understood Mr. Rach's point, but suggested buying the two Kubotas now.

MOTION BY MRS. WEISS, SECONDED BY MR. KING to Waive Competitive Bidding and Authorize the Purchase of two (2) Kubota Utility Vehicles from Mentor MFG in the amount of \$43,852.00.

Mr. Cooney commented that this has been the city's method of pickup and that this would continue with the refusal to modernize the collection process the city will be in this position again at some point down the road. There are options available and if there was a plan moving forward that would be helpful. Again Mr. Cooney said his concern was that the city is painting itself in a corner with these decisions regarding the current method of backyard pickup and the need for Kubotas and the number in the fleet of Kubotas could be reduced with curbside pickup as long as there is a plan to get there.

Mr. Rach respectively disagreed with Mr. Cooney's comments.

On roll call, all voted "aye."

**G. 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 – Mrs. Blankfeld

Mrs. Blankfeld reported that the committee met just prior to the Council meeting.

Safety Committee – Mrs. Weiss

The Safety Committee will meet on May 22nd at 6pm.

Service and Utilities – Mrs. Sax

The Service and Utilities will meet on June 20th at 5:30pm

Council Committee of the Whole – Mrs. Weiss

The Committee of the Whole will meet on May 24th at 6:00pm.

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

There being no further business, the meeting was adjourned at 8:26pm

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council