

**ORDINANCE 2024-01**

**INTRODUCED BY: MAYOR BRENNAN**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
AN AGREEMENT WITH WALLACEPANCHER GROUP FOR THE  
PROVISION OF ENGINEERING SERVICES AS CITY ENGINEER,  
AND DECLARING AN EMERGENCY**

WHEREAS, the City wishes to hire WallacePancher Group as City Engineer to provide engineering and consulting services in accordance with the Agreement and with Codified Ordinance Section 250.01; and

WHEREAS, Brenda Mockbee will serve as the primary point of contact to the City;

**NOW, THEREFORE, BE IT ORDAINED by the Council of the City of University Heights,  
State of Ohio:**

Section 1. This Council hereby authorizes the Mayor to enter into an Agreement with WallacePancher Group for the provision of engineering services for the City in the capacity as City Engineer, which Agreement shall be in the form attached hereto as Exhibit A and which is incorporated herein by reference as if fully rewritten.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, the emergency being the need to enter into the Letter Agreement promptly so that the City has continuity of engineering services as of January 1, 2024; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor. This Ordinance shall take effect from and after the earliest time allowed by law.

**CITY OF UNIVERSITY HEIGHTS, OHIO**

**MICHAEL DYLAN BRENNAN, MAYOR**

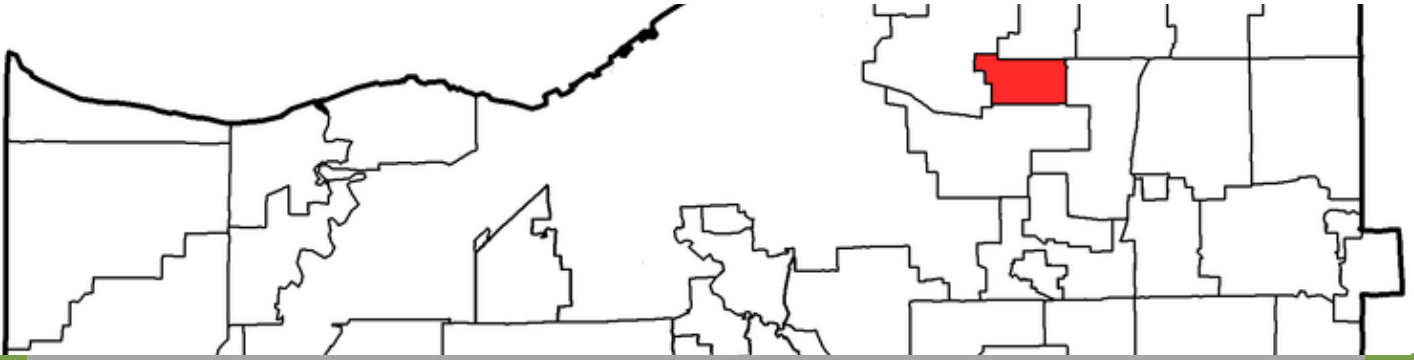
**PASSED:**\_\_\_\_\_

**ATTEST:**

**KELLY M. THOMAS, CLERK OF COUNCIL**

**APPROVED AS TO FORM:**

**LUKE F. MCCONVILLE, LAW DIRECTOR**



Request for Qualification  
Municipal Engineering Services (City Engineer)

October 27, 2023



**HAYS**  
LANDSCAPE ARCHITECTURE STUDIO, LTD.  
A WALLACEPANCHERGROUP COMPANY



**RICHLAND ENGINEERING LTD.**  
A WALLACEPANCHERGROUP COMPANY



**MACKAY ENGINEERING  
&  
SURVEYING**  
A WALLACEPANCHERGROUP COMPANY



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City of University Heights  
Attn: Mayor Michael Dylan Brennan  
2300 Warrensville Center Road  
University Heights, Ohio 44118

Re: Request for Qualification  
Municipal Engineering Services (City Engineer)

Dear Mr. Brennan,

WallacePancher Group (WPG) is pleased to submit our Qualifications for Municipal Engineering Services. We are proud to have over 50 years of combined experience providing Civil, Structural, and Environmental engineering services; Landscape Architecture, and Surveying services and over 25 years experience providing Municipal Engineering Services to the cities of Fairview Park, Middleburg Heights and Rocky River.

The WPG team offers the City of University Heights the following unique advantages:

- We bring comprehensive understanding of municipal engineering.
- Currently serve as Municipal Engineer for the cities of Fairview Park, Middleburg Heights and Rocky River.
- A proven management team and staff to deliver successful projects and services.
- Proven record of performance.

Brenda Mockee, P.E., Senior Engineer / Project Manager will be the principal contact person for the City of University Heights. Brenda can be reached at (440) 886.4500 x116 or [bmackbee@wallacepancher.com](mailto:bmackbee@wallacepancher.com). Kimberly Kerber, P.E., Senior Engineering Manager will be the secondary contact person for the City of University Heights.

If you have any questions or need additional information, please contact us at any time.

Respectfully submitted,



Kimberly Kerber, P.E.  
Senior Engineering Manager  
Phone: (440) 886.4500 x117  
Email: [Kkerber@wallacepancher.com](mailto:Kkerber@wallacepancher.com)



## FIRM OVERVIEW/ TECHNICAL APPROACH



Mackay Engineering & Surveying, A Wallace-Pancher Group Company, provided engineering and land surveying services to public and private clients for over 66 years before becoming a part of the WallacePancher Group in 2022.

Richard Mackay, company founder of Mackay, was the City Engineer for Fairview Park from 1993 through 2007 and for Middleburg Heights from 1980's through 2007. Michael Mackay, P.E., P.S., Esq. led the Mackay firm and was the City Engineer for Rocky River from 2005 through 2021, and Fairview Park and Middleburg Heights from 2007 through 2021 when Mackay Engineering & Surveying Company merged with WallacePancher Group.



Kimberly R. Kerber, P.E. currently serves as the City Engineer for Fairview Park, Rocky River, and Middleburg Heights. Kimberly has been with Mackay for over 28 years and is very experienced in municipal engineering (both design and construction administration) and land development, including reviews of commercial and

residential developments.

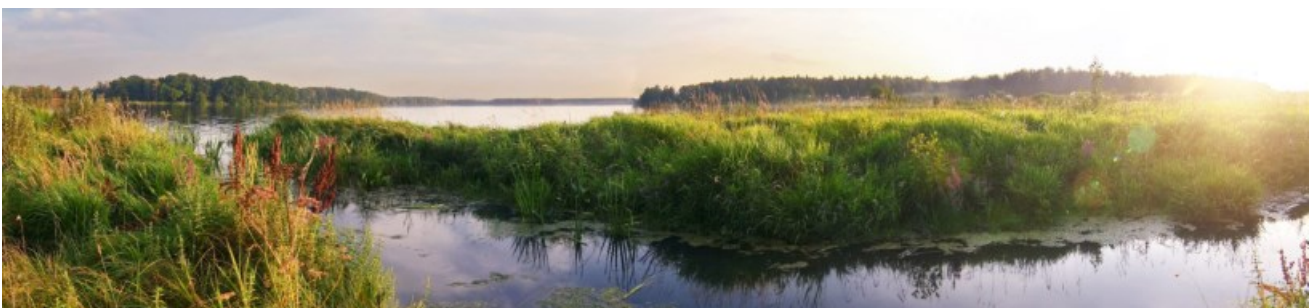
Brenda H. Mockbee, P.E. is a Senior Engineer / Project Manager for Mackay. She has been with Mackay for over 17 years and has participated in, designed and administered a large number of municipal engineering projects and services. Brenda will be Mackay's primary representative / project manager for the City of University Heights's Municipal Engineer position.

WPG has been involved in numerous public projects including water main replacement, water main rehabilitation, storm and sanitary sewer replacement, pavement replacement/rehabilitation, park improvements, and inspection of municipal projects.

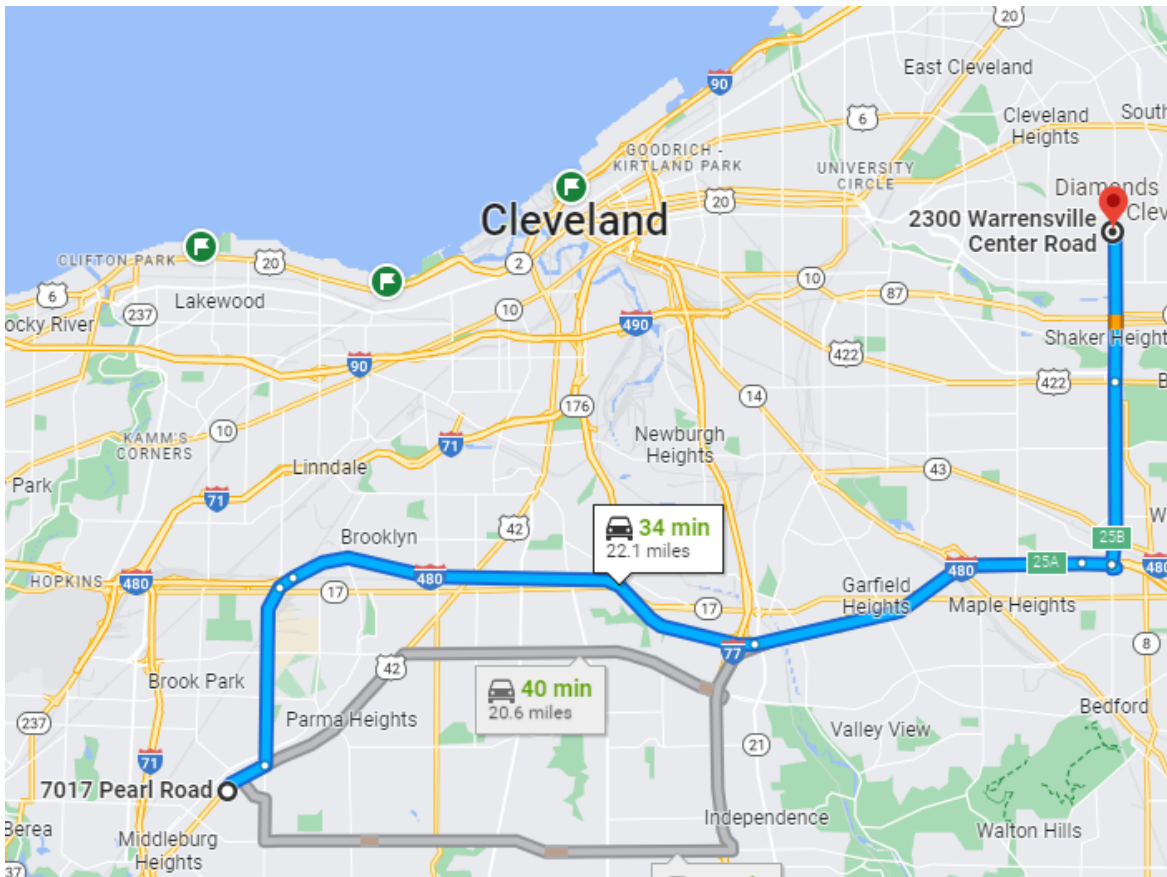
As a consultant for private developers, WPG has prepared plans and bid documents for residential subdivisions, apartment projects, and commercial site developments, including site plans, utility layout, parking, storm water management, and storm water pollution prevention plans.

WPG also provides land surveying services for boundary surveys, ALTA surveys and topographic surveys. The firm's survey crews utilize the ODOT VRS GPS system and conventional survey equipment to perform surveys.

The WPG has also developed numerous grants and loans for their client's projects, including Cleveland Water SWMR and OPWC.



WPG's technical approach to municipal engineering services is communication and responsiveness. Frequent communication between WPG and the City of University Heights will allow WPG to understand the needs of the City of University Heights. This communication will be a combination of in-person meetings, teams meetings, and phone calls. We are located just 34 minutes from your location at 2300 Warrensville Center Road, University Heights, Ohio 44118. Once we understand the City's needs, we can respond quickly and efficiently to deliver the information needed.



### [ODOT Pre-qualifications](#)

Bicycle Facilities and Enhancement Design; Non-Complex Roadway Design; Complex Roadway Design; Basic Traffic Signal Design; Traffic Signal System Design; Interchange Operations/Modification/Justification Study (IOS/IMS/IJS); Safety Study; Limited Right of Way Plan Development; Complex Right of Way Plan Development; Level 1.2 Bridge Design; Level 2 Bridge Design; Level 1 Bridge Inspection; Level 2 Bridge Inspection; Limited Lighting Design; Complex Lighting Design; Environmental Document Preparation – CE; and Construction Management Firm.

## **MUNICIPAL ENGINEERING**

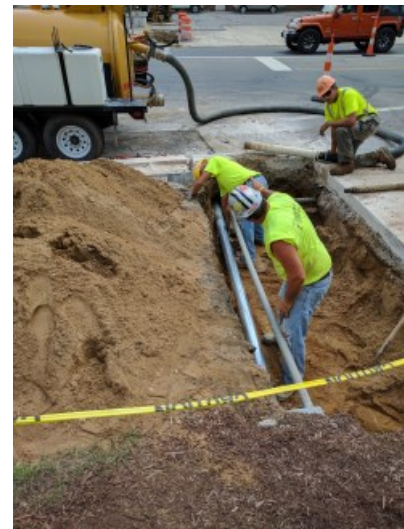
WallacePancher Group provides municipal engineering services including Storm and Sanitary Sewer Design, Water Main/ Water Supply/ Treatment and Distribution, Water Booster Stations, Rate Studies/ Site Plan Review, Wastewater Collection and Treatment, Wastewater Lift Stations, Storm Water MS4, Roadway Resurfacing/Reconstruction, ADA Curb Ramp Compliance, and Grant Application Preparation.

The firm has been involved in numerous public projects including water main replacement, water main rehabilitation, storm and sanitary sewer replacement, and pavement replacement/rehabilitation.

Our team has prepared projects involving wastewater and water treatment plant analysis from initial conception to completion, collection system design, rehabilitation, hydraulic studies, SSES studies, CMOM studies and related construction observation. We have also provided land surveying services for boundary surveys, ALTA surveys and topographic surveys. The firm's survey crews utilize the ODOT VRS GPS system and conventional survey equipment to perform surveys. The Municipal Design Team works closely with OEPA and all other regulatory agencies, both State and Federal.

### **SERVICES INCLUDE:**

- Storm and Sanitary Sewer Design
- Water Main, Water Supply, Treatment, and Distribution
- Water Booster Stations
- Rate Studies/ Site Plan Review
- Wastewater Collection and Treatment
- Wastewater Lift Stations
- Bidding Documents and Construction Administration
- Storm Water PPP
- Municipal Roadway Repaving/ Reconstruction Programs
- ADA Curb Ramp Compliance
- Grant Application Preparation





## LAND DEVELOPMENT

WallacePancher Group provides professional Civil Engineering services for a variety of projects and clients from initial site surveys through final design plans, permitting and construction inspections and/or Construction Administration. Our Project Managers and Staff Engineers are focused on accurate and timely project design while delivering high-level customer service.

### SERVICES INCLUDE:

- Site Planning, Analysis and Design
- Street and Roadway Design
- Bridge and Structural Design
- Land Development Plan Preparation
- Site Grading & Earthwork
- Hydrologic & Hydraulic (H&H) Analysis
- Stormwater Management Design
- Erosion and Sediment Pollution Control Design
- NPDES Permitting
- ADA Accessibility Analysis and Design
- Municipal Separate Storm Sewer System (MS4) Services
- Final Design Plans and Construction Documents
- Construction Specification and Cost Estimates
- Green Infrastructure Design
- Highway Occupancy Permitting (HOP)
- Construction Monitoring and Inspection



## ROADWAY DESIGN

WallacePancher Group's Transportation Design team has provided quality engineering services on numerous projects for the Ohio Department of Transportation, County Engineers in Ohio, and municipalities and private clients in Ohio/PA. Additionally, WPG has provided transportation services to PennDOT and the West Virginia Department of Transportation. Combined, our team of engineers, scientists, and surveyors have completed

numerous projects in the tri-state area and are very familiar with the processes, specifications, and agencies involved in this region.

### SERVICES INCLUDE:

- Highways - Interstate/Expressways/Streets/Turnpike Connector Roads
- Traffic Control Systems - Signalization, Signing, and Pavement Marking
- Maintenance of Traffic
- Bikeways
- Lighting and Electrical
- Environmental Document Preparation
- Interchange Modification Studies
- Traffic Enhancement/Hazard Elimination Studies
- Corridor Planning Studies/Traffic Impact Studies
- Intersection Capacity & Safety Studies
- Construction Administration
- Drainage Studies
- Storm Water Pollution Prevention Plans
- Water Quality Research
- Post Construction Storm Water Management
- Erosion and Sediment Control Training/Inspection
- Asset Management and Inventory





## **BRIDGE / STRUCTURAL DESIGN**

WallacePancher Group provides simple and complex bridge and structural design services for a wide array of clients. From large bridges to retaining walls, our structural engineers adhere to current design standards, while also having the ability to solve complex problems for historic bridges with “out of the box” thinking to develop solutions. Our Bridge Inspection and Design Team has a thorough and comprehensive understanding of ODOT, PennDOT, WVDOT and FHWA requirements, procedures and design criteria.



### **SERVICES INCLUDE:**

- Feasibility Studies and Reports including financial management analysis
- Design Reports
- Bridge Inspection
- Bridge Structural Analysis
- New Bridge Installations
- Structural Steel Repair and Strengthening
- Concrete Repair and Reconstruction for Piers and Abutments
- Expansion Joint Replacement and Seals
- Parapets and Railing, Approach Slabs
- Retaining Walls
- Box Culverts
- Utility Supports
- Historic Bridge Rehabilitation
- Shoring Structures for Repairs
- Raising, Relocating and Realigning Bridge Structures
- Bearing Removal, Replacement and Reconstruction
- Waterway Design for Navigation under Bridges
- Contractor value-added services during construction
- Part-Width Staged Construction for Maintaining Traffic





## LANDSCAPE ARCHITECTURE / PLANNING

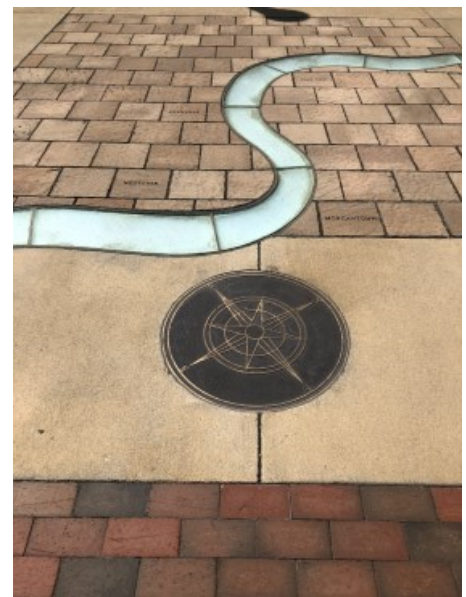


At WallacePancher Group, we believe that the quality of landscape architecture is ultimately judged by how well it serves its environment, adding value, enduring quality, and sustainability. Our professional Landscape Architects rely on their planning and design skills to achieve those goals.

Our design approach begins with an exchange of creative ideas with the client to define a project. Hand-drawn sketches or renderings help to better define the client's vision before we proceed with more detailed design work, which reduces project hours and costs. Our innovative professionals efficiently guide your project from concept to completion to "Create Places of Meaning".

### SERVICES INCLUDE:

- Park and Resort Masterplan Preparation
- Land Use/Master Planning
- Urban Planning and Streetscape Design
- Trails and Memorials
- Cultural Landscapes and Scenic Byways
- Planting Plans
- Historical Restoration
- Way Finding
- Playgrounds
- Public Gardens and Arboreta
- Graphic Design and Illustrative Drawings

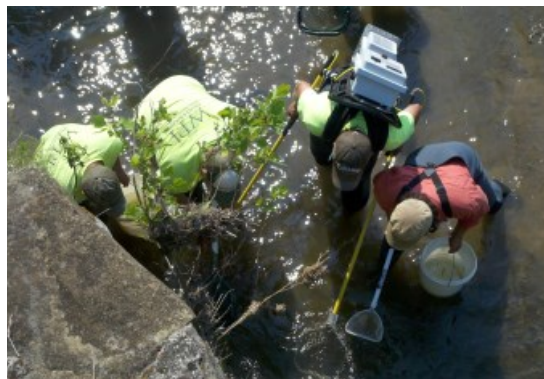


## ENVIRONMENTAL/PERMITTING

WPG provides a wide array of environmental services over a diverse range of projects and clients. Our Project Managers and Staff Environmental Scientists have the regulatory knowledge and experience to efficiently navigate projects through the oftentimes complex process for permit approvals.

### SERVICES INCLUDE:

- State and Federal Permitting
  - ◊ General Permits
  - ◊ Nationwide Permits
  - ◊ Chapter 105 (PA)
  - ◊ 401/404 Permit Applications
  - ◊ NPDES
- Avoidance, Minimization and Alternatives Analysis
- CEE / EA / EIS Documentation
- Phase I ESA
- Historic Cultural Landscape Documentation
- Wetland Delineation and Stream Assessment
- Geographic Information System (GIS) Database Management
- Wetland and Stream Mitigation Planning and Design
- Natural Channel Design and Bioengineering Techniques
- Freshwater Macroinvertebrate Sample Processing and Taxonomic Identification
- Weather Station and Data Collector Installation, Calibration, and Maintenance






**Mansfield, OH Office:**

29 North Park Street  
 Mansfield, OH 44902  
 Contact – Patrick Schwan, P.E

**Hermitage, PA Office:**

1085 S. Hermitage Road  
 Hermitage, PA 16148  
 Contact – Daniel P. Wallace, P.E.

**Cranberry TWP, PA Office:**

144 Emeryville Drive, Suite 200  
 Cranberry TWP, PA 16066  
 Contact – Justin Alexander, PLA

**Cleveland, OH Office:**

7017 Pearl Road  
 Cleveland, OH 44902  
 Contact – Kim Kerber, P.E

**Waynesburg, PA Office:**

255 Jefferson Road  
 Waynesburg, PA 15370  
 Contact — Matthew Wachob



## FIRM'S EQUIPMENT (SOFTWARE)

WallacePancher Group has a full complement of software to support all the services including: Structural Design, Highway and Airport Design, Landscape Design, Hydrology and Hydraulics, Field Survey, Site Design, Computer Aided Design and Drafting, and all Environmental software for state permitting.

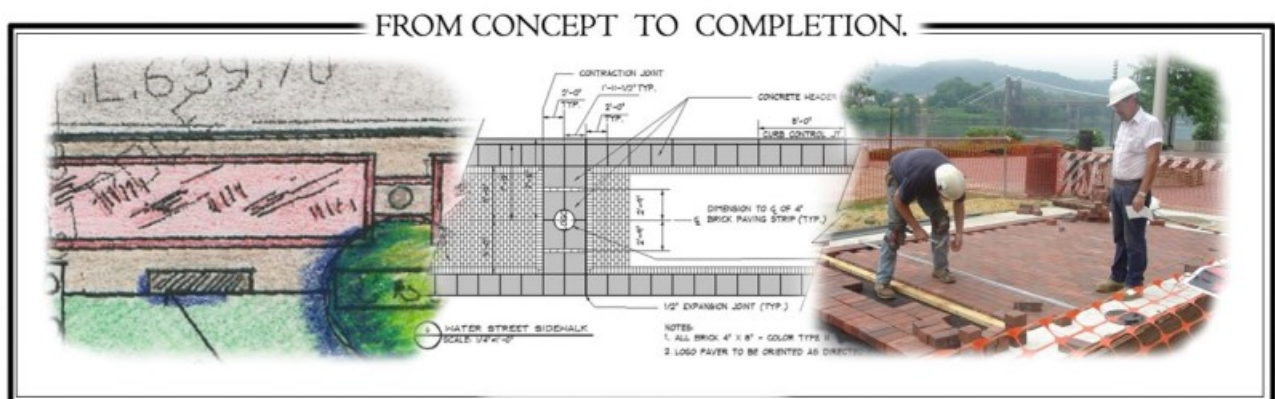
- AASHTOWare BrR
- Adobe
- ArcGIS Desktop Standard Concurrent
- ArcGIS Enterprise Workgroup Standard
- AutoCad AEC Collection
- Carlson
- CISPMSubsidence Modeling
- Estimator (ODOT)
- HEC RAS
- HydroCAD
- landfx
- LEAP Bridge Concrete SELECT Sub
- MDX
- Microsoft Office
- Microsoft Project
- Microstation SELECT
- MIDAS
- OpenRoads Designer SELECT
- OpenRoads SignCAD
- Photoshop
- Plexearth
- ProjectWise
- Sketchup
- Smartsheet
- STAAD.Pro SELECT
- Trafficware
- Visual (Lighting)

## FIRM'S EQUIPMENT (FIELD SURVEY)

WallacePancher Group has many years of experience performing a wide variety of surveying throughout the State of Ohio. Our survey trucks are equipped with the following equipment used by the crews:

Topcon Total Stations, Trimble Digital and Topcon conventional levels, Trimble R8 GPS receiver for RTK and base station GPS observations, Trimble TBC software for post processing data, Topcon Legacy GPS units for base station observations-all GPS equipment is survey grade, Nomad and Trimble data collectors with Survey Pro and Survey Pro GPS software, Schonstedt metal detectors, radios for on site communication, cell phones for direct communication with the office and miscellaneous hand tools.

AutoCAD/ SurvCAD is used to process the data collected by the survey crews and used to prepare boundary, topographic, easement and base map of existing and design drawings.



FIRM PROJECT EXPERIENCE





## FIRM PROJECT EXPERIENCE

Please refer to the attached project examples and municipal project listing for recently completed projects.

WPG's quality control methodology is based on the following principals:

1. Collect existing plan information from agencies such as the City, NEORSD, and CWD and existing utility information during the field survey and preliminary design phase of projects and include this information on the base mapping. Also contact OUPS.
2. Acquire geotechnical information for all projects.
3. Prepare a detailed base map and visit the site to review.
4. Engineer prepares the plans with guidance and review from project manager and senior engineers.
5. Plans are provided to utilities and city for review and comment.
6. Senior Engineer / Project Manager & Senior Engineering Manager Review final plans.

WPG likes to spend a little more time on the design in order to minimize issues during construction, which ultimately saves the City time and money.





# MOREWOOD PARKWAY SEWER, WATER, AND PAVEMENT



## SERVICES PROVIDED:

- Surveying
- Base Mapping
- Design
- Ohio EPA Permitting
- Cost Estimating
- Bid Specifications
- Bid Review
- Bid Recommendation
- Pre-Construction Meeting
- Construction Administration
- Inspection

The Morewood Parkway Sewer, Water & Pavement Project consists of removal and replacement of 3,058 linear feet of sanitary sewer, 3,249 linear feet of storm sewer, 2,788 linear feet of 8" ductile iron water main and 8,805 square yards of pavement.

The existing sewers on this street are inverted (common manholes with a steel plate separating the storm from the sanitary) and undersized based on current standards. The new sewers are being installed as separate systems and will be upsized as much as possible in order to provide a higher level of service. The existing unlined water main and lead connections are being replaced with ductile iron cement lined water main and copper connections.

This project includes full depth pavement removal and replacement of the entire roadway with concrete base pavement, asphalt overlay and concrete curbs. It also includes removal and replacement of all driveway aprons. Curb ramps will be replaced in order to meet current ADA requirements.

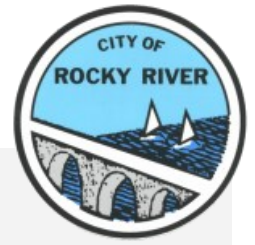
Project bid cost: \$4,092,957.48 Final construction cost: \$3,671,987.34 Completed: 2022

Client: City of Rocky River Attn: Rich Snyder, Safety Service Director

Phone: (440) 331-0600 Email: [rsnyder@rrcity.com](mailto:rsnyder@rrcity.com)



# LAKEVIEW - HAMPTON SEWER AND PAVEMENT



## SERVICES PROVIDED:

- Surveying
- Base Mapping
- Design
- Ohio EPA Permitting
- Cost Estimating
- Bid Specifications
- Bid Review
- Bid Recommendation
- Pre-Construction Meeting
- Construction Administration
- Inspection

The Lakeview Avenue / Hampton Road Sewer & Pavement Project consisted of removal and replacement of 4,649 linear feet of sanitary sewer, 4,695 linear feet of storm sewer and 14,822 square yards of pavement.

The existing sewers on these streets were inverted (common manholes with a steel plate separating the storm from the sanitary) and undersized based on current standards. The new sewers were installed as separate systems and were upsized as much as possible in order to provide a higher level of service.

This project included full depth pavement removal and replacement of the entire roadway with concrete base pavement, asphalt overlay and concrete curbs. It also included removal and replacement of all driveway aprons. Curb ramps were replaced in order to meet current ADA requirements.

Project bid cost: \$5,558,700.70 Final construction cost: \$5,247,865.45 Completed: 2019

Client: City of Rocky River Attn: Rich Snyder, Safety Service Director

Phone: (440) 331-0600 Email: [rsnyder@rrcity.com](mailto:rsnyder@rrcity.com)





## SERVICES PROVIDED:

- Surveying
- Base Mapping
- Design
- Ohio EPA Permitting
- Cost Estimating
- Bid Specifications
- Bid Review
- Bid Recommendation
- Pre-Construction Meeting
- Construction Administration
- Inspection

The Clifford Drive Sewer & Pavement Project consisted of removal and replacement of 3,349 linear feet of sanitary sewer, 4,070 linear feet of storm sewer and 10,421 square yards of pavement.

The existing sewers on these streets were undersized based on current standards as determined by modeling prepared by the City of Fairview Park. In addition, residents in this drainage area were experiencing frequent basement flooding. The new sewers were upsized and slopes were increased in order to provide a higher level of service. Depth of the sewers was increased to provide more vertical distance between basement floors and hydraulic grade line heights.

This project included full width pavement resurfacing, full depth repairs and curb repairs. Curb ramps were replaced in order to meet current ADA requirements.

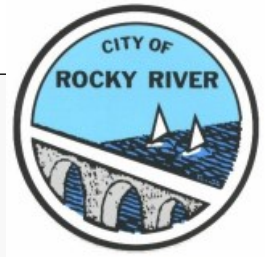
Project bid cost: \$3,462,614.10 Final construction cost: \$3,233,055.38 Completed: 2020

Client: City of Fairview Park Attn: Mary Kay Costello, Service Director

Phone: (440) 356-4412 Email: [marykay.costello@fairviewpark.org](mailto:marykay.costello@fairviewpark.org)



# Tri-City Pickleball Courts



## SERVICES PROVIDED:

- Pickleball court demolition plan
- New pickleball court plan
- Grading and drainage plan
- Court layout and acrylic surface details
- Fencing details
- SWPPP Plan and details
- Bidding Documents
- Show Drawings
- Construction Administration
- Inspection

## Project Overview

Design and Construction Administration for the removal of 3,312 s.y. tennis & pickleball courts (2 tennis courts & 6 pickleball courts) and replacement with 3,312 s.y. pickleball courts (12 pickleball courts).

Project bid cost: \$869,754.00      Final construction cost: \$729,822.13      Completed: 2023

Client: City of Rocky River

Client Contact: Rich Snyder

Address: 21012 Hilliard Boulevard, Rocky River, OH 44116

Phone Number: 440-331-0600      E-mail: [rsnyder@rrcity.com](mailto:rsnyder@rrcity.com)





# Morton Tennis Court

## SERVICES PROVIDED:

- Tennis court demolition plan
- New tennis court plan
- Grading and drainage plan
- Court layout and acrylic surface details
- Fencing details
- SWPPP Plan and details
- Bidding Documents
- Show Drawings
- Construction Administration
- Inspection
- Stormwater management
- Asphalt path replacement

*A Great Place to Grow*

## Project Overview

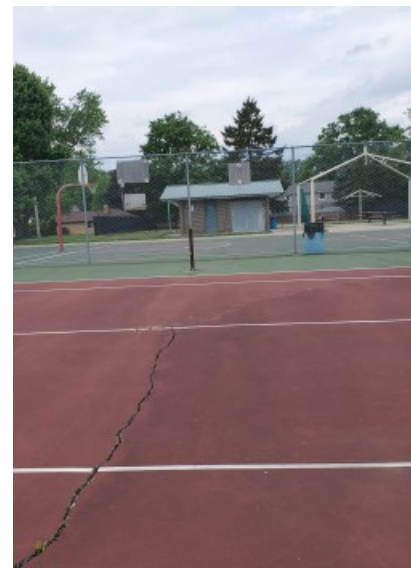
Removal of 5,062 s.y. existing tennis basketball courts (5 tennis courts and 1.5 basketball courts) and installation of 5,612 s.y tennis, pickleball and basketball courts (five tennis courts, four dedicated pickleball courts and a full size basketball court). Kim Kerber is Project Manager for this project. Jim Martin and Brian Leek were the designers for the project. This project also included design of an underground storm water management system to comply with the requirements of the City of Fairview Park storm water management ordinances.

Project bid cost: \$1,584,398.00    Final construction cost: TBD    To be completed: 2024

Client: City of Fairview Park

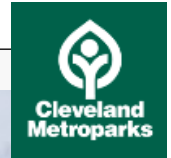
Client Contact: Mary Kay Costello

Address: 20777 Lorain Road, Fairview Park, OH 44126



Before Photos

# WALLACE LAKE



## SERVICES PROVIDED:

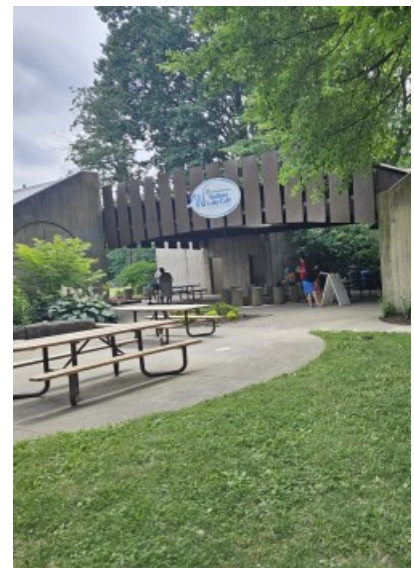
- Site Improvement Plan
- Stormwater Management



## Project Overview

WallacePancher Group assisted Cleveland Metroparks in the development of two (2) new buildings with associated sidewalks, plaza, beach access, utilities and stormwater management facilities. WPG prepared a Site Improvement plan, including design of storm sewers, post-construction water quality BMP, water main connection to existing water connection, sanitary sewers for connection to existing pump station, utilities, plaza, stairs to beach, ramp to beach, and site earthwork (grading).

WallacePancher Group will provide support as requested by Cleveland Metroparks during construction for shop drawing review, answering questions, and site visits.





## Municipal Design Projects



**2022 Bain Park Restroom Improvement** - Site plan and grading plan preparation for a new restroom facility at Bain Park; coordination with subcontractors to provide building structure, electrical and plumbing for restroom; preparation of bid documents; budget monitoring and pay request preparation; and construction administration. Client - City of Fairview Park.

Bid contract amount: \$248,320.00

**2020—2022 Street Improvement Program** - Plan preparation for various pavement replacement and pavement resurfacing projects; preparation of bid documents for all projects; budget monitoring and pay request preparation; construction administration; and daily inspection services. Client – City of Middleburg Heights.



2020 final construction cost: \$ 3,024,899.24

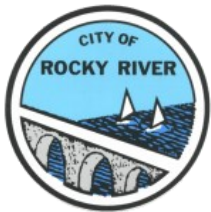
2021 final construction cost: \$ 1,948,929.84

2022 bid contract amount: \$ 3,644,527.25

**2021-2022 Water Main Replacement and Pavement Resurfacing for Bain Park Drive, Cromwell Avenue and Parkwood Avenue** - Plan preparation for water main removal and replacement, including replacing water service connections, full depth pavement repairs, curb and sidewalk replacements, and asphalt planning and resurfacing; preparation of bid documents; budget monitoring, pay request preparation and final CWD reconciliation; construction administration; and daily inspection services. Client - City of Fairview Park.



Bid contract amount: \$1,046,991.20



**2021 Linden Park Tennis Court Improvement** - Plan preparation for the removal and replacement of tennis courts, subbase and underdrain system; preparation of bid documents; construction administration; and inspection services. Client - City of Rocky River.

Final construction cost: \$305,594.03

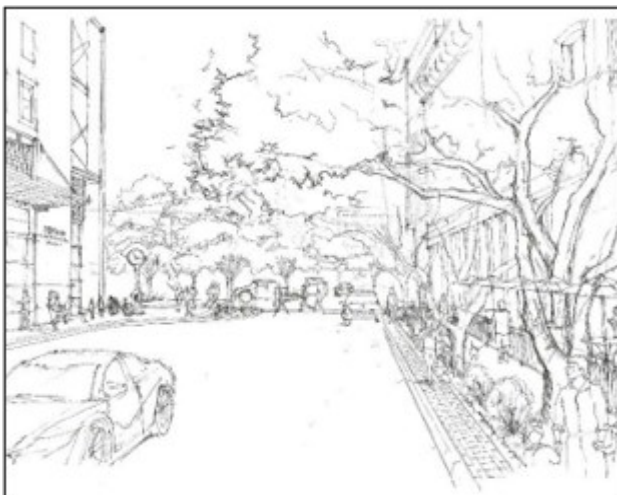
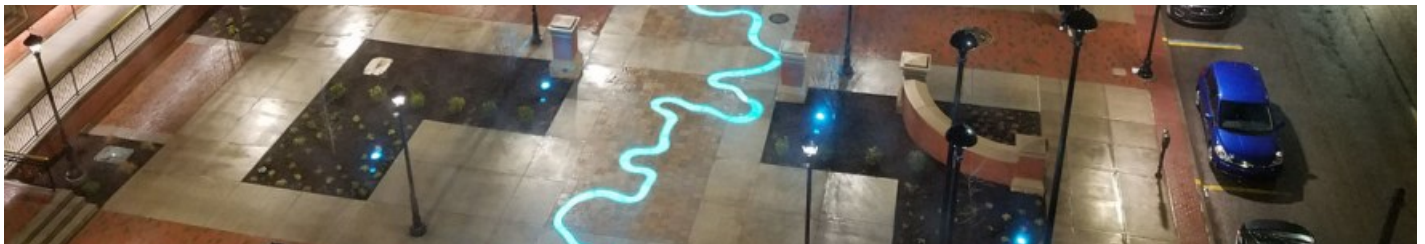
**DOPWIC Applications** - Preparation of successful DOPWIC and OPWC applications for the following projects:

- Indian Creek Drive Sanitary Relief Sewer Improvement—Middleburg Heights
- Spencer Road Sanitary Sewer Improvement—Rocky River
- Morewood, Collver, Oak Sewer, Water and Pavement Replacement—Rocky River
- Hampton Road (South) & Lakeview Avenue Sewer and Pavement Replacement—Rocky River
- Frazier Beachcliff Sewer, Water and Pavement Replacement-Rocky River
- Clifford Avenue Sewer and Pavement Replacement—Fairview Park
- Avalon Drive Sewer and Pavement Replacement– Rocky River

## FIRM'S TEAM

WallacePancher Group has the available key staff and capacity to provide the needed services within your time schedule. We make it a top priority on all projects to be available anytime to meet with our client. Our excellent rankings on ODOT's Design Agency Evaluation Ratings indicate our ability and willingness to meet your schedule with quality work. Our continuous involvement with local projects and our low staff turnover keep us knowledgeable of the process and up to date on requirements and specifications. The project manager and experienced key personnel proposed for projects are available to begin and complete the projects according to your schedule. Our entire municipal, bridge, highway, and right of way staff will be made available as necessary to complete the work on schedule.

| Office Staff by Disciplines       | Total Staff | Licensed Staff |
|-----------------------------------|-------------|----------------|
| Professional Engineers            | 11          | 11             |
| Civil Engineer Associates         | 15          | -              |
| Technicians/Designers             | 7           | -              |
| Professional Landscape Architects | 3           | 2              |
| Professional Surveyors            | 1           | 1              |
| Survey Technicians                | 3           | -              |
| Environmental Scientists          | 11          | -              |
| Construction Inspection           | 4           | -              |
| Administrative/Marketing          | 5           | -              |
| <b>Total</b>                      | <b>60</b>   | <b>14</b>      |





# UNIVERSITY HEIGHTS



**Project Manager/ Sr. Engineer**

Brenda Mockbee, P.E. \*



**Principal Engineer**

Kimberly Kerber, P.E. \*

## Project Team

### Site / Civil Design

Jim Martin, P.E., Senior Engineer \*  
Brittany Jablonski, Civil Associate  
Omar Hassunah, Civil Associate  
Joe Lombardi, E.I., Civil Associate  
Tatiana Elturk, Civil Associate

### Roadway Design / Traffic Signal / Signing / Pavement Markings

Patrick Schwan, P.E. \*

### Landscape Architecture

Sandy Ely, PLA  
Justin Alexander, PLA \*  
Jay Loftus

### Survey

Brian Besecker, P.S.

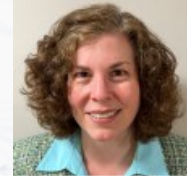
### Structural Engineering / Bridge Design / Bridge Inspection

David Rinehart, P.E. \*

\* Indicates full length resume attached

### Brenda Mockbee, P.E.

#### Sr. Engineer / Project Manager



Ms. Mockbee is a Senior Engineer /Project Manager with Wallace-Pancher Group. She is responsible for design of sanitary sewer replacement, storm sewer replacement, water main replacement, pavement resurfacing and replacement, storm water management, detention basins, cost estimating, commercial site plans, and residential subdivisions. Ms. Mockbee is also responsible for project administration for municipal projects, which includes pre-construction meetings, frequent updates to the municipality, processing and reviewing contractor pay requests, processing and reviewing change orders, monitoring construction budgets, communication with inspectors, answering questions that arise during construction, and project closeout documents.

Ms. Mockbee has over 28 years of experience working in Northeast Ohio.

#### EXPERIENCE AND QUALIFICATIONS

**Morewood Parkway Water Main, Storm Sewer, Sanitary Sewer & Pavement Replacement and SWPPP.** *Client:: City of Rocky River, Ohio.* Design and Construction Administration for water main replacement, sanitary sewer replacement, storm sewer replacement and full depth pavement replacement including maintenance of traffic plans to maintain access for existing residents. Total Project Cost \$3,671,987.34.

**Collver / Oak Water Main, Storm Sewer, Sanitary Sewer & Pavement Replacement and SWPPP.** *Client:: City of Rocky River, Ohio.* Design and Construction Administration for water main replacement, sanitary sewer replacement, storm sewer replacement and full depth pavement replacement including maintenance of traffic \$1,334,105.18.

#### Other Representative Projects:

- Wooster Road Water Main Replacement. Rocky River. \$2,100,000.00
- Morewood Force Main Replacement. Rocky River. \$800,000.00
- Various Water Main Replacement Projects. Rocky River & Fairview Park. \$13,000,000.00 (total)
- Bartholomew Road Reconstruction. Middleburg Heights. \$775,000.00

#### EDUCATION

- B.S.E., Civil Engineering, *Cleveland State University*, 1994
- M.S.E., Civil Engineering, *Cleveland State University*, 1999

#### REGISTRATION

Professional Engineer

- OH (63420)

#### CONTACT INFORMATION

- bmockbee@wallacepancher.com
- (440) 886.4500 x116





# Kimberly R. Kerber, P.E.

## Sr. Engineering Manager



Ms. Kerber is a Principal Engineer with WallacePancher Group. Ms. Kerber also serves as the Consulting City Engineer for the City of Fairview Park and City of Rocky River and as Assistant Consulting City Engineer for the City of Middleburg Heights. She is responsible for managing and technical oversight of design projects, including sanitary sewer replacement, storm sewer replacement, water main replacement, pavement resurfacing and replacement, storm water management, detention basin design, cost estimating, commercial site plans, residential subdivisions, and municipal plan reviews. She is also responsible for the project administration for municipal projects, which includes pre-construction meetings, frequent updates to the municipality, processing and reviewing contractor pay requests, processing and reviewing change orders, monitoring construction budgets, scheduling inspectors, answering questions that arise during construction, and project closeout documents.

Ms. Kerber has over 29 years of experience working in Northeast Ohio.

Ms. Kerber has also been part of teams for several Cleveland Water Department projects, including the Nottingham Sediment Basins and the Facilities Assessment. Ms. Kerber is also experienced in boundary surveys, ALTA surveys, and topographical surveys and is an ODOT Pre-Qualified Right-of-Way Plan Designer.

## EXPERIENCE AND QUALIFICATIONS

**Detroit Road / Wooster Road Resurfacing (PID 85393).** *Rocky River, Ohio. (LPA)* Prepared plans and specifications for the resurfacing of Detroit Road from the West City Line to Wooster Road and Wooster Road from Detroit Road to Center Ridge Road. This work included pavement resurfacing, full depth repairs, curb repairs, curb ramps, new pedestrian bump outs to shorten crossing distances, and pavement markings. Total Project Cost \$3,100,000.00.

**Avalon Drive Storm Sewer, Sanitary Sewer & Pavement Replacement and SWPPP.** *Client: City of Rocky River, Ohio.* Design and Construction Administration for approximately 1 mile of sanitary sewer replacement, storm sewer replacement and full depth pavement replacement including maintenance of traffic plans to maintain access for existing residents. Total Project Cost \$5,700,000.00.



### Other Representative Projects:

- Lakeview/Hampton Storm, Sanitary and Pavement Replacement. Rocky River. \$5,600,000.00
- Clifford Drive Storm & Sanitary Sewer and Pavement Resurfacing. Fairview Park. \$3,200,000.00
- Various Water Main Replacement Projects. Rocky River & Fairview Park. \$13,000,000.00 (total)
- Bagley Road Culvert Structural Lining. Middleburg Heights. \$300,000.00

### EDUCATION

- B.S.E., Civil Engineering, Case Western Reserve University, 1994

### REGISTRATION

Professional Engineer

- OH (63894)

### INDUSTRY TENURE

- Since 1994

### CONTACT INFORMATION

- kkerber@wallacepancher.com
- (440) 886.4500 x117

# David L. Rinehart, P.E.

## Sr. Engineering Manager



David Rinehart, Manager of WallacePancher Group's Structures Department, will be responsible for reviewing work prior to submissions; coordinating work with the Client, between the various engineering disciplines, technical services, and subconsultants. Mr. Rinehart has over 35 years of experience working with and managing successful projects of all sizes. His experience includes several major transportation projects and studies. He has prepared engineering studies, analyses, and the structural design of bridges, foundations, retaining walls, building structures and various other types of structures. Mr. Rinehart has extensive experience in bridge inspection, bridge analysis, and designing structures varying in size from small culverts to large complex multiple-span bridges. He is involved in several ongoing design consultant services during construction projects for the Ohio Department of Transportation.

### EXPERIENCE AND QUALIFICATIONS

North Lake Park Bridge – Located in a historic park, the bridge crosses the North Lake headwaters in the City of Mansfield, providing pedestrian and vehicular access to the park and a residential area. The selected design was a one-span precast concrete arch. The structural sandstone from the original arch was repurposed in the new bridge, as the stones were cut and placed on the face of the cast-in-place concrete headwalls that double as railings. Constructed 2020. Client – City of Mansfield.

LAK-90-2342 – In-depth bridge inspection, deck truss analysis, emergency gusset plate repairs, preliminary design studies for financial management analysis, and preliminary structure design for IR 90 bridge replacement over the Grand River. Sixteen improvement alternatives were developed including maintenance, deck replacement, strengthening, superstructure replacement, complete replacement, and alignment changes. Construction 2007-2009. Client – ODOT District 12.



CUY-Independence Trail – Developed preliminary plans to evaluate layouts for proposed trail bridges. The project included design of two prefabricated one-span galvanized steel truss bridges with concrete decks over an unnamed tributary of the Cuyahoga River; rehabilitation of a concrete bridge with stone railing; and design of a prefabricated one-span steel truss bridge 200 feet long with concrete deck over the Cuyahoga River. Extensive coordination with CVNP, City, and utilities during construction was required. Constructed 2019. Client – City of Independence.

SUM-8-1.95 – Project manager and preliminary design for rehabilitation of 1,500 feet deck truss over Little Cuyahoga River Valley. The work included in-depth bridge inspection, plan preparation, and gusset plate analysis. A Preliminary Engineering Study, a Red Flag Summary, and a Life-Cycle Cost Analysis (LCCA) were prepared. Minor rehabilitation plans were prepared for a deck overlay. A Maintenance of Traffic Alternatives Analysis (MOTAA) was prepared and an innovative maintenance of traffic plan was developed for part width construction with restricted lanes on weekends. The work included gusset plate inspection and analysis. A second repair project addressed gusset plate and other deficiencies. Construction 2008-2010. Client – ODOT District 4.

### EDUCATION

- BSCE, *The Ohio State University*, 1987
- MBA, *Ashland University*, 2004

### REGISTRATION

Professional Engineer

- Ohio 55967
- Pennsylvania 91579
- Kentucky 36170
- West Virginia 24475

### ORGANIZATIONS

- National Society of Professional Engineers
- Ohio Society of Professional Engineers
- American Society of Civil Engineers
- American Concrete Institute
- Association of Bridge Constructors and Designers

### INDUSTRY TENURE

- Since 1985

### CONTACT INFORMATION

- drinehart@wallacepancher.com
- (419) 524.0074 x217





# James J. Martin, P.E.

## Sr. Engineer



Jim is a licensed Professional Engineer in Pennsylvania with over 20 years' experience as a Project Manager and design engineer. Jim has worked extensively in stormwater management, erosion and sediment control, site layout, grading and utilities for design and permitting of projects across a variety of industries, in addition to maintaining clients, cost estimating and composing contracts, overseeing design, and permitting and presenting projects to municipalities. Jim has worked in the energy industry, completed residential, commercial, and industrial projects, and schools/institutional complexes.

### EXPERIENCE AND QUALIFICATIONS

Managed over \$10M of project revenue since beginning the Project Manager function in 2012. Responsibilities in that role include acquiring projects and maintaining clients, cost estimating and composing contracts, overseeing design and permitting, presenting projects to municipalities.

Peoples Natural Gas - Managed design and permitting of projects for mid-stream and downstream pipeline projects, including environmental, municipal and highway permits. In total, assisted with over a hundred new and replacement pipeline projects.

Maronda Homes - Managed design and permitting of subdivision projects for single family and multi-family home developments in the Pittsburgh Region. Carried projects through the state and municipal approval process and provided construction administration. Examples include: Amalfi Ridge, Twin Lakes, Wiltshire Estates, Victoria Ridge, Deerfield Estates, Stonegate, The Abbey.

Kossman Development - Chartiers Valley Shopping Center Managed design and permitting of a new flex space building and a building addition within the shopping center.

Sewickley Academy - Managed design and approvals for site design pertaining to the new Means Gymnasium and renovations to the Oliver Building.

University of Pittsburgh - Managed design and construction administration for replacement chilled water lines serving the Heinz Chapel vicinity.

Winchester Thurston School - Managed design and permitting of site improvements associated with the new Center Avenue Campus of the Winchester Thurston School.

Maronda Athletic Fields - Managed design and permitting for large mass grading operation allowing the construction of six new athletic fields in Findlay Township. Provided numerous conceptual layout options and assisted with future planning.

### EDUCATION

- B.S., Civil Engineering, *The Pennsylvania State University*, 2001

### REGISTRATION

Professional Engineer

- PE076633

### INDUSTRY TENURE

- Since 2001

### CONTACT INFORMATION

- [jmartin@wallacepancher.com](mailto:jmartin@wallacepancher.com)
- (724) 981.0155

# Justin J. Alexander, PLA

## Sr. Landscape Architect



Mr. Alexander has over 16 years of experience in landscape architecture, from conceptual design through project development and implementation. His areas of expertise are in project management, site planning, grading, graphic presentation, and design of parks, trails, athletic facilities, sustainability, green infrastructure, ADA compliance and general site design.

Prior to joining WallacePancher Group, Mr. Alexander worked for an engineering consulting firm in the Pittsburgh, PA area. During his time there, Mr. Alexander facilitated all stages of development including multi-discipline proposals, fee estimates, due diligence, conceptual design, planning and land development approvals, NPDES/E&S permitting, construction documents and technical specifications, cost estimating, construction administration, record surveys, and project closeout. Mr. Alexander coordinated projects ranging from retail, office, hotels, industrial, municipal, warehouse, residential, health care, higher education, streetscapes, parking lots, storage facilities, and athletic facilities.

### EXPERIENCE AND QUALIFICATIONS

**Parks & Resorts:** In previous years, Mr. Alexander has been involved with the design and development of Community Parks and Riverfronts. These include, City of Pittsburgh – South Shore Riverfront Park in the City of Pittsburgh, City of Oakmont, PA – Riverside Park Master Plan, City of Pittsburgh – South Side Works Marina.

**Community:** Mr. Alexander has designed and developed streetscapes, master plans, urban design, playgrounds, dog parks, and trails.

**Institutional & Education:** Mr. Alexander has experience in working with the Pennsylvania State System of Higher Education (PASSHE) in master planning through construction documentation. Projects include, California University of Pennsylvania - Natali Student Center, Clarion University – Student Housing Project, Carnegie Mellon University – University Center Addition, and Slippery Rock University – Porous Pavement Parking Lot.

**Commercial & Retail:** Mr. Alexander has a wide range of experience with commercial development projects, placing a high regard on the aesthetic value, stormwater management techniques, and general site design. Projects include industrial parks, distribution facilities, self-storage facilities, hotels, residential housing, health care, gas stations, parking lots, oil & gas, and banks.

### EDUCATION

- B.S., Landscape Architecture, University of Massachusetts, Amherst 2007

### REGISTRATION

- Professional Landscape Architect, Pennsylvania #003055

### ORGANIZATIONS

- American Society of Landscape Architects (ASLA)

### PUBLICATIONS

- Land and Water Magazine: Trailblazers in Stormwater Management – Western PA Commercial Projects Adopts Phytoremediation Method, January/February 2017 Edition

### INDUSTRY TENURE

- Since 2007

### CONTACT INFORMATION

- jalexander@wallacepancher.com
- (724) 981.0155 x166





# Patrick R. Schwan, P.E.

## Sr. Engineering Manager



Mr. Schwan has administered various projects that have included the preparation of plans, specifications and contract bid documents for Municipal agencies; County agencies including Park Districts; the Ohio Turnpike Commission, and the Ohio Department of Transportation. He is proficient in the use of various computer programs to assist in the development of projects. Mr. Schwan has also performed construction observation and ongoing design consultant services during construction for local agencies; the Ohio Department of Transportation; and the Ohio Turnpike Commission. Mr. Schwan has facilitated public involvement meetings; performed construction administration of projects; developed projects utilizing ODOT's LPA project development process; prepared ODOT funding applications including safety funding; prepared OPWC grant applications and managed OPWC project development; and managed projects with utility facility relocation. Mr. Schwan is an ODOT pre-qualified Construction Engineer Level 1&2. His experience is representative by his work on the following projects:

CUY-Independence Trail – Developed preliminary plans to evaluate reuse of existing bridges and optimized layouts for proposed trail bridges. The project included design of two prefabricated single span galvanized shaped steel bridges with concrete decks on drilled shafts over unnamed tributary of the Cuyahoga River; rehabilitation of one concrete bridge with stone railing; and design of a prefabricated single span 200 feet long galvanized shaped steel bridges with concrete deck on steel piles over the Cuyahoga River. Extensive coordination with CVNP, City, and utilities during construction was required. Client – City of Independence.

City of Mansfield Traffic Signal Reconstruction Project - Traffic analysis and preparation of construction contract plans for signal upgrade/replacement of traffic signals at 19 intersections on Lexington Avenue and Park Avenue West including pedestrian facilities and wireless interconnect for corridor coordination. A coordination plan was developed for a morning and afternoon program utilizing corridor on-street master controllers. The plan development required design adjustment to avoid utility conflicts and minimize new right of way acquisition. Client – City of Mansfield.



RIC-Mansfield Street Upgrade – Construction administration for downtown street revitalization project including curb replacement, stamped concrete installation, sidewalk replacement, tree installation, and installation of decorative street lighting as part of an ODOT LPA project funded with ARRA monies. Client – City of Mansfield.

Hillside Road Conduit Replacement – Removal of a deficient corrugated metal pipe arch and replacement with an 8' x 4' concrete box conduit including junction chambers with minor approach work. Client –City of Independence.

WAY-CR6 (Friendsville Road) – 9.65-mile Corridor Safety Study for a roadway identified on the High-Risk Rural Road list. Client – Wayne County Engineer.

### EDUCATION

- BSCE, *Ohio Northern University*, 1992

### REGISTRATION

Professional Engineer

- Ohio 61571
- Maryland 51765
- Florida 85107
- Pennsylvania 88855
- West Virginia 23327
- Kentucky 34268
- Michigan 6201068095
- CPESC

### ORGANIZATIONS

- National Society of Professional Engineers
- Ohio Society of Professional Engineers
- American Society of Civil Engineers
- Institute of Transportation Engineers
- American Society of Highway Engineers

### INDUSTRY TENURE

- Since 1992

### CONTACT INFORMATION

- pschwan@wallacepancher.com
- (419) 524.0074



## DIVERSITY

At WallacePancher Group, we are devoted to building a culture of diversity and inclusion, viewing it as more than just the right thing to do - it's integral to our success. Our diversity augments our ability to adapt, innovate, and evolve. We also embrace our unique experiences, education, backgrounds, and work practices as these differences enhance our collective wisdom.

In our everyday operations, we focus on cultivating an environment where every individual feels valued and understood. We prioritize equal opportunities, striving to ensure everyone, regardless of their background, has the ability to flourish, make significant contributions, and attain their fullest potential. We cherish the multiplicity of thoughts and ideas, knowing these differences fuel our continuous growth and our capability to deliver top-tier service.

## SUSTAINABILITY

WallacePancher Group is a driver of environmental sustainability in planning and design services. We restore threatened water habitats, enhancing biodiversity, water quality, and climate resilience. Our mitigation work bolsters ecosystem health and community resilience, fostering sustainable development.



WallacePancher Group's design professionals are experts in incorporating stormwater Best Management Practices (BMPs) and innovative solutions into our projects. Our constructability planning uniquely balances sustainability with construction feasibility, considering factors like eco-friendly materials, waste reduction, and design adaptability. We also work as ODOT's consultant for the RE-Usable Bridge program, under ODOT's Tom Barrett.

At WallacePancher Group, sustainability is a core value that shapes our approach to every project. We aim for solutions that are both cost-effective and environmentally responsible, and through our services, we are helping to build a sustainable future for our planet.

## COMPETITIVE PRICING

Items 1(a) through 1(m)

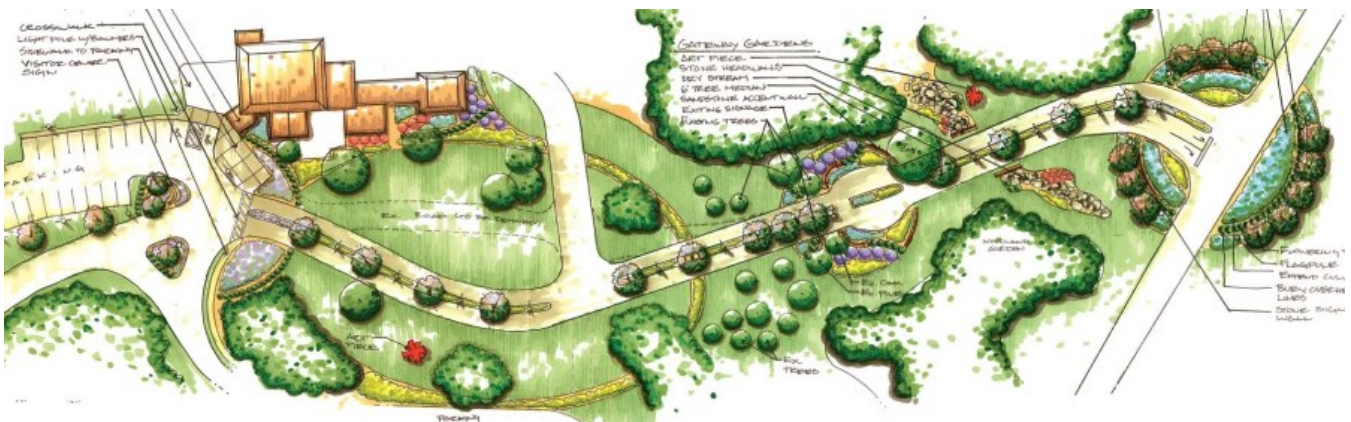
**Retainer Fee:** WallacePancher Group shall be paid a lump sum fee of \$6,000.00 per month.

Item 2

The following hourly rates shall be used for projects that are quoted at the City's request:

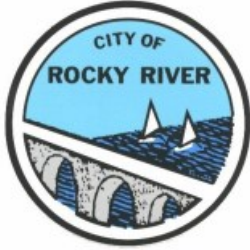
### Hourly Rates:

- Principal Engineer or Principal Landscape Architect \$155.00 / hour
- Senior Engineer or Landscape Architect / Project Manager \$145.00 / hour
- Senior Engineer or Senior Landscape Architect \$135.00 / hour
- Engineer or Landscape Architect / Project Manager \$130.00 / hour
- Engineer or Landscape Architect \$120.00 / hour
- Senior Civil Associate or Senior Site Designer \$120.00 / hour
- Civil Associate or Site Designer \$120.00 / hour
- Senior Design Technician \$100.00 / hour
- Design Technician \$90.00 / hour
- Survey Crew Chief \$80.00 / hour
- Survey Crew \$155.00 / hour
- Professional Surveyor \$120.00 / hour
- Inspector \$75.00 / hour
- Administrative Assistant \$60.00 / hour





## REFERENCES



Client: City of Rocky River

Client Contact: Rich Snyder

Address: 21012 Hilliard Boulevard, Rocky River, OH 44116

Phone Number: 440-331-0600



Client: City of Fairview Park

Client Contact: Mary Kay Costello

Address: 20777 Lorain Road, Fairview Park, OH 44126

Phone Number: 440-356-4412



Client: City of Middleburg Heights

Client Contact: James Herron

Address: 15700 Bagley Road, Middleburg Heights, OH 44130

Phone Number: 440-234-2216

....some of our esteemed clients



THE CITY OF  
**CANTON** OHIO



**ZANESVILLE**  
Ohio



THIS AGREEMENT made and entered into as of the 1<sup>st</sup> day of January 2024 by and between the City of University Heights, Ohio, a Municipal Corporation of Ohio, hereinafter referred to as “City,” and WallacePancher Group, a Pennsylvania Corporation, hereinafter referred to as “WPG.”

WITNESSETH

WHEREAS, the City desires to obtain qualified professional consulting engineering services from professional engineers registered in the State of Ohio to perform consulting engineering for and on behalf of the City as hereinafter set forth; and,

WHEREAS, WPG has employees that are professional engineers duly registered under the laws of the State of Ohio and accepts such work for the compensation as hereinafter set forth; and,

WHEREAS, the Council of the City of University Heights, Ohio by Ordinance No. \_\_\_\_\_, authorized the Mayor to enter into a one (1) year agreement with WPG for consulting engineering services renewable by the Mayor up to four (4) times.

NOW, THEREFORE, the City and WPG for the consideration hereinafter stated and the conditions hereinafter specified, agree that WPG shall be and is hereby employed as Engineer for the City to serve until a successor is duly appointed.

1. It is mutually agreed between the parties hereto that in consideration of said employment and appointment as Engineer for the City, that WPG shall furnish the following services to the City:

***Retainer Items***

- a. The City Engineer will act as an advisor to the Mayor or their designee relative to roads, traffic, sanitary or storm sewers, water, landscape, design, right-of-way, new development projects (both residential and commercial), building maintenance and any other areas where such technical expertise is required. This task includes, but is not limited to, review of engineering plans, cost estimation and limited services during construction. Brenda Mockbee will be the primary contact for City Officials. An employee of WPG designated by Brenda Mockbee will be the secondary contact for City Officials when Brenda Mockbee is unavailable.
- b. The City Engineer will consult with authorized representatives of the City, providing consultations.
- c. The City Engineer will prepare estimated costs for the City's Annual Capital requests of engineering and/or technical services in sufficient detail for review and approval.
- d. Assist with the oversight and compliance with the City's Storm Water Management Program.
- e. The City Engineer shall review plans for stormwater compliance.
- f. Assist with the oversight and compliance with Ohio EPA MS4 permit and NEORS Community Discharge permit and Combined Discharge permit.
- g. The City Engineer will identify potential grant opportunities that the City may utilize for infrastructure needs or other future projects or initiatives.
- h. The City Engineer will maintain drawings, specifications, calculations, records, files, ordinances and other pertinent data developed for the City.
- i. The City Engineer will review the design and observe the construction of public improvements performed by the City or by entities other than the City when requested by the Mayor.



- j. The City Engineer shall make its services available to any department or division of the City or any official of the City acting within its official capacity in connection with City business upon the request of the Mayor.
- k. The City Engineer shall attend all regularly scheduled City Council meetings. The City Engineer shall attend City Council committee meetings and any additional public, legislative or administrative meetings only when requested by the Mayor.
- l. The City Engineer shall have professional surveyors on staff to assist with design as requested by the Mayor.
- m. The City Engineer shall have the capabilities to generate GIS mapping as requested by the Mayor and advance the City's asset management program as it pertains to infrastructure.

***Non-Retainer Items***

- n. The City Engineer shall assist with management of variously funded projects including but not limited to ODOT LPA projects, CDBG projects, and NEORS MICP grants.
- o. The City Engineer will prepare estimates of construction cost in sufficient detail for review and approval. The City Engineer will design and observe the construction of public improvements of the specific project quoted to be implemented by the City when requested by the Mayor.
- p. The parties shall comply with Codified Ordinance Chapter 220 and Codified Ordinance Section 220.06, pursuant to which projects with design costs in excess of the Mayor's spending authority (currently \$15,000) but less than \$50,000 may be assigned or awarded to WPG by the Mayor with approval from Council. On projects where engineering and/or design costs will exceed \$50,000, such projects will go out for public bid in accordance with the terms and provisions of Codified Ordinance 220.06, except in the case of emergency or as otherwise expressly waived by Council.

2. The City shall pay WPG for services rendered as follows:

- a. For services set forth in Paragraph 1(a) through 1(m) herein, the City shall pay WPG a retainer of \$6,000 per month for the year 2024. The monthly amount of the retainer shall increase by 3% on January 1 of each subsequent year this agreement is renewed.
- b. For services set forth in Paragraphs 1(n) and 1(o), payment shall be made according to the following schedule of hourly rates for the year 2024. These hourly rates shall increase by 3% on January 1 of each subsequent year this agreement is renewed.

|  |        |
|--|--------|
| Principal Engineer                         | 155.00 |
| Senior Engineer/Project Manager            | 145.00 |
| Senior Engineer                            | 135.00 |
| Engineer/Project Manager                   | 130.00 |
| Engineer                                   | 120.00 |
| Senior Civil Associate                     | 120.00 |
| Civil Associate                            | 120.00 |
| Principal Landscape Architect              | 155.00 |
| Senior Landscape Architect/Project Manager | 145.00 |
| Senior Landscape Architect                 | 135.00 |
| Landscape Architect/Project Manager        | 130.00 |
| Landscape Architect                        | 120.00 |
| Senior Site Designer                       | 120.00 |
| Site Designer                              | 120.00 |
| Senior Design Technician                   | 100.00 |

|                          |        |
|--------------------------|--------|
| Design Technician        | 90.00  |
| Professional Surveyor    | 120.00 |
| Survey Crew Chief        | 80.00  |
| Survey Crew              | 150.00 |
| Inspector                | 75.00  |
| Administrative Assistant | 60.00  |

- c. Payment shall be monthly upon detailed billing by WPG, setting forth the project, the date, the hours spent by its employees, and expenses incurred.
3. The Engineer shall not render any engineering services of any kind and description or be employed or otherwise retained to perform such engineering services, whether supervisory or otherwise, for any private person, firm or corporation, with respect to any construction, installation, building, improvement, or work to be performed or done by any such private person, firm, or corporation within the confines of the City limits, and which might require its official approval as City Engineer.
4. The City will be responsible for the following and has the following rights:
  - a. Provide full information as to its requirements for any project through the Mayor or other duly authorized representative;
  - b. Assist WPG by placing at its disposal all available information pertinent to all projects, including previous reports and any other data relative to design and construction of the projects;
  - c. Furnish to WPG services or data outside of WPG's expertise, such as core borings, probings and subsurface explorations; hydrographic surveys; laboratory tests and inspections of samples, materials and equipment; approximate professional interpretations of all of the foregoing; land title services; and, other special data or consultations, all of which WPG may rely upon in performing services under this Agreement;
  - d. Provide or assist in providing access to and make all provisions for WPG to enter upon public and private property as required to perform its services under this Agreement;
  - e. Pay for all costs incident to obtaining bids or proposals from contractors;
  - f. Provide such legal, accounting, and insurance counseling services as may be required for the projects, and such auditing services as the City may require to ascertain how or for what purpose any contractor has used the moneys paid to him under the construction contract; and,
  - g. Bear all costs incident to compliance with the requirements of this Section.
  - h. The City reserves the right to retain and pay for services of other engineers for projects within the City.
5. WPG shall have the right to terminate this agreement upon 90 days prior written notification. The Mayor shall have the right to terminate this agreement upon 90 days prior written notice. In the event of such termination, WPG shall be paid for all fees and costs incurred in accordance with this Agreement including the costs of orderly termination.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written, the signature of the City of University Heights being affixed by its Mayor pursuant to Ordinance No. \_\_\_\_\_ passed by the Council of University Heights and in accordance with the provisions of said Ordinance.

In the presence of:

\_\_\_\_\_  
  
\_\_\_\_\_

CITY OF UNIVERSITY HEIGHTS, OHIO

By: \_\_\_\_\_  
Michael Dylan Brennan  
Mayor and Safety Director

WALLACEPANCHER GROUP, INC.

\_\_\_\_\_  
  
\_\_\_\_\_

By: \_\_\_\_\_  
Daniel Wallace  
President

Approved as to legal form:

\_\_\_\_\_  
Luke McConville  
Law Director  
City of University Heights



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WHEREAS, WPG has employees that are professional engineers duly registered under the laws of the State of Ohio and accepts such work for the compensation as hereinafter set forth; and,

WHEREAS, the Council of the City of University Heights, Ohio by Ordinance No. \_\_\_\_\_, authorized the Mayor to enter into a one (1) year agreement with WPG for consulting engineering services renewable by the Mayor up to four (4) times.

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***Retainer Items***

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- c. The City Engineer will prepare estimated costs for the City's Annual Capital requests of engineering and/or technical services in sufficient detail for review and approval.
- d. Assist with the oversight and compliance with the City's Storm Water Management Program.
- e. The City Engineer shall review plans for stormwater compliance.
- f. Assist with the oversight and compliance with Ohio EPA MS4 permit and NEORS Community Discharge permit and Combined Discharge permit.
- g. The City Engineer will identify potential grant opportunities that the City may utilize for infrastructure needs or other future projects or initiatives.
- h. The City Engineer will maintain drawings, specifications, calculations, records, files, ordinances and other pertinent data developed for the City.
- i. The City Engineer will review the design and observe the construction of public improvements performed by the City or by entities other than the City when requested by the Mayor.

- j. The City Engineer shall make its services available to any department or division of the City or any official of the City acting within its official capacity in connection with City business upon the request of the Mayor.
- k. The City Engineer shall attend all regularly scheduled City Council meetings. The City Engineer shall attend City Council committee meetings and any additional public, legislative or administrative meetings only when requested by the Mayor.
- l. The City Engineer shall have professional surveyors on staff to assist with design as requested by the Mayor.
- m. The City Engineer shall have the capabilities to generate GIS mapping as requested by the Mayor and advance the City's asset management program as it pertains to infrastructure.

***Non-Retainer Items***

- n. The City Engineer shall assist with management of variously funded projects including but not limited to ODOT LPA projects, CDBG projects, and NEORS D MICP grants.
- o. The City Engineer will prepare estimates of construction cost in sufficient detail for review and approval. The City Engineer will design and observe the construction of public improvements of the specific project quoted to be implemented by the City when requested by the Mayor.
- ~~e.p. The parties shall comply with Codified Ordinance Chapter 220 and Codified Ordinance Section 220.06, pursuant to which project with design costs in excess of the Mayor's spending authority (currently \$15,000) but less than \$50,000 may be assigned or awarded to WPG by the Mayor with approval from Council. On projects where engineering and/or design costs will exceed \$50,000, such projects will go out for public bid in accordance with the terms and provisions of Codified Ordinance 220.06, except in the case of emergency or as otherwise expressly waived by Council.~~

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- 2. The City shall pay WPG for services rendered as follows:
  - a. For services set forth in Paragraph 1(a) through 1(m) herein, the City shall pay WPG a retainer of \$6,000 per month for the year 2024. The monthly amount of the retainer shall increase by 3% on January 1 of each subsequent year this agreement is renewed.
  - b. For services set forth in Paragraphs 1(n) and 1(o), payment shall be made according to the following schedule of hourly rates for the year 2024. These hourly rates shall increase by 3% on January 1 of each subsequent year this agreement is renewed.

|  |        |
|--|--------|
| Principal Engineer                         | 155.00 |
| Senior Engineer/Project Manager            | 145.00 |
| Senior Engineer                            | 135.00 |
| Engineer/Project Manager                   | 130.00 |
| Engineer                                   | 120.00 |
| Senior Civil Associate                     | 120.00 |
| Civil Associate                            | 120.00 |
| Principal Landscape Architect              | 155.00 |
| Senior Landscape Architect/Project Manager | 145.00 |
| Senior Landscape Architect                 | 135.00 |
| Landscape Architect/Project Manager        | 130.00 |
| Landscape Architect                        | 120.00 |
| Senior Site Designer                       | 120.00 |
| Site Designer                              | 120.00 |
| Senior Design Technician                   | 100.00 |

|                          |        |
|--------------------------|--------|
| Design Technician        | 90.00  |
| Professional Surveyor    | 120.00 |
| Survey Crew Chief        | 80.00  |
| Survey Crew              | 150.00 |
| Inspector                | 75.00  |
| Administrative Assistant | 60.00  |



- c. Payment shall be monthly upon detailed billing by WPG, setting forth the project, the date, the hours spent by its employees, and expenses incurred.
  - d. Vehicle mileage shall be reimbursed at the current IRS standard mileage reimbursement rate.
- 3. The Engineer shall not render any engineering services of any kind and description or be employed or otherwise retained to perform such engineering services, whether supervisory or otherwise, for any private person, firm or corporation, with respect to any construction, installation, building, improvement, or work to be performed or done by any such private person, firm, or corporation within the confines of the City limits, and which might require its official approval as City Engineer.
- 4. The City will be responsible for the following and has the following rights:
  - a. Provide full information as to its requirements for any project through the Mayor or other duly authorized representative;
  - b. Assist WPG by placing at its disposal all available information pertinent to all projects, including previous reports and any other data relative to design and construction of the projects;
  - c. Furnish to WPG services or data outside of WPG's expertise, such as core borings, probings and subsurface explorations; hydrographic surveys; laboratory tests and inspections of samples, materials and equipment; approximate professional interpretations of all of the foregoing; land title services; and, other special data or consultations, all of which WPG may rely upon in performing services under this Agreement;
  - d. Provide or assist in providing access to and make all provisions for ~~WPG~~Mackay to enter upon public and private property as required to perform its services under this Agreement;
  - e. Pay for all costs incident to obtaining bids or proposals from contractors;
  - f. Provide such legal, accounting, and insurance counseling services as may be required for the projects, and such auditing services as the City may require to ascertain how or for what purpose any contractor has used the moneys paid to him under the construction contract; and,
  - g. Bear all costs incident to compliance with the requirements of this Section.
  - h. The City reserves the right to retain and pay for services of other engineers for projects within the City.
- 5. WPG shall have the right to terminate this agreement upon ~~90~~30 days prior written notification. The Mayor shall have the right to terminate this agreement upon ~~90~~30 days prior written notice. In the event of such termination, WPG shall be paid for all fees and costs incurred in accordance with this Agreement including the costs of orderly termination.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written, the signature of the City of University Heights being affixed by its Mayor pursuant to Ordinance No. \_\_\_\_\_ passed by the Council of University Heights and in accordance with the provisions of said Ordinance.

In the presence of:

\_\_\_\_\_

\_\_\_\_\_

CITY OF UNIVERSITY HEIGHTS, OHIO

By: \_\_\_\_\_  
Michael Dylan Brennan  
Mayor and Safety Director

WALLACEPANCHER GROUP, INC.

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_  
Daniel Wallace  
President

Approved as to legal form:

\_\_\_\_\_  
Luke McConville  
Law Director  
City of University Heights



# UNIVERSITY HEIGHTS

**Mayor Michael Dylan Brennan**  
***[mdb@universityheights.com](mailto:mdb@universityheights.com)***  
**216.932.7800 x222**

December 22, 2023

Kelly Thomas  
Clerk of Council  
2300 Warrensville Center Road  
University Heights, OH 44118

**RE: Ordinance 2023-83**  
**Mayor's Veto**

Dear Ms. Thomas:

Pursuant to Article 3, Section 7 of the Charter of the City of University Heights, Ohio ("Charter"), please consider this letter the Mayor's "written notice of disapproval" for filing with the Clerk regarding the above referenced ordinance passed by City Council at the regular meeting of December 18, 2023. Kindly file this in the usual and customary way, and acknowledge the receipt of same via email at [mdb@universityheights.com](mailto:mdb@universityheights.com).

At issue is a proposed transfer from the General Fund (100) to the CIC Fund (800) of \$25,000.00. The CIC currently has a balance of \$72,319.23 with no projects currently planned with that balance.

I reference and incorporate herein my veto statement of December 12, 2022 for the history the CIC and its purposes. The outstanding balance at that time was \$59,635.24.<sup>1</sup> After a transfer then of \$16,039.59, in the year since the balance has grown.

At the recent December 6, 2023 meeting of the CIC, I raised the ongoing governance issue of the CIC. In 2022, the CIC was used by the City Council and resident members (who comprise a majority of the board) to circumvent the charter and sign a contract over a solid waste collection survey which the City through its Mayor had conscientious grounds not to execute. The CIC empowered then CIC board member Councilperson

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<sup>1</sup> After that veto, I withdrew my objection to the transfer in connection with the Memorandum of Understanding entered later that same month. As part of that MOU, the CIC was then anticipated to be used to hold title to the University Square parking garage. Since then, we have gone in another direction as to the garage.



Justin Gould to sign a contract. The City Council later reimbursed the CIC for the funds spent under the contract for the survey. They even called it a “city survey.”

As such, the City Council thus used the CIC to circumvent the City Charter. Under the Charter, while the City Council may authorize the entry of a contract, the authority and discretion to execute the contract then lies exclusively with the Mayor. Only the Mayor or their designate may bind the city. Using the CIC, a councilmember signed a contract in lieu of the Mayor and over the Mayor’s objection, and Council as a whole paid back the CIC for the contract. Without the CIC, the City Council would have had to negotiate with the Mayor over the subject of the contract. With the CIC, the City Council declined to work with the Mayor and went their own way.

This was only possible because Council member CIC board members together with the council-appointed resident CIC board member may outvote the Mayor and Administration board members. With a 4-3 vote, a Councilperson signed a contract instead of the Mayor. That cannot happen ever again. There is only one administration of the City. The CIC may not be allowed to act as a separate and shadow administration, as it did in 2022.

There is more than one way to resolve the governance issue. We could keep the board as is, but require an affirmative vote of 5 to take action. We could also change the number of members of the board and how they are appointed. There is no state requirement for the City to have a CIC. If we are to have a CIC, council and administration must work together and take on only those projects which have support across the branches of government.

Instead of looking for a way to better work together, at the December 6, 2023 meeting, CIC Vice President and City Vice Mayor Michele Weiss suggested that by ordinance the Mayor could be removed from the CIC presidency, or perhaps from the board itself. As I expressed at the meeting, this does not solve the problem.<sup>2</sup> Instead it displays an intention by Weiss and Council to continue to use the CIC contrary to cooperative economic development aims of both Administration and Council, and perhaps to again circumvent the charter.

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<sup>2</sup> See draft minutes of CIC meeting of 12/6/2023, attached.

Under the circumstances, with no resolution in sight for resolving the governance issue, and no current projects requiring the funds, I cannot justify signing an ordinance or signing off on a transfer allowing even more public dollars to go to the CIC.

There are no more regular meetings of City Council scheduled for 2023. Under the City Charter, a vote to override a veto may occur only at the “next regular meeting thereafter” of Council. See Article 3, Section 7 of City Charter. As the next regular meeting of Council is in 2024, this veto effectively blocks the transfer of the funds appropriated for 2023.

I ask that City Council and the CIC address the governance issue in a constructive way in 2024, requiring support on CIC projects to be collaborative across Council and Administration. This is the people’s money, after all. There are projects we could be doing, but we have to work together.

I therefore dutifully VETO Ordinance 2023-83.

Sincerely yours,



Mayor Michael Dylan Brennan

CC: City Council  
Law Director Luke McConville  
CIC resident board member Shawn Belt  
CIC attorney Joseph Gibbons  
CIC secretary Deanna Bremer Fisher  
Finance Director Dennis Kennedy

# UNIVERSITY HEIGHTS CITY BEAUTIFUL CORPORATION MEETING MINUTES

December 6, 2023

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## I. Roll Call

The meeting was called to order by Mayor Brennan at 7:02 p.m.

|                        |                       |                   |
|------------------------|-----------------------|-------------------|
| Board Members present: | Michael Dylan Brennan | Michele Weiss     |
|                        | Sheri Sax             | Geoff Englebrecht |
|                        | John Rach             | Susan Drucker     |
|                        | Shawn Belt            |                   |

Board Members absent:

Others Present: Deanna Bremer Fisher, Dennis Kennedy, Joe Gibbons

## II. Approval of Minutes

August 2, 2023 – Ms. Weiss made a motion to approve the minutes. Mr. Brennan seconded. A voice vote was taken, and the ayes carried the vote unanimously.

## III. Financial Report

Mr. Kennedy presented the financial report as of October 31, 2023. There was no revenue recorded for 2023. A budgeted transfer of \$25,000 had not yet been executed. Year-to-date expense are \$3,355.60 related to insurance policies and the audit. There are two items pending: one for obtaining a new Certificate of Good Standing and the other for the audit. These expenses won't exceed \$275. The beginning bank balance was \$75,674.83, and as of Oct. 31 it was \$72,319.23. He attached copies of the bank statements with the report. He has received a draft audit report, which will probably be released before the end of this month.

Mr. Rach asked about executing the transfer before end of the year. Mr. Kennedy said he must put it on the council agenda. Ms. Sax asked if there was any other action required. Mr. Kennedy said, "no."

## IV. Proposed Schedule of 2024 Quarterly Meetings

Ms. Brennan presented the 2024 quarterly meeting schedule for approval:

- a. Jan. 17, 2024
- b. Apr. 17, 2024
- c. Sept. 18, 2024
- d. Dec. 18, 2024



Ms. Drucker motioned to approve the schedule of quarterly meetings, Mr. Rach seconded. Mr. Rach asked if we had worked around religious holidays. Ms. Fisher replied that she believed they had and would double check.

A voice vote was taken, and the ayes carried the vote unanimously.

#### **V. Public Records Policy/Records Retention Schedule**

Mr. Gibbons stated that he had communicated with Mr. Kennedy and Mr. McConville about a public records policy. Mr. Kennedy had communications with the State Auditor's office. He said that the best course of action is for the CIC to adopt the city's public records policy and had prepared a simple resolution for the corporation to adopt the city's policy. There should be a separate custodian, and he wrote in that the CIC secretary would act as the custodian. Exhibit A is the city's policy. It is likely that the city may want to revisit its policy, and the corporation may revisit it from time to time. Section 6.21 of the city's personnel procedure manual has a section about public records policy so we should make sure that it is also in there. Mr. Brennan asked if we should amend the resolution to include that. Mr. Kennedy said we would be OK to adopt the city's public record's policy as is. Ms. Weiss asked if we would need to include the city's retention policy. Mr. Gibbons stated that, for now, this is the most efficient and cost-effective way to deal with this requirement. Ms. Weiss stated that she would like to see the records retention policy at the next meeting. Mr. Kennedy said that for right now this would comply. Mr. Brennan stated we will take a closer look next year.

Ms. Weiss motioned to approve adopting the city's public records policy for the CIC. The motion was seconded by Ms. Sax. A voice vote was taken, and the ayes carried the vote unanimously.

#### **VI. Old Business**

Ms. Weiss wanted to revisit transferring the property on the corner of Fenwick and Silsby to the CIC. She stated that "we held it back because we thought it might require some specialization." Mr. Rach said it was a corner house and might require some special treatment, such as it might require more articulation on the side because it is a corner lot.

Mr. Brennan said he was not inclined to transfer more properties to the CIC until the members address certain government issues. He reminded members of the specific instance when four members of the CIC used CIC funds to pay for a survey. "We can either require a vote of five or change the composition of the CIC so that we don't have a majority council on the board," he said. Mr. Belt stated that there are only three council members on the CIC board. Mr. Brennan agreed, but said that the council appoints the resident. Mr. Brennan suggested that the CIC appoint a second resident.

Ms. Sax said that regular action of the CIC is not political and that this interferes with the operations of the city. "It would be in city's best interest to have more properties generating tax revenue," she said. "This should be a separate action." Mr. Brennan stated that the CIC has already been politicized. He said he would not transfer the property. Ms. Sax asked if by doing so he would be obstructing CIC business. Ms. Sax stated that she thought the CIC should still move forward with transferring the property. Mr. Rach said



that it is costing the city money. Mr. Rach added that it was mayor who came to the council with the CIC format and that this is a change of heart. He stated that this seemed like “just a preference for you— that it is political, and that he saw no reason why we need to change the rules to meet your preferences.” Mr. Brennan said the format had been changed and that, “at the time, it seemed acceptable, but since that time I no longer think so. It is on the record. The CIC will remain a dead letter until this governance issue is resolved. One way to do that would be to amend the make up to make it a board of five.” Ms. Sax stated that “this assumes that administration and resident appointees always vote along a political line” and “I resent that and the residents should resent that.” Mr. Rach stated that it was water under the bridge and we should let it go. Ms. Weiss said the mayor was delegitimizing the citizen, city council and directors. She stated that the majority can change the composition of the board and no longer have the mayor as president. Mr. Brennan stated that it doesn’t resolve the issue of when you want the city to sign off on signing over property to the CIC. Barring a charter issue, removing the mayor from the CIC wouldn’t solve your problem. Mr. Brennan said he is not sure we should develop the property—“it is lovely the way it is.”

Mr. Belt said that what is frustrating for him is that none of the other CICs that he is familiar with feel like a mirror of a city council meeting. “I understand that a council meeting was brought here to work around what was happening between the administration and council. I understand your issues that that happened, and I understand why the four members voted to make it happen. It is frustrating that my time is wasted. I have no ability to do anything because the person who is in charge says we are not going to take up any business. I would love to move beyond that, but I don’t think we will. It is interesting that there are so many people in administration and city council who are on this board. There should be more people from outside. Right now everyone is bringing their baggage. I don’t know what the answer is. I want this to not be round two of council vs. administration.”

Mr. Brennan replied that Mr. Belt did have the power to shape the composition of the board. “We can do it in a way to make it more balanced and fair, he said. “Most CICs have more resident representation. You have a vote here; you are not powerless. I am happy to hear that you are open to suggestions and work to ensure that the CIC is never used as a workaround of the charter.”

Mr. Belt asked if they could talk about the property “because it has nothing to do with what has happened on this board in the past. Is there any reason not to transfer this property?” Mr. Brennan stated that it is smaller than a typical lot and is on a corner. He added that it was “rather well landscaped and has a park-like feel.” He felt that they were trying to shoehorn a house into a lot that is part of an already busy intersection. He added that “regardless of the governance issue, I don’t know if it should be developed.” Mr. Rach said, “it is totally developable.” He said that he can look at a map to get the dimensions.

## VII. New Business

Ms. Weiss stated that the CIC needed to have a discussion about creating a second CIC with the intention of putting the University Square garage in the CIC. She asked Mr. Gibbons what steps the CIC needed to take. Mr. Gibbons said that he did not know if the City could create multiple CICs and would look into it.

#### **VIII. Motion to Adjourn**

Ms. Drucker made a motion to adjourn. Mr. Rach seconded. A voice vote was taken. The ayes had it and the meeting adjourned at 7:37 p.m.

DRAFT



ORDINANCE NO. 2023-83

Introduced By: Mayor Michael Dylan Brennan

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE  
GENERAL FUND (100) TO THE  
COMMUNITY IMPROVEMENT CORPORATION (CIC) FUND (800)  
AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
UNIVERSITY HEIGHTS, OHIO, THE TRANSFER OF FUNDS FROM THE  
GENERAL FUND (100) TO THE COMMUNITY IMPROVEMENT  
CORPORATION (CIC) FUND (800)

**Section 1.** The Director of Finance be, and is hereby authorized and directed to make the necessary transfer of funds as herein set forth and that such transfers be and the same are hereby ratified and confirmed, to wit:

| <u>FROM FUND</u>   | <u>TO FUND</u>                         | <u>AMOUNT</u>      |
|--------------------|--|--------------------|
| General Fund (100) | Community Improvement Corp. Fund (800) | <u>\$25,000.00</u> |
|                    | Total:                                 | \$25,000.00        |

**Section 2.** The Director of Finance is hereby directed to submit a certified copy of this Ordinance to the Budget Commission of Cuyahoga County, Ohio.

**Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 4.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare and shall therefore be in full force and effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO  
**VETO**

MICHAEL DYLAN BRENNAN, MAYOR

PASSED: 12/18/2023

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR



# UNIVERSITY HEIGHTS

Mayor Michael Dylan Brennan  
[mdb@universityheights.com](mailto:mdb@universityheights.com)  
216.932.7800 x222

December 22, 2023

Kelly Thomas  
Clerk of Council  
2300 Warrensville Center Road  
University Heights, OH 44118

**RE: Ordinance 2023-86  
Mayor's Veto**

Dear Ms. Thomas:

Pursuant to Article 3, Section 7 of the Charter of the City of University Heights, Ohio ("Charter"), please consider this letter the Mayor's "written notice of disapproval" for filing with the Clerk regarding the above referenced ordinance passed by City Council at the regular meeting of December 18, 2023. Kindly file this in the usual and customary way, and acknowledge the receipt of same via email at [mdb@universityheights.com](mailto:mdb@universityheights.com).

At issue is a proposed midterm pay raise of \$600.00 for the Vice Mayor of the City. The justification offered for the pay raise is a charter amendment that transfers the responsibility of chairing City Council meetings from the Mayor to Vice Mayor.

Ohio Revised Code Section 731.07 states (emphasis added):

The salary of any officer of a city shall not be increased or diminished ***during the term for which he was elected or appointed***. This section does not prohibit the payment of any increased costs of continuing to provide the identical benefits provided to an officer at the commencement of his term of office.

Unless otherwise provided, all fees pertaining to any office shall be paid into the city treasury.

On its face, the pay raise appears to be prohibited by state law.

Notably, the 27<sup>th</sup> Amendment of the US Constitution also prohibits midterm pay raises for members of the Senate and the House of Representatives. This amendment does not apply to local government officials, but is demonstrative of the general disfavoring in American law of midterm pay raises for elected officials.

The ordinance does provide language delaying implementation of the pay raise “until a favorable Advisory Opinion is obtained from either the Auditor of State of the Ohio Ethics Commission.” I find it highly unlikely that either state office will find grounds to make an exception to O.R.C. 731.07. I believe we are wasting their time in even asking.

Notwithstanding the above, a fig leaf was offered that we do not, as of now, know who the next Vice Mayor is, so the current Vice Mayor is not really voting for a pay raise for herself. However, all members of council eligible to serve as Vice Mayor voted for this pay raise, so *somebody* voted for a midterm pay raise that will benefit herself or himself. Additionally, it does not change the fact that it is a midterm raise, passed after the most recent election to apply to an office holder either midterm or already certified to take a new term of office.

As I pointed out at the meeting, I called upon Vice Mayor Michele Weiss this past April to convene a special committee as was last done over ten years ago to consider adjustments to all elected official salaries. I pointed out that the Mayor’s salary of \$75,500.00 (plus \$1.00 for Safety Director) has not been adjusted since it took effect with the mayoral term starting in 2014.<sup>1</sup> The Vice Mayor said she would “take that under advisement.” Which I correctly took to mean that she would be doing no such thing, and she did not convene a committee.

I maintain that the salaries of all University Heights elected officials should be reviewed and adjusted before the 2025 election – and I agree that it should include additional compensation for the Vice Mayor, and further, that it should not be limited to the Vice

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<sup>1</sup> At the end of 2022, the Mayor was in the bottom third of all University Heights employees in compensation. Every director and chief, every police officer, every fire fighter, and about half of the service department laborers make more than the Mayor. One fire captain made more than double the Mayor in 2022. In 2023, all these employees received a well-deserved 4% raise, and the gap in compensation continues to widen.



Mayor. Mayor and Council members (and not just the Vice Mayor) have all taken on additional responsibilities since 2014, perhaps calling for additional compensation above and beyond merely adjusting salaries for inflation and cost of living. This should be studied and considered comprehensively, and not piecemeal. Any adjustments should be determined well before the filing deadline for the 2025 election, to allow all prospective office seekers to know well in advance.

In any event, no adjustment should take effect until after the voters of University Heights have elected or re-elected their council members and mayor to new terms.

This is not some wild idea. This is state law. See O.R.C. 731.07.

I therefore dutifully VETO Ordinance 2023-83.

Sincerely yours,



Mayor Michael Dylan Brennan

CC: City Council  
Law Director Luke McConville

**ORDINANCE NO. 2023-86**

**Introduced By: Council as a Whole**

**AN ORDINANCE AMENDING ORDINANCE 2023-10 TO INCREASE THE COMPENSATION OF THE VICE MAYOR FOR THE TERM BEGINNING JANUARY 1, 2024 AND DECLARING AN EMERGENCY**

**WHEREAS**, recent amendments to the City Charter, as adopted by the City's electorate on November 7, 2023, create additional duties and responsibilities for the Vice Mayor; and

**WHEREAS**, the Vice Mayor shall be in charge of running City Council Meetings, and it is anticipated that the Vice Mayor will spend additional time in preparation of Council Agendas and in preparation for the City Council Meetings;

**WHEREAS**, the Vice Mayor is elected each year in accordance with Codified Ordinance Section 220.05 entitled "Organization," which reads in pertinent part as follows: "At the first regular meeting in January immediately following each regular municipal election, Council shall organize and elect, by a majority vote, one of its members as Vice Mayor, who shall serve for a period of two years thereafter."

**WHEREAS**, a Vice Mayor will be elected at the Council organizational meeting occurring in January, 2024, since that meeting will be the first organizational meeting following the regular municipal election held on November 7, 2023, and since the current two-year term of the Vice Mayor expires at the end of 2023;

**WHEREAS**, In light of the additional duties of the Vice Mayor resulting from the Charter amendments, Council wishes to increase the rate of pay for the Vice Mayor;

**WHEREAS**, Since the Vice Mayor for the 2024-2025 term is not yet known, the pay raise contemplated hereby is not intended to be an "in-term pay raise" that would otherwise be prohibited; nevertheless, the Council has directed the Law Director to obtain an advisory opinion to confirm that such pay raise is not prohibited; and

**WHEREAS**, it is Council's intent to implement the pay raise for the Vice Mayor retroactively, only after a favorable advisory opinion has been obtained;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:**

**Section 1.** Section 3 of Ordinance 2023-10 shall be amended to read in its entirety as follows:

For the applicable term of office, the Vice-Mayor, in addition to receiving a salary as a council person, shall receive an additional supplement in the amount of \$1,000.00 annually.

**Section 2.** Existing Section 3 of Ordinance 2023-10 is hereby repealed. All remaining sections of Ordinance 2023-10 shall remain in full force and effect.

**Section 3.** The Finance Director is directed to pay the Vice Mayor the additional supplement at the current rate of \$400 annually until a favorable Advisory Opinion is obtained from either the Auditor of State or the Ohio Ethics Commission, at which time the pay increase to \$1,000.00 shall become effective, retroactive to January 1, 2024. If a favorable Advisory Opinion is not obtained, the Vice Mayor's rate of supplemental pay shall remain \$400 annually.

**Section 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 5.** This Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights, Ohio, and for the additional reasons to immediately amend Ordinance 2014-55, and clarify and establish the supplemental rate of pay the Vice Mayor prior to Council’s organizational meeting in January of 2024; and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS

**VETO**

\_\_\_\_\_  
Michael Dylan Brennan, Mayor

Passed: 12/18/2023

Attest: \_\_\_\_\_  
Kelly M. Thomas, Clerk of Council

Approved  
As To Form: \_\_\_\_\_  
Luke F. McConville, Law Director



**ORDINANCE NO. 2023-73**

**INTRODUCED BY: COUNCIL AS A WHOLE**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 220 ENTITLED “COUNCIL” AND DECLARING AN EMERGENCY.**

**WHEREAS**, in accordance with the City Charter and Ordinances, numerous Proposed Charter Amendments came for consideration by the voters of University Heights at the November 7, 2023 election (“Election”);

**WHEREAS**, voters overwhelmingly passed Issue 83, which proposed that Article 3, Section 5 and Article 5, Section 4 be amended to provide that the Vice Mayor, or in the Vice Mayor’s absence the Vice Mayor’s designee, shall preside at all meetings of Council, and said passage has been certified by the Cuyahoga County Board of Elections on November 28, 2023; and

**WHEREAS**, the Council wishes to amend Codified Ordinance Chapter 220 for purposes of consistency with the City’s Charter, as has been lawfully amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:**

**Section 1.** Council hereby amends Codified Ordinance Chapter 220 entitled “Council” to read in its entirety as set forth in Exhibit A hereto, which is incorporated herein by reference as if fully rewritten.

**Section 2.** Codified Ordinance Chapter 220 in existence immediately prior to the passage of this ordinance shall be amended in its entirety as set forth in Exhibit A hereto.

**Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 4.** This ordinance is hereby determined to be an emergency necessary for the immediate preservation of the public peace, health and safety of the City of University Heights and for the further reason that the Vice-Mayor be immediately provided with certain powers, duties and responsibilities in order to perform certain necessary functions as are required by the City Charter. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

**CITY OF UNIVERSITY HEIGHTS, OHIO**

\_\_\_\_\_  
**MICHAEL DYLAN BRENNAN, MAYOR**

**FIRST READING:**\_\_\_\_\_

**PASSED:**\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**KELLY M. THOMAS, CLERK OF COUNCIL**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**LUKE F. MCCONVILLE, LAW DIRECTOR**

CHAPTER 220  
Council

- 220.01 Regular meetings.
- 220.02 Special meetings.
- 220.03 Quorum.
- 220.04 Adjournment.
- 220.05 Organization.
- 220.06 Meetings.
- 220.07 Presiding officer.
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- 220.20 Dispensation with rules.
- 220.21 Exceptions.
- 220.22 Copies of rules.
- 220.23 Comments from the audience.
- 220.24 Conduct of committees.
- 220.25 Utilizing Law Department services.

220.01 REGULAR MEETINGS.

(a) Regular meetings of Council shall be held within the confines of the City property on the first and third Monday of each month excepting the months of July and August at 7:00 p.m., Eastern Standard Time, excepting that when such Monday is a legal holiday Council shall meet in regular session on the following business day at 7:00 p.m., Eastern Standard Time.

(b) Council Chambers of city hall shall be the regularly appointed room upon City property in which Council shall hold its regular meetings unless the Vice-Mayor designates another room, within the City property, by posting notice thereof upon the bulletin boards in the entrance halls of the city hall, the Police Department Building and the hall-side of the Council Chambers doors.

(c) (1) The Vice-Mayor is hereby authorized to change the location and the hour of regular Council meetings, from those stipulated in subsection (a) and (b) hereof, when in his or her opinion such other location and hour will better serve the convenience of Council and/or the people of this City; providing, however, that Council shall be so notified in writing at least

seven days prior to such proposed meeting and that at least a majority of Council members shall concur therewith and at least four days prior to such proposed meeting the public shall be notified by posting notices in the legally designated posting places or by publication at least once in a newspaper of general circulation within the City. In addition such notice shall be posted on the public bulletin boards of both the City Hall and the Police Department Buildings and also upon the hall-side of the Council Chamber door.

(2) In addition to the foregoing, Council is authorized to hold special meetings of the Council and/or committee meetings at locations outside of city hall and/or outside the City limits upon a finding of any good cause, including but not limited to: a civic occasion; a joint meeting with one or more other public bodies; and/or a retreat to be attended by the Mayor and Council open to the public, provided such meeting is:

A. Held within Cuyahoga County;

B. Announced at a meeting of Council held in University Heights as to time and place; and

C. Otherwise conforms to all other applicable provisions of Chapter 220 of the Codified Ordinances.

(d) Timing for distribution of agendas.

(1) Any member of Council may add an agenda item to the Council meeting agenda by providing written notice along with any supporting documentation to the Mayor, Vice-Mayor, and the Clerk of Council at least three days prior to the date on which the agenda is to be posted and/or distributed to the general public. Upon receipt of such written notice, the item shall be included on the Council meeting agenda.

(2) The Mayor shall compile and deliver the completed agenda for forthcoming meetings, along with supporting documentation to the Clerk of Council by 5:00 p.m. on the Thursday that precedes a Council meeting on the subsequent Monday.

(3) The Clerk of Council shall distribute the completed agenda to the general public and the members of Council by 5:00 p.m. on the Thursday that precedes a Council meeting on the subsequent Monday.

(4) The Clerk of Council shall complete and distribute the meeting minutes from the preceding meeting within 48 hours of the distribution of the agenda for the forthcoming meeting.

(5) Nothing herein shall be construed to prohibit Council from voting to add items to its agenda during any meeting of Council as deemed by Council to be necessary or in the public interest.

#### 220.02 SPECIAL MEETINGS.

Special meetings of Council may be called by the Mayor, the Vice Mayor or by any two members of Council, upon at least eight hours' notice thereof. Such notice shall be delivered to each member in person, by telephone, or in writing served in person or left at the usual place of residence of each member. The notice shall state the time and place of such special meeting and the subjects to be considered thereat and no other subjects shall be considered unless agreed to by vote of Council, five members thereof concurring.

#### 220.03 QUORUM.

Four members of Council shall constitute a quorum to do business, and a lesser number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

#### 220.04 ADJOURNMENT.



By motion passed by a majority vote of Council, any meeting may be adjourned to a later date prior to the date of the next regular meeting. Such adjourned meeting shall be considered as a regular meeting. Any absentee shall be notified of the adjournment in person, by telephone, or by written notice served personally or at his or her regular place of residence at least eight hours prior to the date and hour of such adjourned meeting.

#### 220.05 ORGANIZATION.

At the first regular meeting in the January immediately following each regular municipal election, Council shall organize and elect, by a majority vote, one of its members as Vice-Mayor, and another of its members as President Pro Tempore, each of whom shall serve for a period of two years thereafter. At the same time there shall also be elected, by a majority vote of Council, the Council members of the commissions and boards, established by the Charter or ordinances of the City. The Vice-Mayor, President Pro Tempore and each Council member so elected shall serve until the next organization meeting, unless he or she shall cease in the meantime to be a member of Council.

#### 220.06 MEETINGS.

All meetings of Council shall be public. Any resident may have access to the journals and records of proceedings of Council at all reasonable times and under such reasonable restrictions as may be imposed by Council.

#### 220.07 PRESIDING OFFICER.

The Vice-Mayor shall preside at all meetings of Council. The Mayor shall have the right to introduce ordinances and resolutions and to take part in the discussion of all matters coming before Council, but shall have no vote thereon. Any member of Council may add an agenda item to the Council meeting agenda upon providing the Mayor, Vice-Mayor and the Clerk of Council with adequate notice as set forth in Section 220.01(d). The Vice-Mayor shall preserve order and decorum, prevent personal reflection, and confine members and the Mayor in debate to the question. He or she may, in common with any member of Council, call to order any member or Mayor who violates any of the rules of Council, and he or she shall decide all questions of order subject to an appeal to Council upon the demand of two members. On such appeal there shall be no debate, but each member making the appeal may briefly state his or her reason for the same, and the Vice-Mayor shall have the same right to a similar brief statement.

#### 220.08 ABSENCE OF THE VICE-MAYOR.

In the absence of the Vice-Mayor, the President Pro Tempore shall discharge the duties and be clothed with all the powers of the Vice-Mayor as presiding officer, but he or she shall not thereby cease to be a Councilmember nor be deprived of the right to vote.

#### 220.09 CLERK OF COUNCIL/ASSISTANT CLERK OF COUNCIL.

(a) Council shall appoint a Clerk who shall have such powers and duties as are set forth in Article 3, Section 4 of the Charter as well as such other duties and functions as may be required from time to time by ordinance, resolution or motion of Council.

(b) Council may appoint a part-time Assistant Clerk at a rate of pay established by ordinance, who shall work under the direct supervision of the Clerk and shall perform such duties as directed by the Clerk.

(c) The Clerk shall assist the Mayor in the performance of administrative duties at the direction of the Mayor, as reasonably necessary, provided that such assistance does not interfere with the Clerk's ability to perform the duties of the Clerk set forth in Article 3, Section 4 of the Charter.

(d) Council shall conduct an annual performance review of the Clerk of Council, which shall take place prior to the end of each calendar year. Upon request of Council, the Mayor shall be obligated to attend and/or materially participate in conducting any such performance review.

#### 220.10 COMMITTEES.

(a) Not later than the second regular meeting following the organization of Council, the Vice Mayor shall appoint members of Council to the following standing committees. Each committee shall consist of not less than three members. The first named member of a committee shall be the Chairperson thereof:

- (1) Building/Housing;
- (2) Community Outreach;
- (3) Finance;
- (4) Economic Development;
- (5) Recreation;
- (6) Safety; and
- (7) Service and Utilities.

(b) Special committees may be established by the Mayor or Council from time to time. The Directors of the various departments established by the Charter or ordinances of the City shall be members, ex officio, of Council committees having to do with their respective departments, with the right to participate in the discussion of any matters before the committees, but they shall have no vote thereon. The standing committees and all special committees shall have such duties and powers as may be conferred upon them by the Mayor or Council at the time of appointment or election. When any matter shall be referred to a committee for action, the chairperson thereof shall fix the time and place of such committee meeting, and shall so notify all members of the committee in person or by telephone at least 24 hours prior to the date and hour of such meeting.

#### 220.11 ORDER OF BUSINESS.

The business of all regular meetings of Council shall be transacted in the following order:

- (a) Roll call;
- (b) Pledge of Allegiance;
- (c) Reading and disposal of the Journal;
- (d) Additions and removals from the agenda; referrals to committee;
- (e) Comments from the audience;
- (f) Reports and communications from the Mayor, and the taking of action thereon;
- (g) Reports and communications from the City Council, and the taking of action thereon;
- (h) Reading and disposition of ordinances, resolutions, motions, and consideration of agenda items;
- (i) Reports and communications from the Directors of the Department of Finance, the Department of Law, the Department of Public Safety, the Department of Public Service, and other department heads as applicable, and the taking of action thereof;
- (j) Reports of standing committees, and the taking of action thereon;
- (k) Reports of special committees, and the taking of action thereon;
- (l) Unfinished and miscellaneous business;
- (m) Adjournment.

The foregoing order of business may be varied from time to time by the presiding officer only in the interest of expediting the business of Council. Any member of Council may add an agenda item to the Council meeting agenda upon providing the Mayor, Vice-Mayor and the Clerk of Council with adequate notice as set forth in Section 220.01(d).

#### 220.12 ACTION OF COUNCIL.

Council shall act by ordinance, resolution or motion duly adopted or passed at any regular or special meeting. Each ordinance, resolution or motion shall require for its adoption or passage the concurrence of at least four members of Council. The vote upon any measure shall be taken by "Ayes", "Nays" and "Passed" and the Clerk shall enter upon the journal the vote of each member. Upon completion of the roll call on any measure, if a member shall have passed his or her vote, the Clerk of Council shall again request the vote of such member before entering the results of the roll call upon the journal, and if such vote shall again be passed, it shall be recorded in the journal by the Clerk of Council as a "Passed" vote.

#### 220.13 ENACTING CLAUSE.

The enacting clause of all ordinances and resolutions passed by Council shall be: "BE IT ORDAINED (RESOLVED) by the Council of the City of University Heights, Ohio" The enacting clause of all ordinances submitted to popular election by the initiative shall be: "BE IT ORDAINED by the people of the City of University Heights, Ohio".

#### 220.14 SUBJECT AND TITLE.

Each proposed ordinance or resolution shall be introduced in written or printed form wherever possible, and shall not contain more than one subject which shall be clearly stated in the title or caption. General appropriation ordinances, however, may contain the various subjects and accounts for which money is to be appropriated, but shall be confined to the subject of appropriation.

#### 220.15 READING OF ORDINANCES AND RESOLUTIONS.

No ordinance or resolution of a general or permanent nature, or involving the expenditure of money or the levying of a tax, or for the purchase, lease, sale or transfer of property shall be passed until it has been read on two separate days, or the requirements for such reading have been dispensed with by a vote of at least five Councilmembers concurring; provided, however, that an ordinance making, amending or renewing a grant to construct and operate a public utility upon, across, under or above any public street or ground shall not be passed under a suspension of rules.

#### 220.16 AUTHENTICATION.

Any ordinance, resolution or motion passed by Council, and the journal of the Council itself, shall be authenticated by the signatures of the Mayor and the Clerk of Council, or of any two members of Council, and by the impression of the seal of the City.

#### 220.17 LEGAL PUBLICATION.

(a) The manner of giving public notice of the enactment of an ordinance or any other act or proceeding of Council which Council deems necessary or proper to publish may be specified in the ordinance, act or proceeding; but when not so specified, any of the following methods of giving notice shall constitute legal publication under Article 3, Section 5 of the Charter:

(1) Notice or advertisement once in a newspaper of general circulation in the City of the complete text, or the title and an abstract text as prepared by the Law Director.



(2) If the ordinance or resolution is a printed publication it need not be published otherwise.

(3) Posting of full copies of the ordinance or resolution, or by title and abstract thereof, as prepared by the Law Director, for 15 days at the following five public places within the City:

A. City Hall.

B. Cleveland Heights-University Heights Public Library.

C. Kollel Yad Chaim Mordechai. D. Cleveland Heights-University Heights Board of Education Building.

E. Gesu Church.

F. If any or all of the above are not available, then such posting shall be at such location or locations as the Director of Law or in his absence, the Clerk of Council, may determine will provide equivalent legal publication as provided herein.

(b) In the absence of any direction by Council, the choice of the above methods of publication may be determined by the Director of Law or in his or her absence the Clerk of Council; provided, however, that emergency ordinances or resolutions not specifically directed to be published by Council, need not be published.

#### 220.18 ABSENCE OF RULE.

In the absence of any rule upon the manner of business or procedure, Council shall be governed by Robert's Rules of Order.

#### 220.19 AMENDMENTS OF RULES.

These rules may be repealed, amended or altered, or new rules adopted by a majority vote of Council.

#### 220.20 DISPENSATION WITH RULES.

These rules, or any of them, may be temporarily suspended at any meeting of Council by the concurring vote of five members thereof.

#### 220.21 EXCEPTIONS.

When any statute of the State, if applicable, or any provision of the Charter of the City, if applicable, or any provision of this chapter or any ordinance hereafter adopted, if applicable, requires the concurrence of more than the majority of the members of Council in order to legally adopt an ordinance or resolution, or to pass a motion, the statute of the State, the provision of the Charter or the provision of this chapter or such subsequent ordinance shall govern, and the rule set forth in Section 220.15 hereof shall be subject thereto.

#### 220.22 COPIES OF RULES.

The Clerk of Council shall forthwith furnish a true and correct copy of this chapter to each present member of Council and to each new member of Council immediately upon his or her taking the oath of office as such member.

#### 220.23 COMMENTS FROM THE AUDIENCE.

(a) Comments from the audience shall be permitted at public meetings of the Council if requested by any member of Council or by the Vice-Mayor, in the absence of objection from any member of Council, or by motion approved by not less than four members of Council.

(b) Unless otherwise regulated or permitted by Council, verbal comments by any single person recognized by the chair shall be limited to five minutes in duration. The total time allowed for such comments at any meeting shall not exceed fifteen minutes. The substance of such comments may be paraphrased or described or identified, but need not be recorded in literal detail in the minutes, except to the extent necessary if Council takes action thereon pursuant to Section 220.12.

(c) Written comments may be submitted without limit, except as to storage space, and the Clerk shall keep such written material available to public officials and members of the public until disposed of according to law. Copies thereof shall be available to the public at rates per page as otherwise provided by ordinance. Such written materials shall not be part of the minutes unless specifically included by motion of Council.

#### 220.24 CONDUCT OF COMMITTEES.

(a) Committees of Council and/or advisory boards or panels or commissions established by Council or the Mayor shall hold all meetings in public, except to the extent that executive sessions may be permitted by law, meaning Ohio R.C. 121.22, Codified Ordinances Chapter 206, or any other applicable State or local law, and may hear such testimony or comment as the committee may deem appropriate and relevant.

(b) The Mayor as an ex-officio member and/or invited department heads shall participate in committee discussions as deemed appropriate by such committees or advisory boards or panels or commissions.

(c) Members of Council and members of the public who wish to comment at public meetings of committees or advisory panels or boards or commissions may do so with the assent of a majority of the committee, except as otherwise specifically provided by law.

(d) Members of Council who are not members of a committee, and members of the public who wish to comment at public hearings before committees or advisory panels or boards or commissions, held in accordance with law, shall be permitted to speak relevant to the matter being considered subject to reasonable time limits determined by the hearing body.

(e) In the event there is no majority in agreement with respect to subsection (a), (b) or (c) hereof, the decision of the chair shall be binding.

#### 220.25 UTILIZING LAW DEPARTMENT SERVICES.

(a) The Law Department shall provide advice and written opinions to the Mayor and/or to department heads relevant to their administrative duties and official legal responsibilities at their request, to Council with respect to its legislative duties and official legal responsibilities, and to any committee formed pursuant to the Charter or these Codified Ordinances.

(b) The Law Department shall draft and/or edit drafts of ordinances and/or resolutions at the request of the Mayor and/or department heads, any member of Council, or a majority of a Council committee.

(c) The approval of any ordinance or resolution by the Law Director shall be as to legal form only.

**ORDINANCE NO. 2023-74**

**INTRODUCED BY: COUNCIL AS A WHOLE**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 452.99 220 ENTITLED “PENALTY” AND DECLARING AN EMERGENCY.**

**WHEREAS**, there has been a significant increase in the number and frequency of illegally parked motor vehicles across the entire City in the past several years; and

**WHEREAS**, it is believed that increasing the fines for parking violations will have a deterrent effect on motorists, thereby decreasing the number of violations.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:**

**Section 1.** Council hereby amends Codified Ordinance Section 452.99 entitled “Penalty” to read in its entirety as set forth in Exhibit A hereto, which is incorporated herein by reference as if fully rewritten.

**Section 2.** Codified Ordinance Section 452.99 in existence immediately prior to the passage of this ordinance shall be amended in its entirety as set forth in Exhibit A hereto.

**Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 4.** This Ordinance is hereby determined to be an emergency necessary for the immediate preservation of the public peace, health and safety of the City of University Heights and for the further reason that increased penalties should cause less parking violations to arise within the City as soon as possible. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

**CITY OF UNIVERSITY HEIGHTS, OHIO**

\_\_\_\_\_  
**MICHAEL DYLAN BRENNAN, MAYOR**

**FIRST READING:**\_\_\_\_\_

**PASSED:**\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**KELLY M. THOMAS, CLERK OF COUNCIL**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**LUKE F. MCCONVILLE, LAW DIRECTOR**



# EXHIBIT A

## 452.99 PENALTY.

(a) Parking Violation Penalties. Whoever violates any section of Chapter 452 for which no penalty is otherwise provided, is guilty of a minor misdemeanor for the first offense at the same location or upon the same premises during any 30-day period, in which event any person charged with a violation subject to a penalty under this section may pay a waiver, except that any person who is charged with violating the same provision of [Chapter 452](#) on each of four different days within a 30-day period shall be required to make a court appearance and, upon conviction, shall be guilty of a fourth degree misdemeanor and shall be subject to the penalty provided in Section [408.01](#).

(b) Waivers. Waiver shall be paid in the following amounts:

(1) For any parking violation in a handicapped zone, including but not limited to 452.04(f):

A. If paid within 30 days 72 hours of the issuance of the citation, a fine in the amount of one five hundred dollars (\$5100.00).

B. If paid more than 72 hours 30 days after the issuance of the citation but before 60 days after the issuance of the citation the thirty-first day, a fine in the amount of two hundred fifty six hundred dollars (\$250600.00).

C. If paid more than 60 30 days after the issuance of the citation, a fine in the amount of seven hundred and fifty dollars (\$750.00), plus all costs of collection efforts.

(2) For any other parking violation in [Chapter 452](#):

A. If paid within 30 days 72 hours of the issuance of the citation, a fine in the sum of twenty-five dollars (\$2025.00).

B. If paid more than 30 days 72 hours after the issuance of the citation but before 60 days after the issuance of the citation the thirty-first day, a fine in the sum of thirty one hundred dollars (\$30100.00).

C. If paid more than 60 30 days after the issuance of the citation, a fine in the sum of forty one hundred dollars (\$40100.00), plus all costs of collection efforts.

**ORDINANCE NO. 2023-78**

**INTRODUCED BY: MAYOR**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COUNTY, OHIO FOR THE ROAD RESURFACING PROJECT OF WARRENSVILLE CENTER ROAD AND DECLARING AN EMERGENCY.**

**WHEREAS**, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows:

The Resurfacing of Warrensville Center Road from Fairmount Boulevard to Cedar Road in the City of University Heights (the “Project”).

**WHEREAS**, in consideration of the covenants and agreements herein contained to be performed by the parties hereto, it is mutually agreed between the parties hereto as follows.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:**

**Section 1.**

**A. CONSENT**

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to participate in the cost of construction of the Project.

**B. COOPERATION**

1. That the COUNTY and the MUNICIPALITY will cooperate in the Project.
2. That the MUNICIPALITY will prepare construction plans and specifications, including necessary engineering reports, which shall conform to generally accepted engineering practices and principles.
3. That the MUNICIPALITY will arrange for the supervision and administration of the construction contract.
4. That the COUNTY will review the construction plans, estimates, specifications and bid proposal for conformance with section B-2 of this Agreement. County approvals of these documents are required prior to the advertisement of the construction contract. The COUNTY will make an inspection of the completed Project.
5. That the MUNICIPALITY shall agree to provide the COUNTY with a complete set of as-built plans upon the completion of the Project.

**C. FUNDING**

1. MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the Project by using an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY’s portion of the project.
2. That the COUNTY shall contribute fifty percent (50%) of the actual cost of construction and construction engineering which is determined to be eligible by the Cuyahoga County Engineer’s policies up to a maximum of \$250,000.
3. In the event MUNICIPALITY secures additional funding for the Project, County’s financial contribution and the supplemental funding cannot exceed the total actual cost of the Project.

4. The anticipated construction cost for this project is \$1,560,000. To determine funding eligibility, the COUNTY shall be notified immediately of any significant changes to the scope of work and/or construction cost.

**D. MAINTENANCE**

That upon completion of said resurfacing, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the resurfacing in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and
2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Project in accordance with the applicable sections of the Ohio Revised Code.
4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

**E. TRAFFIC**

1. That upon completion of the Project, MUNICIPALITY will thereafter keep said highway open to traffic at all times; and
2. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Project in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
3. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and
4. Stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a “Four-way Stop” as provided in the aforesaid Manual are met; and
5. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and
6. The MUNICIPALITY shall prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

**F. RIGHT-OF-WAY**

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the Project shall be made available therefore.
2. That the MUNICIPALITY will arrange for the acquisition of any additional right-of way which may be required for the construction of the Project.



## **G. UTILITIES**

1. That the MUNICIPALITY will make arrangements with and obtain agreements from privately owned public utility companies whose lines or structures will be affected by the Project, and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of Project, and said companies have agreed to make such necessary arrangements immediately after notification by said MUNICIPALITY.
2. That the COUNTY will participate in the cost of alterations of governmentally owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.
3. That it is hereby agreed that the MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Project.
4. That the construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the Project, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

## **H. MISCELLANEOUS**

1. That if the MUNICIPALITY includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the Project), alternate bid items, or other items in the Project that are in addition to those now existing and not provided for elsewhere in this Agreement, the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering and construction supervision.
2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, F-2, G-1, G-3, and G-4, and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certification or obligations made or agreed to in said Sections F-1, F-2, G-1, G-3, and G-4 hereinabove.
3. For matters relating to this Project, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.
4. MUNICIPALITY agrees to make all pertinent contractual books and records and other documents pertaining to the Project available to the COUNTY and its designated agents for purpose of audit and examination upon reasonable request.
5. By enacting this Ordinance, the MUNICIPALITY agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The MUNICIPALITY also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to

electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

**I. AUTHORITY TO SIGN**

- 1. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement.
- 2. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the County of Cuyahoga, Ohio, for approval to use County Motor Vehicle License Tax Funds for the improvement.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 3.** This ordinance is hereby determined to be an emergency necessary for the immediate preservation of the public peace, health and safety of the City of University Heights and for the further reason of the need for expediting highway improvement to promote highway safety. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

**CITY OF UNIVERSITY HEIGHTS, OHIO**

**MICHAEL DYLAN BRENNAN, MAYOR**

**FIRST READING:**\_\_\_\_\_

**PASSED:**\_\_\_\_\_

**ATTEST:**

**KELLY M. THOMAS, CLERK OF COUNCIL**

**APPROVED AS TO FORM:**

**LUKE F. MCCONVILLE, LAW DIRECTOR**