

**COUNCIL MEETING MINUTES
CITY OF UNIVERSITY HEIGHTS, OHIO
MONDAY, JUNE 5, 2023**

Mayor Michael Brennan called the meeting to order at 7:10 p.m.

Roll Call:

Present: Mrs. Michele Weiss
Mrs. Sheri Sax
Mrs. Threse Marshall
Mr. John Rach
Mr. Christopher Cooney
Mr. Brian King

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
Communications / Civic Engagement Mike Cook

Approval of Council Minutes:

May 15, 2023 City Council Minutes

There were no additions or correction to the City Council minutes from May 15, 2023.

MOTION BY MRS. WEISS, SECONDED BY MR. KING to approve the City Council minutes from May 15, 2023. On roll call, all voted “aye.”

Additions and Removals from the Agenda; Referrals to Committee

Mrs. Weiss reported that she had following announcement and addition for the Agenda. (1) the appointment of Ms. Marshall to various Council Committees and (2) after agenda item “a” the appointment of Building Committee Head.

MOTION BY MRS. WEISS, SECONDED BY MRS. SAX to add the appointment of Ms. Marshall to various Council Committees and (2) after agenda item “a” the appointment of Building Committee Head. On roll call, all voted “aye.”

Comments from Audience

Mr. Rubin Moultrie, 2463 Charney, noting that Warrensville Center and Cedar Roads were both gateways to the city. Mr. Moultrie asked if there was an ordinance that dealt with rubbish collection because he noticed a lot of bulk items being left on the treelawns for weeks.

Mr. Kyle Herman, 3652 Highwood Avenue, Stow Ohio and Executive Director of Ranked Ohio. Ranked Ohio was founded by volunteers in 2020 and is a statewide nonpartisan nonprofit for rank choice voting. Mr. Herman thanked the city’s Charter Review Commission and City Council for their consideration of rank choice voting. University Heights would be the first city in a long time to use rank choice voting. Mr. Herman recommended that people read a book called “Proportional Representation and Election Reform in Ohio” written by Kathleen Barber who was also a John Carroll University professor.

Mr. Maliskas, 2592 University Blvd. was also present to speak in favor of rank choice voting amendment and highlighted that rank choice voting strongly encourages cooperation, and discourages extreme candidates who cause a lot of discord. Mr. Maliskas added that he thought it would be a good idea for

the city to adopt to encourage everyone in this forum to work together rather than working against each other, and it will more accurately reflect the desires of the community.

Mr. Shawn Belt, 2292 Canterbury. Thanked the Charter Review Commission for their 11 months of hard work and for working as a collaborative team in putting forward a number of forward-thinking proposals that are each worthy of being voted on by the residents. Mr. Belt added that he thought that 10 ballot issues may be too many at one time and offered that perhaps choosing a timeline where a few issues would be placed on the ballot each election cycle.

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

Mayor's Report

We have a lot to cover this evening, so I will keep this brief:

This Thursday is the Sing Out at Severance Hall in support of Cleveland Rape Crisis Center. I will be joining a choir full of local figures to perform in support of the CRC – I'm even singing a solo. This event is traditionally every two years – but due to the pandemic, this is the first live and in person Sing Out in five years, the first since my first time in 2018. Tickets are still available at clevelandrapecrisis.org/singout.

This coming Sunday June 11 is the University Heights Bike with a Mayor event, part of the Bike with a Mayor series with Cuyahoga County. I'm delighted to have Council Member Brian King as the co-host of this event. It will be this Sunday at The Walt, 12:30pm meetup, 1pm start. It is an organized ride with a route. We ask that you wear a helmet, and while there will be a bike check at check in, it would be a good idea to give your bike a once over in advance, make sure you have working brakes, air in the tires, and so on. Please register for the event on the city website.

Thursday next week is the opening of the Summer Concert Series, with a return engagement by Rubix Groove. That will be Thursday June 15th at 7pm at The Walt.

Next Sunday June 18 is the Juneteenth event. Details and a schedule are in the Mosaic. Two stages, free music, headlined by Krayzie Bone of Bone Thugs n Harmony. Fun for the whole family as we celebrate America's Black Independence Day.

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

Thank you, this concludes my report.

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

Mrs. Weiss reported that the Council of the Whole facilities and Infrastructure Committee met and discussed an Owners Rep RFQ that will be forthcoming after the summer recess in September. Other Council committee meetings were the Service Committee and the Safety Committee both had robust discussions, and the Safety Committee has legislation on tonight's agenda.

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

Mr. Kennedy reported that the city’s draft audit has been filed with the Auditor of State office and the draft final audit report is expected by June 30, 2023. Mr. Kennedy also provided an update in regards to the Regional Income Tax collections thus far.

Law Department – Luke McConville

Mr. McConville stated that on the request of the Building and Housing Committee, he would have three ordinances for the next council meeting: an ordinance relating to creating a uniform schedule for rental registrations; an ordinance updating and creating enforcement mechanisms in connection with locating trash cans forward the rear foundation line and an ordinance creating rights to inspections to individual units and apartment buildings. Mr. McConville also reported that he would have updated revisions to the short- term rental ordinance for the June 20th Building and Housing Committee meeting and an updated campaign contribution ordinance for the June 27th Finance Committee meeting.

Service Department – Mayor Brennan

Mayor Brennan reported that 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.

Engineer Development – Mr. Ciuni

Mr. Ciuni reported that the 2023 Street Striping Program has begun and that the side streets will be stripped during the day and the main roads at night. By contract all work has to be completed in 30 days.

Economic Development – Mrs. Drucker

Mrs. Drucker reported that the Bialy’s Bagels expansion project at 2267 Warrensville Center Road is almost completed. The new expansion will include a sandwich shop connected to the bagel shop.

There were no other department reports.

Reading and Disposition of Ordinances, Resolutions, Motions and Consideration of Agenda Items:**A. Vice Mayor Michele Weiss Announces of Committee Assignments to Council Member Threse Marshall**

Mrs. Weiss stated that Based on Ms. Marshall’s swearing in. she announced Ms. Marshall committee assignments as follows: chair of the Safety Committee, member of the Finance and Economic Development Committee.

Mayor Brennan stated that the next agenda item was added item “b”; the appointment of the Chair for the Building Committee.

Added item B. Appointment of Building Committee Chair

Mrs. Weiss that because there was a current open council seat and because there were a few time sensitive Building and Housing ordinances she was appointing herself as the Building and Housing Committee Chair until that council seat was no longer vacant.

B. Charter Review Commission presentation to Council regarding the proposed Election Ballot Issues to be placed before the Electorate at the November 2023 General Election

Mayor Brennan gave the floor to Charter Review Commission Chair Mr. Stephen Wertheim.

Mr. Wertheim thanked Mayor Brennan and Vice Mayor Weiss and City Council for granting the commission time to present their proposed amendments to the city charter.

Mr. Wertheim continue to thank commission members: Vice Chairman Chris Myrick, Secretary Wesley Kretch, Jacqueline Gould, now council person Therese Marshall, Dr. Alicia Sloan, Tyler Bobes Lee Crumrine, David Jackson, Dr. Margaret Duffy Friedman, and David Farkas. They truly represented the community. None of this would have been possible without their hard work and commitment. Mr. Wertheim also thanked Law Director Luke McConville and Asst. Law Director Mike Cicero for all their legal guidance. Lastly, Mr. Wertheim especially thanked Asst. Clerk of Council Jeune Drayton. The commission was not without tragedy, friend and community activist Rick Brown's untimely death was a great loss to the Charter Review Commission and his contributions were invaluable. The commission also experienced the recent loss of Commission member Jackie Gould's husband. In the summer of 2022 the University Heights Council passed an ordinance 2022-25 creating a Charter Review Commission for only the third time since the city's founding in 1941. Mayor Brennan chose four members of the Commission and the council persons each chose one person. The Charter Review Commission met twice a month for the next 10 months and approved the recommended proposed ten (10) Charter Amendments to be voted on by the voters of University Heights November 7, 2023.

Mr. Wertheim stated that the proposed charter amendment are as follows; gender neutrality, eliminating term limits, Law Director appointment, decennial charter review, department name modernization, rank choice voting, recall elections, initiatives and referendum, presiding officers at council meetings and anti-discrimination.

At this time each of the 10 proposed charter amendments were explained by the sponsoring commission member. But for purposes of these minutes those explanations will be interjected in the proper agenda item as they appear on the agenda.

C. Ordinance 2023-22 Accepting the Final Report of the University Heights Charter Review Commission and Declaring an Emergency (on emergency)

Council members received bond copies of the University Heights Charter Review Commission final report.

Mr. Cicero stated that this was more of a formality in reviewing Ordinance 2022-45 where Council will accept the published final report in its entirety of the Charter Review Commission.

Mr. Cicero also clarified that with original Agenda Item 9 C, Council is free to consider this and pass it if it so chooses on emergency at the current meeting. Agenda Original items 9 D through M cannot be passed at the current meeting, those items are just on first reading. Ordinance 2022-45 indicated that once the Commission publishes its report Council must choose whether to reject or accept those specific items at its first regularly scheduled council meeting, that is outside of 10 days from publication. This report was published last Wednesday and today is the fourth business day. Therefore, it would be at the June 20th Council Meeting for those agenda items to be considered for passage.

Mayor Brennan took this opportunity to say that in regards to the next several agenda items there will be time enough, between now and November to discuss with the public the merits of each proposed amendments, and that they are all up on first reading this evening. As Mr. Cicero said there will be no vote on that this evening, but until then Mayor Brennan stated that he believed, in the work of the Charter Review Commission. The approach that the Commission took, the efforts that they and Mr. Cicero made, the depth of the analysis, the deliberation and the discussion. Mayor Brennan added that he was present for several of the meetings but not each and every one. The degree of decorum, the thoughtfulness, the level of deliberation and discussion was unparalleled. In recognition of the commission's work, Mayor Brennan stated his believe that all 10 amendments should proceed to the ballot for a yes or no vote for each on each by the people of this community. In the end, the people should decide that the strength of the work of this commission calls for that and all 10 should go ahead and be on the ballot. Mayor Brennan thanked the members of the Charter Review Commission for their hard work and dedication. Adding that it was noted that baseball was playing when the Commission started meeting and that baseball is playing again now. The Commission did this without compensation solely for the betterment and future of the community. Mayor Brennan commend all of the Commission members and thanked each of them for the time they took and the sacrifices they made during this time including Rick Brown as well.

MOTION BY MRS. WEISS, SECONDED BY MS. MARSHALL to Approve Ordinance 2023-22 Accepting the Final Report of the University Heights Charter Review Commission and Declaring an Emergency. Roll call on the suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”

D. Ordinance 2023-23 Submitting Charter Review Commission Proposed Amendment No. 01 to the Charter of The City of University Heights to the Electorate of the City at the November 7, 2023 General Election and Declaring an Emergency (on emergency)

The Charter Review Commission is recommending an amendment that would replace the gender terms and language throughout the city charter with gender neutral and gender inclusive terms and languages. The proposed amendment would correct the charter and replace it with language that communicates and promotes a more inclusive city and government. The charter should better recognize and reflect all residents and the people serving the community through the city government. The proposed amendment would also replace Article 8, Section 11 of the Charter, which would not be necessary anymore with the new provision granting Council the authority by unanimous vote to make non-substantive corrections and revisions to the Charter through the legislative process.

Mrs. Sax noted that she attended just about every Charter Review Commission meeting and noted that she had suggested that at the end of this section that a disclaimer be placed stating that people should not feel offended if the pronoun if whatever, however, persons are referred to still did not address how they prefer to be referred to and she did not see that disclaimer listed.

Mr. Wertheim commented that the commission placed in the amendment the ability for Council to make minor changes as long as it did not change what the amendment stood for or change it in any major way.

Assistant Law Director Michael Cicero stated that if Council sent the proposed version to the ballot, Council would have the power to change pronouns in the Charter. Mr. Cicero stated that he would submit that the ordinance that created the Charter Review Commission could not make any substantive changes to those proposals that the commission has referred to the council for consideration. In essence, Council would have to vote it down in order to proceed with the other provision in the charter.

Law Director Luke McConville added that there were two different concepts being discussed. One is that there is a portion of this amendment that allows council to make non-substantive changes to the charter. The idea is that changing a pronoun here or there would not be substantive. So, following approval of the charter amendment by the electorate, council could subsequently come back and enact an ordinance that would change a pronoun. But, separately from that in the event that a particular proposed charter amendment is not something council wants to enact, but wants to enact something that is similar. Council could then reject a charter amendment and then go through its own legislative process under the charter to enact something different, or to get something on the ballot that is different. The most recent example of that is with respect to the Civil Service Commission, where last year the council changed the charter by going through its legislative process and putting that issue to the voters which they adopted.

Mrs. Weiss thanked all the Charter Review Commission Members including Assistant Law Director Michael Cicero who step in to serve as the Commissions legal counsel. Mrs. Weiss extended special acknowledgement to Mr. Crumrine who developed the format for each amendment to be presented in the final report, it made a very big difference in understand the report. Mrs. Weiss voiced her concerns that she was very nervous that 10 amendments were too much and that she did not want the voters to have voter fatigue. Many of the amendments are such important issues that Mrs. Weiss said she would not want one to fail because the voters just wanted to get through voting already, or they might not understand one or look into one because they have nine other ones that they needed to look into with having ten (10) amendments being presented.

Ordinance 2023-23 was placed on first reading.

E. Ordinance 2023-24 Submitting Charter Review Commission Proposed Amendment No. 02 to the Charter of The City of University Heights to the Electorate of the City at the November 7, 2023 General Election and Declaring an Emergency (on emergency)

Commission member Dr. Duffy-Friedman reported that Amendment Number 2 is to eliminate term limits for the elected officers of University Heights. Currently, the charter limits selected officials to serve no more than three consecutive four-year terms, or 14 consecutive years whether elected or appointed. This provision was approved by voters in 1995, when the movement for term limits was in favor and reached a peak throughout different parts of the country. However, since the 1990s, term limits have proven to be detrimental rather than beneficial to good government as they were intended. Academic research does show that term limits can increase the ideological polarization of legislators, can reduce legislator's expertise, capacity and skills, weaken legislatures, relative to executives increase the influence of special interests, lobbyists reduced voter turnout and reduced productivity in their citations. The commission utilized the National Civic League's model City Charter document and that is a publication of the National Civic League. The league recommends against restricting the re-election of council members to subsequent terms. And it comments specifically, that the limiting re-election restricts voter's opportunity to keep in office council members of whom they approve. Unlimited terms allow voters to provide a vote of confidence for council members who represent the majority sentiment and a vote of opposition for members in a minority. Finally, the city benefits from the institutional memory of re-elected council members. We have seen evidence of that through various elected officials in the past in University Heights. Dr. Duffy-Friedman added that if someone has an opinion about term limits, set that aside for a moment and look at the Democratic constructs and principles of the topic. Term limits are undemocratic, they restrict voter choice by barring candidates from the ballot, voters should be able to vote freely to keep a strong elected official, or remove an ineffective one. Experienced elected officials can have historical insights, leadership skills, and legislative expertise, which can really benefit the city with ongoing and lasting positive effects beyond the current restricted terms. Term limits do not improve the functions of local government; they cost residents experienced and affected elected officials with extensive institutional and community knowledge. Voters should have the choice to keep the elected officials whom they want to represent them.

Mrs. Sax stated that she gave a lot of thought to this and read the discussion comments several times. Mrs. Sax commented that while there is a 12 consecutive year term limit, a person can take a two to four-year break, depending on whether there is an opening, within those four years. At which point they could then get reelected. It is not barring a person from having extended time, it is just that it cannot be consecutive and having a pause is not such a bad thing, because things change. Mrs. Sax said that she worries that people in those high positions of power in the city will be more fixated on getting reelected than of working on the issues because incumbents do have the advantage. For that reason, Mrs. Sax said she liked it how it is currently and could not understand why that position is considered undemocratic.

Mr. Wertheim said that he thought that the reason the commission was looking at this proposed change was that when talking about the charter and looking into the future what can often time be lost is institutional memory. Mr. Wertheim added that he thought that the commission's goal was saying that they trust people and that was the reason the commission this more democratic in this amendment is that commission members think that the citizens of University Heights should decide for themselves who should and should not be elected to office.

Mrs. Duffy-Friedman added that she appreciated everyone's questions and differences of opinion because that is what keeps the City strong.

Mrs. Weiss commented that she could be swayed either way on this issue. There is something to be said about new blood and new ideas, twelve years is a long time. And, as Mrs. Sax said beforehand, a person could take a break for two years and come back if they wanted to run for another term. Mrs. Weiss said that she just knew that incumbents typically have a little bit of an edge. Maybe there are some new and fresh ideas that that could come out if there were term limits. And again, it is not like you are saying someone could never run again, they could run in two years. Mrs. Weiss added that she was not steadfast against this amendment at all and that she could be swayed. Those were just a few thoughts she had.

Mr. Rach said that he too could be swayed and noted that it wasn't long ago that University Heights made history in having one of the longest serving female mayors, Mr. Rach thought in the entire country. And although it was great having a record breaking of sort. But the one thing Mr. Rach said he had heard as he talked to residents, was that there was the need at that time for term limits and that is how this probably ended up becoming a charter amendment as was mentioned back in the 90s. Mr. Rach added that he had a little more angst about and would have to be convinced otherwise.

Ms. Marshall stated that her only concern is that if there was a situation where the residents want to change the city's leadership, but can't because there is no limit to the terms. People could keep voting that person in, but eventually their 12 years would be up at some point, and resident could get new fresh eyes. Otherwise, Ms. Marshall said that she agreed with everything else that Dr. Duffy Friedman said.

Mayor Brennan commented that he had time ever believing that Mayor Rothschild record of 32 years in office will ever be beaten whether this provision passes or not. Mayor Brennan said that he agreed with the good government thinking behind what Dr. Duffy Friedman has said. Mayor Brennan added that he thought that there was something to be said for having more choices, not fewer choices. And, if you take the most experienced person automatically off the ballot, then there is a sense where that could be fairly characterized as anti-democratic. At the same time, University Heights is overall a young community where a lot of people move here and live here for a few years and then move on. In addition to those of us who have stayed for the lifetime practically. If you move here to University Heights for five years or 50 years, some of us a few years in between but all the same. Mayor Brennan said that does not change his plans. When it comes to whether or not there's term limits; if there are no term limits Mayor Brennan promised that he would not be the next Mayor to serve for 32 years. But, in a community like University Heights, he thought that having an institutional mechanism for ensuring that fresh blood is added to the system, where fresh perspective and fresh energy is added to this the system is something that is well suited here in University Heights. Reasonable people can come to different conclusions on this amendment. Mayor Brennan added that he did think that it was appropriate to send everything to the people to decide but that he also was not saying that he would vote for it if it is on the ballot, but the people should get their opportunity, as he said to weigh in and have a yes or no vote with all 10 amendments.

Ordinance 2023-24 Amendment No. 02 was placed on first reading.

F. Ordinance 2023-25 Submitting Charter Review Commission Proposed Amendment No. 03 to the Charter of The City of University Heights to the Electorate of the City at the November 7, 2023 General Election and Declaring an Emergency (on emergency)

Commission member Mr. Wesley Kretch made a brief presentation on proposed amendment number three, to the City's Charter which proposes a change to the method by which the City's Law Director is appointed. The Charter Review Commission has proposed that the city certify to the ballot a measure that would allow the City's Law Director be appointed by the Mayor subject to approval by a majority of the City Council. The commission discussed the fact that the Mayor is already the Chief Executive Officer of the city and is entitled to make all appointments of officers and employees of the city; except currently the Director of Law. But interestingly, the City's Law Director advises equally the Council and the Mayor. Also, in discussions, the commission felt that the Mayor should have a voice going forward in the selection of the City's Law Director in that the Mayor also receives a significant amount of legal advice from the City's Law Director. The commission felt that the proposed format strikes a fair balance in ensuring that Council has the ability to check the Mayor's appointment of the Law Director. Also included in the proposed amendment is a provision that would also call for the Law Director's removal by either the Mayor or a majority of the members of Council as well. In summary the commission felt as a body that this represented a fairer way to appoint the City's Law Director going forward.

Mrs. Weiss stated that this amendment was her hard no and that she did voice that to the Charter Review Commission. Mrs. Weiss added that there were a lot of reasons why she did not think that this should be on the ballot at all. Number one is that many cities have their Council appoint the Law Director, this is not unique to University Heights. University Heights has seven council members that are independent thinkers that collaborate together and can come to a decision to appoint a Law Director versus having it done by one Mayor. Mrs. Weiss spoke of a past incident when she was on Council and Mr. Rach was served on the Board of Zoning Appeals and the City Council had to fire the Law Director at that time because he inappropriately ruled for the Mayor on an issue and actually let the Mayor vote on something. That situation did not happen 20 years ago, it happened 10 years ago. It was a very recent issue that happens in our city. Mrs. Weiss added that she thought that the Law Director worked so close with City Council, even it could be more than the mayor. The Mayor is the legislative arm and go to person for council and that is important. Mrs. Weiss added that she could not stress enough that the appointment of the city's Law Director needs to stay with City Council.

Mayor Brennan stated for the record as he said also at the Charter Review Commission meeting. Mayor Brennan believes this is the most important amendment to put on the ballot. If only one amendment is placed on the ballot, this is the one needed. The reason why is because the Mayor has absolutely no say in who the Law Director is and the Mayor works the Law Director every day. The Mayor works with the Law Director closely on litigation, on legislation, on contracts, on employment matters, on all matters before the city except for those items where the Law Director proceeds to having either a partner like Mr. Cicero or an outside firm come in to do additional work. The change that has been proposed here by the Charter Review Commission is not that it would become the Mayor's soul appointment it is far from that; it is something that the Mayor and the Council get to do together. The Mayor makes suggests

for an appointment, the Council approves or rejects that appointment. And, there is still ability to remove a Law Director if needed. In the legal profession there is a saying that tough cases make bad law. And the difficulty of one Law Director who perhaps gave some bad advice that led appropriately to that person's separation from the city as the Law Director may have happened regardless, under this change. But as it currently stands, if this Mayor ever had a problem with the Law Director, or a future Mayor, under the current Charter ever had a problem with the Law Director, the Mayor is powerless to do anything about it. The Mayor is powerless to terminate that Law Director and because the Mayor also does not have the power of the purse the Mayor cannot hire their own lawyer either for another opinion if needed. Whereas the City Council can because they have the power of the purse. And that is why this particular amendment is in the Mayor's view the most important of the 10 and must absolutely go on to the people and he will be happy to go into further in greater detail about why this is important from now till November.

Mrs. Sax stated that the belief that having the Law Director serve or be in that type of position with City Council and causing tension is a false notion. Mrs. Sax said that she has seen the Law Director/Law Department be even handed, an unbiased, accessible not only to council but to administration and to the residents on behalf of the entire city, weighing the pros the cons everything out and describing them in public, and also in Executive Session, which members of the public are not privy to. This seems to be a solution looking for a problem. Mrs. Sax added that she worries about having only one person appointing such an important position rather than seven. And working through it that way, plus having the checks and balances in place.

Mr. King commented that he thought that this struck a good balance between the Mayor being able to appoint and Council being able to approve that appointment. And if there was the need to be removed, either the Mayor could remove the Law Director or Council by a majority vote could still remove the Law Director. This, this proposed amendment passed the Charter Review Commission nine to zero and Mr. King thought it would be worthwhile to send it to the residents of the City of University Heights to consider.

Mr. Rach voiced that one of his concerns with this amendment was that although it states that the Mayor would appoint and Council would approve; the removal of the Director of Law could happen by either the Mayor or by the majority of members of Council. So, although the Law Director is shared between the Mayor and Council, Council would not share the responsibility in the removal of that director. Mr. Rach said that he had a problem with that because if it takes both the executive branch and the legislative branch to appoint the Law Director, he felt that there should be a similar thought in the removal of that director. Because Council works so closely with the Law Director, Mr. Rach said that he would not want this Mayor or any future Mayor for whatever reason because it could be political to remove that director and Council would not have a say and that is one reason why Mr. Rach was hesitant towards this.

Ms. Marshall asked if under this amendment if the Mayor were to decide that they did not want that Law Director and that they want to remove them because they have a problem with that Law Director. Would that final or under this proposal would Council also have to approve it? That was Ms. Marshall's concern.

Mrs. Sax replied no, that it would be a unilateral decision.

Ms. Marshall replied that in that case she agreed with Mr. Rach in that if both branches of government shares the responsibility of choosing the Law Director than both branches of government should share the responsibility in removing the Law Director.

Mrs. Weiss stated that she also agreed with Mr. King, Mr. Rach and Ms. Marshall regarding section two where you have an appointment and then both parties have the approval. Her concern was the removal piece. Again, there are seven council members that have to come to some type of majority for removal, but there is the one position of the Mayor where if they feel that the Law Director doesn't rule the way that they want them to rule they can then get rid of them at any time. Mrs. Weiss said that she did not think that that that is healthy for the city to have.

Ms. Marshall asked if City Council had the ability to suggest that piece is put into the amendment.

Mr. Cicero replied that if the majority of Council objected to that last sentence the way it is currently phrased it would be best for Council to reject the proposed amendment. Then Council can create another piece of legislation with language that it so deems fit and approves. Mr. Cicero added that there was enough time to do that even though there is summer recess for Council meetings. The due date for the November ballot is early September.

Ordinance 2023-25 Amendment No. 03 was placed on first reading.

G. Ordinance 2023-26 Submitting Charter Review Commission Proposed Amendment No. 04 to the Charter of The City of University Heights to the Electorate of the City at the November 7, 2023 General Election and Declaring an Emergency (on emergency)

Mr. Wertheim stated that the commission appreciated the fact that the City Council and the Mayor felt it was time to have a Charter Review. The Commission was very surprised that there was no actual date or time period in which the Charter is reviewed. Mr. Wertheim noted that basically since 1941 there had only been three Charter Review Commission's; one in 1979, one in 2008/2009 and this one occurring in 2022/2023. Given the fast pace of change these days the commission felt that there are things that they are talking about today and looking towards there is no idea what will be happening 10 years from now. Therefore, it is the commission's proposed suggestion for a decennial Charter Review. Using 2023 as the beginning date and that there be a decennial every 10-year Charter Review where the next one would be 2032/2033.

Ms. Marshall definitely agreed with the commission and that Council needed to look at the Charter every 10 years at the minimum to stay with the progression. We want University Heights to continue to progress.

Mr. Cooney agreed and added that he thought that this is a good example of looking at the process and not at the person. This will require the review to be done at a minimum every 10 years and that is what will drive things to evolve over time. This is also a good way to kind of keep everybody on task to make sure items are checked on periodically.

Mr. King commented that he thought it was a great idea to look at the charter regularly and that having the charter reviewed every 10 years speaks a little bit to the concern of the Vice Mayor regarding voter fatigue with having 10 different amendments. Mr. King said that he thought that all 10 amendments should go on the ballot for voters to consider. But if the charter were looked at every 10 years, perhaps there would be fewer amendments for the voters to consider because some of these would have been addressed in the past.

Mayor Brennan added that he thought this was a fine idea. And, as a matter of clockwork and routine, it does make it a lot less likely that a Charter Review would be held at a time of political discord just for the purposes of driving a wedge or for other political purposes. If it is placed in the charter as a matter of routine that every 10 years if there has not already been a charter review, it would then be time to have one. This is simply a matter of good government.

Ordinance 2023-26 Amendment No. 05 was placed on first reading.

H. Ordinance 2023-27 Submitting Charter Review Commission Proposed Amendment No. 05 to the Charter of The City of University Heights to the Electorate of the City at the November 7, 2023 General Election and Declaring an Emergency (on emergency)

Mr. Wertheim stated that in looking at the Charter the commission had one basic goal of updating and modernizing the names of the administrative offices and departments and in particular prohibiting Council from eliminating one department/division that being the Division of Public Safety. Not that it is expected that this Council would, but again, the commission is looking towards the future. The commission is suggesting that the Department of Law now be called the Law Department; the Department of Finance, be called the Finance Department; the Department of Public Safety become the Public Safety Division; and, Public Service and Properties be the Service Department. What the commission is basically saying is that with the exception of the Law, Finance Department, and the Public Safety Division, Council may combine or abolish existing departments and divisions, as it may deem necessary, and may also authorize one person to be the head of one or two or more departments or divisions.

Mr. Rach commented that he had no problem with this amendment and offered that if Council felt that having 10 amendments was too much, then this amendment could probably be considered for taking off and doing later because it is more of a housekeeping item.

Mrs. Sax asked if she understood correctly that if council were to decide that although they liked this amendment it just creates too many amendments. Would Council be able to move this amendment forward through Charter changes through ordinance?

Mr. McConville replied Mrs. Sax was correct. Council would pass an ordinance to present to the ballot for voters for the same way it did last year with the Civil Service Commission.

Mr. Rach asked amendment one passes, where council would have the ability to make some non-substantive changes, would amendment five changes be allowed under that? Since council would just be changing the name of a department and not the function?

Mr. McConville replied that he thought it should be taken one by one. Although, changing the name Department of Law to Law Department and Department of Finance to Finance Department it not substantive changes. But with others you can get into some vagaries as to what was intended when legislation was passed.

Ordinance 2023-27 Amendment No. 05 was placed on first reading.

I. Ordinance 2023-28 Submitting Charter Review Commission Proposed Amendment No. 06 to the Charter of The City of University Heights to the Electorate of the City at the November 7, 2023 General Election and Declaring an Emergency (on emergency)

Charter Review Commission member Mr. Crumrine stated that the Charter Review Commission is recommending a proposed amendment that would provide for the election of Mayor and Members of Council by Rank Choice Voting. This is the electoral system that allows voters to rank candidates in their order of preference. Under this proposal, voters will be able to rank up to six candidates in order of preference assuming there are six candidates. The vote tabulation occurs in rounds, with votes redistributed each round until a candidate or enough candidates reach the required vote share to win. In the Mayoral race a candidate will win if that candidate receives over 50% of the votes. If no candidate for Mayor wins in the first round by receiving more than 50% of the votes, the last place candidate is eliminated. And in the next round those ballots that have their first-choice candidate data can count towards their next choice candidate and tabulation process continues from there. Until we reach a winner, someone who has more than 50% of the vote. Council races will be counted a little bit differently because it will have multiple winners. In Council races a candidate will win if they reach election threshold, and that number will depend on the number of ballots casted, total number of ballots that are casted and the number of seats to be filled. So in the first round, each ballot will count for that balance, the highest ranked candidate and if a candidate reaches the election threshold and is elected, their surplus votes, the number of votes over the election threshold are then redistributed in the next round as a fraction. If not all the seats are filled then like in the mayoral race, the lowest ranked candidate is then eliminated and balance who have their first-choice candidate eliminated will count in the next round, or their next pass ranked candidate. And again, this process continues to rounds until all the seats on council are filled. This process or electoral system solves a couple of different democratic problems. First, is vote splitting, where when the distribution of votes among multiple similar candidates reduces the chance of winning for any of those similar candidates, and increases the chance of winning for the similar candidate. It also addresses the spoiler effect that is the presence of a non-winning candidate on the ballot, that affects which candidate then wins. And it also helps reduce the problem of wasted votes, that is any vote that is not represented in the final election outcome, where the votes for a losing candidate and votes for a winning candidate in excess of the number needed for that candidate to win. And, most importantly, it addresses the problem with strategic voting, which is when voters vote for candidates or party which would not be in the case of University Heights, other than their sincere preference to prevent an undesirable outcome. With rank choice, voting, voters would be able to vote for a candidate who they prefer the most rather than be forced to make a strategic choice about which candidate is the most electable. This will produce election results that are hopefully even more reflective of the electorate preferences. In mayoral races, this would function essentially as an instant runoff if no candidate receives more than 50% of the vote, eliminating winning by plurality, without the added cost of having to have a low turnout runoff election. In council races, the system is much better at being able to manage larger candidates. Council members would be elected in proportion to the candidates share of votes. The nonpartisan at large council races would remain and the only difference would be instead of voting for up to three or four candidates. In each race, voters will rank their preferences from one to six or however many will be on the ballot. University Heights is not a homogenous community and to its benefits it is diverse. But it has communities of interest, racial, ethnic, religious, social, economic, cultural communities of interests, who can easily be underrepresented in council. This system of government or system of elections helps make bodies more representative.

Commission member Mrs. Gould commented that it was confusing at first to hear how it was done. But the Cuyahoga County Board of Elections already knows how to do this. So, this will not be something that's going to be super complicated that the city will have to sort of figure out, they already know how to do this and can do that very easily.

Mr. Crumrine also mentioned that the Cuyahoga County voting machines were capable of running right choice voting tabulation and he believed that the same machines were used in Minnesota to run rank choice voting. Cuyahoga County is ready to adopt if this is implemented.

Commission member Mr. Jackson added that he would be personally proud if this were placed on the ballot and potentially have the position to be the first in Ohio to be a leader in Ohio in this really great system that really does reveal the candidate with the most support across the entire electorate, not just the most passionate base. Mr. Jackson encouraged every member of council to do extensive research on it, because it is a confusing system to the ear initially, but to people that are the voters, it is really just as simple as ranking their top candidates, it is really not a system that would be confusing to voters and Mr. Jackson thought that there would be a lot of support from people that would help educate the public ahead of a potential election on this to really inform them what the system is.

Commission member Mr. Myrick the other benefits of rank choice voting is that there is the frequent potential to reduce really nasty elections because if a bunch of nasty comments are made about a candidate you do not like, people who may have choose that candidate for their first choice may choose you as their second choice. Now, they're not going to do that. Mr. Farkas said that this was used other places, he believed in Alaska, San Francisco, Minnesota, several places in New Jersey. This is the way to go.

Commission member Mr. Farkas stated that one of the reasons he voted against this proposal and his philosophy throughout this entire process for this proposal as well as others, was essentially, not quite that simple, but it could essentially be described as; things that are not broken should not be fixed. Mr. Farkas said that he enjoyed looking for solutions to problems, but if there is no problem, he does not look. He does not enjoy looking to create a solution when no problem exists. Mr. Farkas said that he felt that voting has worked very well for the city for many decades and that he did not feel that there was anything special to be to becoming the first guinea pig in the State of Ohio, history has not shown that that is a good idea. Other places that have adopted this are much larger entities, unlike this city, which is a very small city. Mr. Farkas added that frankly he did not think that there was enough history to show that this idea was really such a good idea after all.

Mrs. Sax made the following comment. "I think I recall that there was some discussion about a problem with under voting. I think it fell under this category. And if that is correct, I'm not sure this would remedy that. I think people might still only be inclined to vote for someone they know or a name they recognize rather than just someone because they're on the ballot, even if it means putting numbers one through six. They might not want to put any number for five and six, or even three or whatever. So, if I remember correctly, it wasn't mentioned tonight. But if that was a problem, I'm not so sure that would remedy it. The other thing is, we had a close election, four of us in this last council race, were within a half of a percent and what remedy that was to recount the ballots. And in fact, we had to do that twice. The second time, we actually went down to watch them recount the ballots, which was a fascinating exercise. That worked very well. And I realize it's a little bit different, but I can just really see this makes a lot of sense in larger cities. I worry that this may reduce the candidate's part. It makes it too simple from actually walking and knocking on all the doors and reaching out and really getting to know the voters, the residents. We have a walkable city. I think it was discussed, it might have been in this or one of the other things that didn't make it to the amendment, but it's walkable, it's affordable. It doesn't cost \$20,000 to run, I raised \$2000 and I couldn't walk and knock on doors in the month of September, nor on Friday nights or Saturdays. And so even with that, I was able to make the effort to go out. I think that's a great model to show how walkable our city is between Independence Day and Election Day. And to have anything that might spoil that, which I perceive this as possibly doing, would be a disservice to our city. I'm not saying that I don't, I do think that rank voting is important. I'm just not sure it's apples and apples with a city of our size."

Mr. Rach commented that he had similar thoughts and liked rank voting as a concept. Mr. Rach said that he followed what happened with Alaska's Senate race and thought that was very interesting giving people that ability. But that was a statewide election and everybody had the same rules across the whole state. Mr. Rach only concern was that he believed University Heights would be the first city in Ohio to do this or at least currently. And, as much as he wanted to be the leader in this he wanted to maybe take a step back and think about this a little bit more. Is this something that the Cities of Cleveland or Columbus or Cincinnati could do first to work out some of those kinks? And then to just worry about the overall confusion it could have on the voter itself, if a voter had never done this before. Mr. Rach

said he thought University Heights only has about 9000 registered voters, there would be very few people to talk to and to try to figure how rank voting works and that could lead to some confusion. Mr. Rach said that although he liked the idea, he wanted to maybe put it on the shelf first for a little bit and see if another city picks it up. He would love to see it statewide and then University Heights could go in on that. But hold at this moment.

Mr. King said that he heard that the Board of Elections was eager to take this on and that they have the capability to do it today. University Heights as a city would not have to administer that that process at all. We would have to explain to voters how it works. But that is just communicating with the voters as is done when going door to door talking to people and asking them for their vote. In regard to walking the city, Mr. King thought that rank choice encourages people to walk the city even more and talk to everyone they can, because every vote matters. Mr. King added that he thought that rank voting encourages a greater level of democracy and encourages people to vote for people that they believe in more to give them a chance. Mr. King also said that he would really like to see University Heights be a leader in the State and the Country by taking on rank choice voting in University Heights.

Mr. Rach added that he forgot to mention that this came about, he believed, as a response to the need for candidates to have at least 50% of the vote to become to get a position as either Mayor or Council. And that he does support that. The other options at that time was for it to be either, a primary or a runoff election. So, this does good in that it is only one election. Outside of his comments he said earlier, Mr. Rach was glad the Commission came up with something to solve the need for at least having a 50% vote.

Ms. Marshall added that she too thought this would work better for a larger city. And with the possibility of it being confusing she liked the fact that the Board (of Elections) already knows how to do this because that was a concern of hers. Ms. Marshall also liked the fact that it would eliminate runoff elections. Although, Ms. Marshall had some concerns again she like the fact the it was mentioned that the Board of Elections was prepared.

Mayor Brennan added that starting with the Council member voting side of things because he thought that it was seemingly the more complicated and harder to understand part because of the way the votes are counted. The good news is that is not the part voters need to fully grasp in order to participate in the system. Mayor Brennan provided a vote counting process where there is a top 10 list and although each person participating in the contest would give their individual top 10 none of the participants would have the same ranking order of the choices. That is how easy it would be to vote for city council with rank choice voting. Mayor Brennan also explained how under voting occurs. Under voting happens when a person has three votes but only cast one of their three possible votes because that is who they really like, creating an under vote of two. With rank choice voting a person can vote for their number one choice, ranking that person number one and then ranking the remaining candidates. The hardest part is in the tabulation which the Board of Elections would handle. When it comes to the Mayoral elections if left as it is currently the system offers an incredible incumbent advantage, that is great for the incumbent, but not so good for anyone else. Or there could be a runoff, or primary runoff. Some primaries cost the City more money to hold it. Again, with rank choice voting a person ranks their mayoral candidates. Who do you like first? Who do you like second? Who do you like third, etc. and as the lowest ranking candidates drops off those votes would go to the second highest ranking candidate. This round robin process would continue until one candidate is remaining. Mayor Brennan stated that he thought Rank Choice voting should be done.

Mr. Rach stated that rank choice voting makes sense for the Mayoral race because there is just one seat. With the Council race there are three to four open seats depending on year and that is more convoluted because when voting for Council, Mr. Rach said that he is voting for four open seats. With rank choice voting for Council is a voter ranking their choice of candidates or ranking by seat?

Mayor Brennan replied that the way the amendment is written whether there are three or four seats the voter is ranking their top six candidates. Currently the ballot would say vote for not more that three or four and the entire list of candidates is listed. With rank choice instead of darkening three or four circles the voter would rank the candidates one through six.

Mrs. Sax commented that everyone was making good point and that rank voting was of interest to her as she saw the value of it. Mrs. Sax asked if it would be appropriate that instead of having rank voting for all of the city's elected officials why not start rank voting for just the Mayor position because it is straightforward.

Mr. King offered that he thought it would be more confusing to have two different systems for voting Council seats and the Mayoral seat. Having rank choice across the board would provide a certain level

of consistency and he would be in favor of that happening and putting this to a vote of the residents of the city to consider.

Ordinance 2023-28 Amendment No. 06 was placed on first reading.

J. Ordinance 2023-29 Submitting Charter Review Commission Proposed Amendment No. 07 to the Charter of The City of University Heights to the Electorate of the City at the November 7, 2023 General Election and Declaring an Emergency (on emergency)

Commission member Mr. Jackson spoke to the Commission's recommendation to the proposed amendment change in the process for recall elections. The recall provision in the University Heights Charter is unusual in that it is not really a recall election at all. In getting comments from the Board of Elections, they said that they understood the language and that there was no quote recall language. What the language does instead is creates a special election in which the officer is placed back on the ballot along with any other qualified candidate who is nominated. If no other qualified candidate is nominated in this elected special election, the recalled officer would win by default and retain the seat. And if there is a large field of candidates, the recalled officer would be more likely to retain their seat because the other two candidates might split the vote. This proposed amendment is modeled after that National Civic Leagues model city charter provision would create a recall process that would instead ultimately result in a vacancy of the seat or office held by the recall officer. The voters would be asked on the ballot, should the officer be recalled yes or no. And if they are recalled, the seat for that office would be filled in the normal process of filling vacancies.

Assistant Law Director, Mr. Cicero added that this was one of two vestiges from the Village of Idlewood and that he believed that this specific recall provision, stems from an archaic Ohio Revised Code plan of government in a statutory city. This is leading up to the commission's proposal number nine, with the presiding officer in meetings where and in statutory villages to this day the Mayor presides over council meetings. As far as Mr. Cicero knew that does not happen in any other municipality in Cuyahoga County that is a city. Mr. Cicero wanted to make clear for this proposal and the next one, there was a defective timeframe that the Board of Elections pointed out. The timeframes in the existing recall provision, do not give voters the ability to vote in an absentee manner. It was too close together from the time that it would be certified to the ballot and when the election had to be held. So, both in this one and the next one, the timeframes that are set forth in the proposed amendments are recommended by the Cuyahoga County Board of Elections, so that mail-in and absentee ballots could be cast by the electorate.

Mrs. Weiss stated that she thought that everyone needed to keep in mind that recalls, initiatives and referendums are currently the way that the City's Charter is written, where there is no way that early voting can happen properly. So there not much of a choice there is because Mrs. Weiss thought that everyone would want to abide by the State laws.

Ordinance 2023-29 Amendment No. 07 was placed on first reading.

K. Ordinance 2023-30 Submitting Charter Review Commission Proposed Amendment No. 08 to the Charter of The City of University Heights to the Electorate of the City at the November 7, 2023 General Election and Declaring an Emergency (on emergency)

Commission Member, Mr. Jackson stated that Amendment No. 8 seeks to change the number of signatures required on petitions for initiative or referendum from percentage of registered voters of the city to a percentage of the total ballots casted in the city's last regular municipal election. These provisions are rarely used, if ever in the city, and the requirements are prohibitively burdensome. This is another measure to intend to provide residents with a greater voice in government. In combination with some of the other proposed amendments, it also makes the Charter consistent with having these percentages be based on the total ballots cast in the previous election instead of the registered voters. It makes the number of required signatures not a moving target for people trying to get them. Where the number of total ballots casted is static, and whereas the number of registered voters could change.

Mr. Cicero added that this proposed amendment was another critical point. This was one of the last vestiges of the number of signatures required was registered voters. A case came out of the House Supreme Court in 1995 that said that it was illegal to do that, and that the Board of Elections again, pointed that out. The reason why is that there are several different Ohio Constitutional provisions. If

you are a candidate, or if you are circulating a petition for an initiative or a referendum, if you use the number of registered voters, you don't know what that number is until the day you turn that petition in because that number changes every day and that was what the Ohio Supreme Court said. The Ohio Supreme Court read two different sections in the Ohio Constitution and said no. The number has to be established by those voters who voted in the last election and pick it which election to use. Some cities use Gubernatorial, some US Presidential, some use municipal. The University Heights Charter, in most other sections says the number of voters in the last municipal election, which will make it compliant with Ohio law. As well as the other section where the timeframes have been altered by the Commission to comply with the Board of Election's request to make sure that we can get people the absentee vote if they want to.

Mr. Rach asked Mr. Cicero what the number of resident voter signatures would be needed for an initiative and referendum based on the last election.

Mr. Cicero referred to page 7 of the overall Charter Review report and stated that for an initiative or referendum 10% of the vote would be 335 signatures; 15% is 502 signatures and 20% would be 669 signatures. In contrast with what the Charter had said for example at 20% you would need less than half almost 1/3 signatures of the voters.

Mr. Rach asked Mr. Cicero to explain referendums.

Mr. Cicero replied that currently for a referendum for an initiative there is a 10% minimum. If there is 25% there is then a special election. Better stated if there is 10% that initiative would go to the next regular election and if there is 25% a special election would be held and the city would have to pay for that special election and that is proposed amendment number 42 of the charter changes. For a referendum, if there is 20% that referendum gets on the ballot. However, 25% would qualify for a gets an expedited you a special election.

Ordinance 2023-30 was placed on first reading.

L. Ordinance 2023-31 Submitting Charter Review Commission Proposed Amendment No. 09 to the Charter of The City of University Heights to the Electorate of the City at the November 7, 2023 General Election and Declaring an Emergency (on emergency)

Commission member Mr. Kretch said that for Amendment No. 9 the Commission is proposing a change to the format for how council meetings are conducted, specifically, having Council run its own meetings instead of the Mayor. The commission's discussions centered on the theme that council's business is council's business, and the commission didn't think that was appropriate for the Mayor, who is the Chief Executive in a different branch of this government to be presiding over council's meetings. The thought was that with council being a co-equal branch it should be able to run and conduct its own meetings on its own accord. With this amendment the commission proposes that the Vice Mayor, be the person charged with running the council's meetings.

Mrs. Sax commented that she believed that this amendment would cause more distance between administrations and that as people know, she prefers to work collaboratively and cohesively even though that is not always the case. Mrs. Sax added that whatever could be done to foster that would be her preference and that it makes sense that the Mayor would make his reports and such at council meetings.

Mr. King asked if the Mayor would have any power of veto since it would be removed by this section?

Mr. Cicero replied that that was set forth in Article 3, Section 7.

Mr. Rach asked if the voters would see the crossed-out portion of the amendment and in the case of this amendment how would the voters know that this amendment is not removing the Mayor's power but rebounding it?

Mr. Cicero replied that the administration will work with the Board of Elections to make the language as clear as possible. The stricken-out language would be underneath in real fine print.

Mr. Rach stated his reason for asking steamed from the good point raised by Mr. King in that this could get voted down because without seeing the rest of the text someone might say that they don't want the Mayor to lose veto power.

Mr. Cicero added that he had seen proposed gender neutrality and housekeeping charter revision amendments get voted down. It's it depends on the depth and scope of interest of each voter as to whether or not they want to read just the title, or they want to read the text. Mr. Cicero again stated that the administration would work with the Board of Elections.

Mr. McConville commented that with respect to any Charter Resolution Council passes, the Administration would work with the Board of Elections to craft the language that will go onto the ballot. And, he would suspect that they would be able to have the Board of Election include a statement of explanation with respect to something in the case of this proposed amendment along the lines that this would not eliminate the Mayor right of veto set forth in the charter section. It is a matter of State law that the charter itself and then all of the proposed amendments be available at the site for anyone who wants to review them. So, if someone wants to sit in a corner and read for a couple of hours, they're entitled to do that under State law.

Mayor Brennan commented that he did speak at the Charter Review Commission meeting in favor of this amendment and that as Mayor he wants to see the City Council run its own meetings. It would be appropriate and more common place to have the presiding officer be a member of City Council.

Ordinance 2023-31 was placed on first reading.

M. Ordinance 2023-32 Submitting Charter Review Commission Proposed Amendment No. 10 to the Charter of The City of University Heights to the Electorate of the City at the November 7, 2023 General Election and Declaring an Emergency (on emergency)

Commission member Mr. Wertheim presented this proposed amendment prohibiting discrimination by the city on the basis of a person's membership in certain protected classes or groups. This prohibition against discrimination adds protections for members of certain classes or groups from discrimination by the City at the local level, in addition to protections provided by State and Federal laws. Mr. Wertheim read the proposed new section in Article 8, Section 12 into the record. The City shall not discriminate on the basis of race, color, national origin, religion, age, disability, marital or partnership status, sex, sexual orientation, gender identity, gender expression, genetic information, pregnancy, citizenship status, cast, tribal affiliation, or any other classifications protected by applicable Federal, State or Local laws, unless reasonably necessary to the normal operations and having a substantial relationship to conduct job functions and responsibilities. The Commission's goal was looking towards the future and not look at America or University Heights as it is now. We have to look at where we are going and the level of diversity that is in the community that everyone is quite proud of. Lastly the commission felt that with this amendment, the provisions in it would be protective and cover the city for at least the next 10 years.

Noting that this was a much wider spread since protection of people, Mrs. Sax asked since these seem to be more protected classes than exist in law, could this stand up in court if someone were to sue if they perceive that they were discriminated against because of the latter mentioned?

Mr. Cicero replied that if council were to submit this to the electorate and if passed by the electorate it would not create some type of a cause of action for monetary damages. There have been other instances in municipal litigation that both he and Mr. McConville had been involved in where something is alleged to run afoul; say the city's Fair Housing ordinance, or something of that like. It may give rise if there was a law passed by council that ran afoul of this, or somebody alleged that. It would be declared invalid by a court like a declaratory judgment. But it does not give anyone any extra rights under the Federal law. Mr. Cicero added that believe it or not, there is no such thing as any type of lawsuit under the Ohio Civil Rights Act. A person cannot sue under the Ohio Civil Rights Act for money. So, in his opinion, a statement that does not create any additional cause of action or exposure to the municipality.

Mr. Wertheim made clear that with the commission was saying that the proposed amendment does not prohibit the City from deciding that a basic job description or that a person has to have the ability to fulfill a certain job the City would not face discrimination charges.

Ordinance 2023-32 was placed on first reading.

N. Motion Approving the Signal Service Company Contract Renewal for City-Wide Traffic Signal Monitoring Services in an Amount not to Exceed \$3,102.00, plus Maintenance Services at a Rate of \$70.00 per hour

Police Chief Rogers reported that this approval pertained to the comprehensive traffic signal and maintenance services performed by Signal Service Company. This is to renew the client-based annual agreement that the city has with Signal Service. The renewal was also discussed in a Safety Committee meeting where it was recommended that it be proposed to Council for approval.

MOTION BY MRS. WEISS, SECONDED BY MR. KING Approving the Renewal of the Signal Service Company Contract for City-Wide Traffic Signal Monitoring Services in an Amount not to Exceed \$3,102.00, plus Maintenance Services at a Rate of \$70.00 per hour. On roll call, all voted “aye.”

O. Motion Approving the Bid for the 2023 Street Road Improvement Program from C.A. Agresta as the lowest and best bid in the amount of \$764,700.00 and entering in to Contract with the same

Mr. Ciuni reported that the bids were opened on the previous Friday and three bids were received. The low bid was turned in by C.A. Agresta and they also successfully completed the city’s rebuild of the Silsby/Washington intersection improvement project with bioswales. Mr. Ciuni said that the engineer cost estimate was \$780,000 and C.A. Agresta bid was \$754,700.

Mr. Kennedy commented that this would require a mid-year budget modification which he would provide at a later date to cover everything.

MOTION BY MRS. WEISS, SECONDED BY MRS. SAX to approve the Bid for the 2023 Street Road Improvement Program from C.A. Agresta as the lowest and best bid in the amount of \$764,700.00 and entering in to Contract with the same. On roll call, all voted “aye.”

P. Motion Approving a Budget Modification for the Washington Silsby Saybrook Intersection Community Cost Share Project

Mr. Kennedy reported that this project is funded by Sewer District Community Dollars and was originally approved by Council for approximately \$297,000 but because of changes in the project and the ability for the Sewer District to give the city a higher allocated. The amount for the new contract is now estimated to be \$340,000. Mr. Kennedy added that the city has to expend the funds first and then get reimbursed.

MOTION BY MR. COONEY, SECONDED BY MR. RACH Approving a Budget Modification for the Washington Silsby Saybrook Intersection Community Cost Share Project. On roll call, all voted “aye.”

Q. Resolution 2023-33 Alternate Tax Budget for 2024 (on first reading)

Mr. Kennedy reported that approval of the Alternate Tax Budget was an annual requirement per State law and that it projects the revenues and expenses for the subsequent year. Once it is approved in the Senate, it’s the county budget division who conducts an analysis basically to justify the city’s request to assess property taxes.

Resolution 2023-33 was placed on first reading.

R. Resolution 2023-15 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

Mayor Brennan made note that he sponsored the original resolution and that some changes have been made based on discussion had at a previous Special Safety Committee meeting. Although there was some opposition or heartburn over the issue of home rule and can be continued to be discussed at a later time, this Resolution represents what the Safety Committee was in general agreement with.

MOTION BY MS. MARSHALL, SECONDED BY MR. KING

The Mayor opened the floor up for discussion.

Mrs. Sax thanked Mayor Brennan for making adjustments to this important Resolution and for providing the article in reference to the points he had made. Mrs. Sax added that there were still four other parts she would want to see changed: (1) the Resolution title where it states “among other common-sense gun safety reforms” did not make sense to her because she wants to be as focused as possible in what the desired accomplishment is. (2) in the 14th “Whereas” it states that our parks are not safer as a result, Mrs. Sax asked what was the evidence for this, did something happen, is there some reason to say that the city parks are not safer as a result?

Mayor Brennan replied that he had multiple complaints from people at the park about individuals carrying guns in the park, and saying they did not feel safe.

Mrs. Sax continued with her points of concern; (3) under Section 1 she would like to strike out letter (i) because it does not mean anything; and (4) under Section 2 where it says to go to - - she would like to replace the words “church or synagogue or mosque” with house of worship so that it is more inclusive and no one is offended because there could be people who practice all kinds of things.

Mr. King stated that he believed that the other common-sense gun safety reforms should remain in the title as well as one item (a) through (i) in that they are common sense for gun safety.

Mrs. Weiss commented that that the special safety committee meeting was very collaborative and she thought it was unique. That the committee and this council all agree that something should be done statewide. Mrs. Weiss added that she understood that this is concentrating on the semi-automatic guns and that is much broader. Mrs. Weiss also stated that this was something council should be proud of, but that she would entertain the notion as Mrs. Sax suggested of pulling out Section 1 (i) and changing house of worship in global terms as opposed to specifically talking about church, synagogue, etc.

Mayor Brennan asked Ms. Marshall if she would withdraw her motion.

Ms. Marshall replied that she was withdrawing her motion.

Mayor Brennan asked Mr. King if he would withdraw his second.

Mr. King replied that he was withdrawing his second.

Mayor Brennan stated and asked with that motion being withdrawn was there a motion to amend section 2 to strike the language “to go to church or synagogue or mosque” and replace it with “to go to a place of worship”.

MOTION BY MRS. SAX, SECONDED BY MR. KING to strike the language “to go to church or synagogue or mosque” and replace it with “to go to a place of worship.” On roll call, all voted “aye.”

Mayor Brennan announced that Section 2 was amended.

MOTION BY MRS. WEISS, SECONDED BY MRS. SAX to strike Section 1 (i) from Resolution 2023-15.

Mayor Brennan opened the floor up for discussion.

Mr. King reiterated what he said earlier in that the Resolution was inclusive of everything that had been recommended from A through H and that what is being suggested were council’s answers, maybe there is something else but does anyone know how to solve the problem with assault weapons and access to firearms in our society? Mr. King added that he thought that this is saying “do something” and what being suggested is not inclusive. It is important to leave Section 1(i) in place so that it is not just asking for those specific items and it is not overly broad. What it is saying is that this council wants to have something done about firearms control and limiting the availability of assault weapons.

Mayor Brennan called for the vote on the motion to strike Section 1 (i) from Resolution 2023-15.

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

Mayor Brennan announce that the motion passed.

MOTION BY MRS. WEISS, SECONDED BY MR. KING to pass Resolution 2023-15 as amended. On roll call, all voted “aye.”

S. Motion Approving Emergency IT Support and Service from Starfish Computer for the period June 1, 2023 through June 30, 2023 in an amount not to exceed \$5,500

Mayor Brennan reported that this was similar to previous emergency support service and although there is a proposal from starfish, consistent with the bid that was accepted from them but is currently being reviewed by Mr. McConville, himself and Mr. King. Mayor Brennan stated that he hoped that he, Mr. McConville and Mr. King would be able review and finalize the proposed agreement in order to present to Council in an upcoming meeting for approval.

Mrs. Weiss commented that it would be great to have the contract for approval at the next meeting because July and August are summer recess months.

Mayor Brennan replied that that would be his preference also and that is what he was aiming for.

MOTION BY MR. KING, SECONDED BY MR. COONEY to Approve Emergency IT Support and Service from Starfish Computer for the period June 1, 2023 through June 30, 2023 in an amount not to exceed \$5,500. On roll call, all voted “aye.”

T. Motion to Approve Additional Funding for the 2023 Juneteenth Celebration

Mr. Englebrecht informed everyone that this year there will be two stages; the main stage with all the main performance acts and music. The smaller second community stage is sponsored by Dollar Bank and will have the interactive health and wellness activities such as yoga, children dance performance group, Zumba, hip hop dance, the Spoken Word performed by Sierra Friedman and financial literacy talks. Mr. Englebrecht reported that in addition to the original \$20,200 that was budgeted for this event, the Juneteenth committee was able to raise \$5,900 (this included \$2,500 donated by Dollar Bank) to go towards the event. In speaking with the Board of Health and due to the larger expected crowd size, the suggestion was to increase the portable toilets and sinks from 6 to 14 toilets and from 2 to 4 sinks. Both the Fire and Police Chief felt the need for additional outside safety police forces. In addition to the City's safety forces there will be an additional 10 officers from the Cuyahoga County Sheriff's Department and 6-armed security officers. Mr. Englebrecht asked Council for the approval of accepting the \$5,900 in sponsorships and donations. Mr. Englebrecht requested the approval of increase funding of \$1,684.80 to cover the cost for the additional portable toilets and \$15,573.30 for the additional 10 County Sheriffs for crowd control as well as ingress and egress traffic control.

Mrs. Weiss stated that Mr. Englebrecht was present at the Safety Committee meeting to answer any questions and there was a good discussion as to why these expenses were necessary to have a successful safe event. The one thing to keep in mind for next year is to start early and possible reach out to neighboring cities to have a combined Juneteenth Celebration.

Mrs. Sax stated that this was great but that she would also appreciate an excel spreadsheet with the line item budgets and showing the last few budget years to create a comparison of cost. This should be done for all city sponsored events like the Memorial Day Parade, Fall Fest, etc. Mrs. Sax also suggested having a section for voter registration at all city events.

Mr. Englebrecht replied that the Board of Elections will again like last year have a booth or table.

Mr. McConville asked if there was a motion to approve additional funding in the amount of \$17,258.10 to bring the total appropriation to \$43,358?

Mr. Kennedy stated that the motion needs to read increasing the appropriation the 2023 Juneteenth Celebration Event \$23,158.10

MOTION BY MRS. WEISS, SECONDED BY MS. MARSHALL to increase the appropriation the 2023 Juneteenth Celebration Event by \$23,158.10. On roll call, all voted “aye.”

U. Motion to Authorize the Mayor to Execute “Land Lease and Easement” with Heights Jewish Center

Mr. McConville referred to the exhibited drawing that is attached to the lease. The drawing depicted an area of two rows of parking that is to be exclusively reserved for the Heights Jewish Center congregates and is consistent with the past practices and the current use of the site. Mr. McConville noted that there are different earlier hours that the city is to attempt snow removal in good faith and a new provision has been put in place in the event the city will use any portion of that parking lot to stage for leaves in the Fall season. One of the odd circumstances that was also worked out was the tennis courts. Many years ago, a tennis court parcel was deeded by Heights Jewish Center over to the City and although that parcel was recorded under the name of the City of University Heights that never got on the County Recorder’s records so Heights Jewish Center had been getting billed for the taxes on that parcel for a number of years. Mr. Kennedy helped to get that taken care of and that tax bill has been cleared up.

Mrs. Sax noted the problems that occurred with the extended time storage of leaves in the Heights Jewish Center parking lot and asked if any parameters inherent because she found it hard to believe that they (Heights Jewish Center) would be opened to the same condition that occurred last year with the leaves that the city stored in the parking lot.

Mayor Brennan replied that the situation about what happened was discussed with Heights Jewish Center and they have agreed to our reasonable use.

Mr. McConville commented that there were two materials items to work out to give Heights Jewish Center a sense of comfort. Mr. McConville paraphrased that one was to indicate that that lot would only be used for that purpose when there are emergent circumstances where there are no other alternatives. The other what seemed like the biggest issues was that they receive prior notice that the storage of leaves would occur so that they can inform their congregates.

Mayor Brennan noted that those conditions are stated in the lease.

MOTION BY MRS. WEISS, SECONDED BY MR. KING Authorizing the Mayor to Execute “Land Lease and Easement” with Heights Jewish Center. On roll call, all voted “aye.”

V. 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. Weiss reported that the committee will meet at 6pm on June 20th.

Safety Committee – Mrs. Weiss

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

Finance Committee – Mrs. Weiss

The Finance and Finance Lay Committee will meet on June 27 at 6:00pm.

Recreation Committee – Mr. Cooney

Mr. Cooney reported that he sent an email out to the Recreation Committee members that recommended having a committee meeting to discuss the potential of having artwork on utilities boxes and outdoor festivities for the city.

Service and Utilities – Mrs. Sax

Mrs. Sax reported that the Service and Utilities met on May 24 and a presentation was made by Stacy Demers, Vice President of SCS Engineering regarding their proposal for to develop a plan and the associated costs for implementation of Ordinance 2023-the agreement referenced in Mayor Brennan's memo to Council dated March 29, 2023 regarding the "proposal to develop a plan and associated costs

for implementation of Ordinance 2023-05 for recycling services not to exceed \$22,000. The plan includes one (1) or two (2) video calls, and we hope an in-person visit to the city to assess the service needs for the purpose of better understanding and improving the collection process. At every Committee meeting where Mrs. Demers was in attendance she stated that she be following up in considering speaking with several people including; Mayor, Service Department, Service Supervisor, Assistant Service Supervisor, Service Department Collectors, Finance Director and herself (Mrs. Sax). Mrs. Sax noted that she was looking forward to seeing those next steps. Lastly, in case residents are having issues reaching the Service Department the Service Department can be reach by calling 216-932-7800 ext. 215 or via the city's website.

Council Committee of the Whole – Mrs. Weiss

A meeting date for the Committee of the Whole will be posted shortly to start the process of choosing a new Council person.

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. SAX, SECONDED BY MR. RACH to adjourn the meeting. On roll call, all voted "aye."

There being no further business, the meeting was adjourned at 10:53pm

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council