

**CITY OF UNIVERSITY HEIGHTS, OHIO  
SPECIAL COUNCIL MEETING  
MONDAY JULY 10, 2023**

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Mayor Michael Brennan called the meeting to order at 5:45 p.m.

Roll Call:

Present: Councilman Brian King  
Councilwoman Threse Marshall  
Councilman John Rach  
Councilwoman Sheri Sax  
Councilwoman Winifred Weizer

Also Present: Law Director Luke McConville  
Finance Director Dennis Kennedy  
City Engineer Joe Ciuni  
Clerk of Council Kelly Thomas

Absent: Vice Mayor Michele Weiss  
Councilman Chris Cooney

Motion by Mrs. Sax, second by Ms. Weizer, to excuse the absence of Mrs. Weiss and Mr. Cooney. On roll call, all voted "aye".

**Agenda Items**

**A. Report of Vice Mayor Weiss to Make Committee Assignments for New Members**

Mr. Rach congratulated the newest Council member, Winifred Weizer.

Mr. Rach reported on behalf of Mrs. Weiss, noting that Vice Mayor Weiss has appointed Councilwoman Weizer to the following committees:

Building and Housing Committee; she will serve as Chair  
Community Outreach Committee  
Economic Development Committee  
Alternate, Finance Committee

**B. Nomination for Appointment of Replacement for Resident CIC Board Member**

Mrs. Sax stated that since Ms. Weizer is now a member of Council, her position on the Community Improvement Corporation (CIC) had to be vacated in order to serve on Council.

Mrs. Sax moved to nominate Shawn Belt as a CIC member, noting that Mr. Belt has spoken up on a variety of issues for the improvement of the City. Mrs. Sax added that Mr. Belt has insight and integrity and it is her pleasure to nominate him to the CIC as a resident member.

**Mr. King echoed Mrs. Sax' comments regarding Mr. Belt and stated that he is an asset to the City. Mr. King seconded Mrs. Sax' motion nominating Shawn Belt to the CIC as resident member. There were no other nominations. On roll call, all voted "aye".**

Mr. Belt was present and accepted the nomination, and he was congratulated on the appointment.

**C. Motion to Accept and Enter into Contract with Terrace Construction for 2023 Saybrook and Northcliffe Water Main Replacement Project in an amount not to exceed \$926,065.47**

Mr. Ciuni explained that this is the second time this project was bid. The first time, there were no bids received; the only bid received the second time is from Terrace Construction.

Mr. Ciuni noted that the engineer's estimate for this project was prepared in 2021 and an application to the Cleveland Water Department for funding was submitted at that time. Discussion ensued regarding reasons why the project was not completed at that time, including the need to complete other projects, such as a gas line project near Scholl and Allison Roads, the Washington Boulevard/Silsby streetscape project and the pandemic. Mr. Ciuni noted that at this point, the project cost is significantly higher than the original estimate.

The Cleveland Water Department (CWD) will 100% fund the Saybrook Road project and the Northcliffe Road at \$239,005.75, which is approximately half of the cost. Mr. Ciuni explained that CWD advised that if the city doesn't want to contribute to the Northcliffe project, that part of the project can be rejected and it can be reapplied for a future year.

Mr. Ciuni recommended that the partial portion of this project be done at a cost of \$480,219.50 which can be paid by the CWD at 100 percent. The CWD also pays for 8% engineering and 5% inspection on top of that. Mr. Ciuni noted that Terrace Construction has done work for the city.

Finance Director Kennedy addressed Mr. Rach's questions about budgeting for this project, noting that when the project was to be awarded the budget would have to be amended. Mr. Rach clarified with Mr. Ciuni that the CWD will pay design engineering costs up to 8% of the construction costs and inspection fees up to 5% which is 100% of his fee. Mr. Ciuni stated that the CWD is paid up front before the job begins.

Mr. Kennedy stated that the appropriations have to be expensed; the budget will need to be amended since last fall when the budget was being prepared, it was not known what the cost was going to be for this project.

It was clarified that Mr. Ciuni recommended that the city reapply next year for the Northcliffe project. In response to Ms. Weizer's question, Mr. Ciuni stated that the Northcliffe situation was not critical now, but needs to be done and that the city of Cleveland Heights does not share this project.

**Motion by Ms. Weizer, second by Mr. Rach, to award the Saybrook Road separate road water main replacement project for the total bid price of \$480,219.55 to Terrace Construction. On roll call, all voted "aye".**

**D. Motion to Approve the Purchase of a Used 2012 Mack Rubbish Truck from Fab-Tex in St. James, NY in an amount not to exceed \$55,600.**

Mayor Brennan introduced the city's new Service Director, Mr. Allen Pennington. Mr. Pennington explained that the 2007 rear loader packer truck is out of service due to engine failure. Replacement of the truck had been scheduled for 2025. Efforts to find an engine were unsuccessful. The truck being proposed to purchase can be in-house within two to three weeks.

Mrs. Sax expressed concern about acquiring used trucks without a warranty or guarantee. She stated that the Service Department does an amazing job and it is a disservice to them to continue with used equipment. She suggested that consideration be given to purchasing a new truck, and to allow enough time for the year-long process of building and receiving a new truck.

In response to Mrs. Sax' query, Mr. Kennedy stated that money had been put aside in the budget to lease new trucks so it was estimated what an annual lease cost would be versus a full payment of a new truck. He also acknowledged that the budget is not in a deficit.

Mayor Brennan stated that a new truck would take a year to obtain whether leased or purchased. It was explained that we are here to replace a truck which was scheduled to be replaced in 2025, but the engine blew, necessitating an immediate replacement so the Service Department will not be without a truck. Mayor Brennan urged Council to support this.

Ms. Weizer commented on previous situations where used trucks were acquired, but noted that in this case it is ok to purchase the used truck. She acknowledged the concerns Mrs. Sax expressed regarding purchasing new trucks.

Motion by Ms. Weizer, second by Mr King, to proceed with the purchase of the 2012 used Mack truck from Fab-Tex in St. James, NY in an amount not to exceed \$55,600.

Discussion:

Mayor Brennan answered Ms. Marshall’s question regarding the ability to use the budget to purchase a newer truck since the used truck is being proposed; he noted that it is a completely difference issue.

Mr. Kennedy stressed that there is no money in the budget this year to purchase a new truck. The budget would have to be amended and the appropriations increased to cover those funds. It was pointed out that a used truck was purchased in March 2023.

Mayor Brennan noted that it was agreed by the Administration and Council not to include capital purchases in the 2023 budget for the Service Department pertaining to rubbish collection.

Mr. Kennedy reported that a new truck was financed through First National Bank in 2021; and last November 2022, a used truck was purchased.

Mr. Rach endorsed comments made by Mrs. Sax and Ms. Weizer. He also thanked Mr. Pennington for consulting with the mechanic regarding the used truck. Mr. Rach suggested that the matter be referred to committee and that work on the five-year capital plan should begin right away.

**Motion by Ms. Weizer, second by Mr. King, to proceed with the purchase of the 2012 used Mack truck from Fab-Tex in St. James, NY, in an amount not to exceed \$55,600.**

**On roll call on the motion, all voted “aye”. Ms. Weizer amended the motion to reflect that the City would waive competitive bidding. Mr. King did agree and his second remained. On roll call on the motion as amended, all voted “aye”.**

**E. Ordinance 2026-38 Ordinance Amending Codified Ordinance Section 220.02, Entitled “Special Meetings” and Declaring an Emergency (on emergency)**

Mr. McConville referred to several recent special meetings being held and the anachronistic requirements relating to delivery of notices/information for special meetings. This will update the ordinance to allow the notice of the meetings be done electronically, rather than the Clerk having to deliver personally to all concerned. It was noted that this is an archaic law needing to be updated to today’s methods.

Mr. Rach thanked Mrs. Thomas for delivering the information as required and noted that her hard work is recognized.

**Motion by Ms. Marshall, second by Mrs. Sax, to suspend the rules. On roll call, all voted “aye”.**

**On the Motion to approve Ordinance 2026-38 Ordinance Amending Codified Ordinance Section 220.02, Entitled “Special Meetings” and Declaring an Emergency (on emergency), All voted “aye”.**

**F. Ordinance 2023-39, Ordinance Authorizing All Actions Necessary to Accept Northeast Ohio Public Energy Council (NOPEC) 2023 Energized Community Grant and Declaring an Emergency (on emergency)**

Mr. Kennedy stated that this is NOPEC required legislation which allows the city to place in escrow portions of the NOPEC energized grant. Mr. Kennedy stated that the correct amount is \$32,038. The funds will be available to use by November 30, 2023. Mr. Kennedy reported that there are previous disbursements in escrow now. The balance for years 2018-2021 is \$93,855; the 2022 balance is \$28,394. If the grant is accepted, there will be a total of \$154,287 to use for eligible projects reimbursed by NOPEC.

**Motion by Ms. Marshall, second by Mr. King to suspend the rules.**

Discussion:

Ms. Weizer asked if Mr. Ciuni could give an idea of the range of costs for what’s being planned. Mr. Ciuni

suggested the upgrading the restrooms at the Walter Stinson Community Park and appropriate uses could include items such as climate control, and LED accommodations. Mayor Brennan noted that Mr. Ciuni and his team are working on appropriate uses and that information would be forthcoming.

**On roll call on the suspension of rules, all voted “aye”.**

**On roll call on the main motion, all voted “aye”.**

**G. Motion to Enter into Executive Session regarding Litigation for Aleksander Shul and University Square**

**Motion by Mrs. Sax, second by Mr. Rach, to enter into Executive Session regarding Litigation for Aleksander Shul and University Square. On roll call, all voted “aye”.**

Mayor Brennan didn't anticipate any motion following the executive session, and the only business anticipated after the Executive Session is a motion to adjourn.

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Jeune Drayton, Assistant Clerk

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Michael Dylan Brennan, Mayor