

**MINUTES COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS, OHIO  
MAY 1, 2017**

Mayor Infeld called the regular meeting to order at 7:03p.m.

Roll Call:

Present: Mrs. Susan Pardee  
Mr. John Rach  
Mrs. Pamela Cameron  
Mrs. Michele Weiss  
Mr. Mark Wiseman

Absent: Mr. Phillip Ertel  
Mr. Steven Sims

Also Present: Law Director Luke McConville  
Finance Director William N. Sheehan III  
Clerk of Council Kelly M. Thomas  
Police Lt. Dale Orians  
Service Superintendent Jeffrey Pokorny  
City Engineer Joseph Ciuni  
Building Commissioner Larry Brown

**MOTION BY MRS. PARDEE, SECONDED BY MR. WEISS to excuse the absence of Mr. Ertel and Mr. Sims. On roll call, all voted “aye.”**

**Approval of Minutes from Regular Meeting April 19, 2017**

Corrections to the April 19, 2017 Council Minutes were provided by Mayor Infeld and Councilman Rach.

**MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to approve the minutes from April 19, 2017 as amended. On roll call, all voted “aye,” except Mrs. Cameron who “passed.”**

**Comments from Audience**

Ms. Carrie Williams, 14450 Cedar (Cedar Center Apartments) voiced her concern about the safety of pedestrians in the Cedar/Warrensville and Warrensville/Silsby area. Ms. Williams stated that the traffic moves a little bit too fast and that the pedestrian walk/don't walk light don't work. The signals that do work don't provide enough time for the people to completely walk across to the other side. Ms. Williams added that she was aware that the City plans on doing great things to control the traffic in the area and asked that her concerns be kept in mind.

There were no other audience comments.

**Mayor's Report to Community**

- Every Monday during the month of May Geraci's will donate a percentage of the day's receipts to Meals on Wheels.
- All proceeds from the Cav's Watch party ticket sales will go to Cleveland Habit for Humanity
- The 51<sup>st</sup> University Heights Memorial Day Parade and Program will be on Monday, May 29. The parade starts at 11am. The Parade travels up Silsby Road beginning at near Scholl to South Belvoir and over to John Carroll University for the Memorial Day Program and family fun activities.

**Agenda Items:**

- A. Resolution 2017-13 in honor of John Carroll University President, the Rev. Robert Niehoff, SJ, on the occasion of his retirement

**MOTION BY MRS. PARDEE, SECONDED BY MR. RACH approving Resolution 2017-13 in honor of John Carroll University President, the Rev. Robert Niehoff, SJ, on the occasion of his retirement. On roll call, all voted “aye.”**

**B. Resolution 2017-14 Commemorating National Minority Health Month**

Mayor Infeld noted that April was the actual National Minority Health Month. But it is never too late to say that we should do more in our Nation to make sure that healthcare is available to everybody. Especially to historically underserved populations. This Resolution will be sent to the elected representatives in Congress and County Officials so that they are aware of the sentiments of the University Heights Mayor and Council.

Mrs. Cameron suggested that the city designates May as Minority Health Awareness Month in University Heights.

Mayor Infeld replied that once the city sends the Resolution to the Congressional Members, Senators in Washington and the County people will recognize the University Heights cares about Minority Health Awareness Month and that it is an important issue.

**MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to approve Resolution 2017-14 Commemorating National Minority Health Month. On roll call, all voted “aye.”**

**C. Resolution 2017-15 in honor of Beachwood, Shaker Heights-University Heights Meals on Wheels Executive Director Shirley Baldwin on the occasion of her retirement**

Mayor Infeld stated that Mrs. Baldwin has been the local Heights Area Director of Meals on Wheels for over 25 years.

Mrs. Cameron noted that in addition to providing meals to those who need it; Meals on Wheels also provide an important social service for its clients. This service encompasses more than just a meal; it encompasses an opportunity for the volunteers to interact with the clients socially. Sometimes the volunteers are the point persons for the clients in terms of their physical/mental and their overall welfare.

**MOTION BY MRS. CAMERON, SECONDED BY MRS. WEISS approve Resolution 2017-15 in honor of Beachwood-Shaker Heights and University Heights Meals on Wheels Executive Director Shirley Baldwin on the occasion of her retirement. On roll call, all voted “aye.”**

**D. Resolution 2017-16 Opposing the Elimination and Reduction of U.S. Department of Housing and Urban Development Programs that are Vital to the Community Programs and Residents of the City of University Heights and Throughout Our Nation (on Emergency)**

Mayor Infeld stated that President Trump’s proposed National Budget, which is entitled “America First – A Budget Blueprint to Make America Great again” proposes that for Federal Fiscal Year 2018 that significant cuts are made to the US Department of Housing and Urban Development Programs. This would include the elimination of the Community Development Block Grant, the Home Investment Partnership Program, a 68% reduction in funding for Public Housing Repairs and reducing the number of available Housing Choice Vouchers Program by 200,000. University Heights has utilized the Community Development Block Grants more sparingly than other cities because the city isn’t large enough to receive the money directly from the Department of Housing and Urban Development; instead Cuyahoga County receives it on behalf of University Heights and other small communities. University Heights competes against the other small communities for the pool of monies managed by the County. Cleveland Heights is large enough that it gets monies directly from the Federal Government for their Community Development Block Grants, allowing them to receive monies for projects for which University Heights has to compete against other communities. If the Community Development Block Grant is eliminated it will definitely impact University Heights. The intention of this Resolution is let the representatives in Washington D.C. know that these are good programs with value and that they help all Americans.

Mrs. Weiss asked if the City of University Heights received any of the 200,000 vouchers.

Mayor Infeld replied no; that those vouchers don’t come through the City of University Heights and that they are distributed by HUD (Housing and Urban Development) based on income guidelines.

Mrs. Weiss asked if it was normal practice for Council to pass a Resolution regarding the National Budget prior to it being passed, noting that the National Budget would have numerous edits before passage or even before it goes to Congress. Mrs. Weiss added that she did not know if she could vote to pass a Resolution where she just see snippets and not the full picture of items that are proposed to be cut.

Mayor Infeld replied that is each Council person's choice.

**MOTION BY MRS. CAMERON, SECONDED BY MR. RACH to approve Resolution 2017-16 Opposing the Elimination and Reduction of U.S. Department of Housing and Urban Development Programs that are Vital to the Community Programs and Residents of the City of University Heights and Throughout Our Nation on Emergency**

Mayor Infeld proposed that the emergency clause be removed from the Resolution because the Resolution could wait the 30 days after passage to be sent to the various representatives in government.

Mr. McConville stated that if the emergency clause is removed this Resolution would then be on first reading.

Mrs. Cameron removed her motion for the passage of Resolution 2017-16 on emergency and Mr. Rach removed his second.

**MOTION BY MRS. CAMERON, SECONDED BY MR. RACH to amend Resolution 2017-16 by removing the words "and on emergency" from the title and the removal of section 4, the emergency clause for the body of the Resolution. On roll call, all voted "aye."**

Resolution 2017-16 was placed on first reading.

Mr. Wiseman stated he shared Mrs. Weiss' hesitance to pass the Resolution at this stage of the Federal Budgetary process if this is only to send a message because the budget process has yet to be played out and secondly he had a lot of problems with the proposed Federal Budget. And the message that he wasn't interested in sending was that the HUD Funding was his only problem with the proposed budget. Mr. Wiseman added that from where he was sitting there wasn't lot of money coming to University Heights. And, interestingly the City is honoring the Director from Meals on Wheels, that is one of the other programs being completely cut in the Federal Budget and that program isn't mentioned in this Resolution. Lastly, Mr. Wiseman said if the purpose is to look at something that doesn't affect the city a lot and to just send a message, then Mr. Wiseman said wondered if it benefited the city to pass this particular Resolution.

**E. Discussion of the Ohio Medical Marijuana law**

Mayor Infeld stated that Mrs. Weiss wanted to have a discussion regarding the Ohio marijuana law.

Mrs. Weiss stated that medical marijuana legislation passed in Ohio and Attorney, University Heights resident Kevin Murphy is familiar with the this and would like to discuss the legalities in regards to University Heights becoming a possible dispensary and the regulations that would be involved in that.

Mrs. Weiss said this could be an opportunity for tax revenue if University Heights were to get a "jump" on this before neighboring cities.

Mayor Infeld replied that many of the neighboring cities have already made tremendous efforts in passing the required legislation and zoning laws to become medical dispensaries. University Heights does not have enough open land to become a cultivator. To become a dispenser is something that many neighboring cities have been working on for over a year. There are legislative matters that would have to be passed and University Heights did not pass a moratorium on medical marijuana, but a lot of cities did. There is a lot to be considered with this because University Heights is a small community; the homes are close together and any dispensary would have to be in a commercial area. Mayor Infeld noted the Police Chief has concerns about having a dispensary in a small community such as ours as it could possibility attract crimes.

Mr. McConville stated that from a zoning perspective there are two provisions in the State law that are relevant; (1) a dispensary must be outside of 500ft. from a churches, schools and public parks, (2) there is a specific provision in the State law that provides municipalities the ability to set criteria or limitations on the cultivating and dispensing of medical marijuana. The provision states cities can prohibit or limit it any way it chooses at the local level. Mr. McConville didn't believe there was any legislation in the local ordinances/zoning code that addresses the issue specifically. It may be hard to get a legal opinion currently because the state statute calls for both the Department of Commerce and the Department of Pharmacy to issue final regulations.

Mayor Infeld added that the cultivators have to apply by June and the exact rules for having dispensaries or being a cultivator are available in the application which hasn't been finalized yet. Also, the State will allow these geographically in zones, so there's no way all the cities in our area would be allowed to have cultivators. But the idea is certainly something to consider.

Mrs. Cameron noted that one of the questions that has to be asked is if the discussion is about having Ordinances that would permit dispensaries or the city being part of a cultivating business?

Mrs. Weiss said University Heights doesn't have the land to have cultivating.

Mrs. Pardee commented that she was very interested in this idea and the potential for the business it could bring to the city; but she didn't have enough facts on how this could fit into the city, how it could work and fit the 500ft. rule, what the pros and cons are.

Mrs. Weiss said Mr. Murphy is willing to come to a Council meeting to discuss this, so she would contact him and invite him to a meeting.

Mr. Wiseman commented that he agreed, noting that the city should do anything it can to attract any viable business that will bring more tax dollars to the city. If medical marijuana is legal the city should research and look at it regardless of what other cities are doing.

Mr. Rach asked if the only restriction in the State of Ohio is that the business has to be located outside of 500ft. of schools, churches, synagogue, etc. and if University Heights doesn't have a moratorium or laws prohibiting it, does that mean that they could come to University Heights anyway.

Mayor Infeld replied that the zoning would have to be acceptable and noted that licensing and fees for these businesses are very expensive.

**F. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing personnel, legal and real estate matters**

Mayor Infeld informed Council there was a need to have an executive session to discuss a personnel matter and 2 pending litigation legal matters.

**MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS to hold an executive session immediately following the regular meeting for the purpose of a personnel matter and 2 pending litigation legal matters. On roll call, all voted "aye."**

**Directors' Reports**

Mrs. Weiss asked Mr. McConville if he looked at whether or not if a R.I.T.A. tax change would have to appear on the ballot.

Mr. McConville replied that he started researching it but wants to have a follow-up conversation with the R.I.T.A. legal counsel but his understanding based on his research when dealing with a tax credit only it does not have to go to the ballot but before providing that as his legal opinion he would like to talk to R.I.T.A. legal counsel.

**Fire Department:** Chief Zook reported that the spring-time hydrant flushing project has been completed, but that the City Engineer asked for the hydrants in the northwest area of the City, that was previously under the City of Cleveland Heights Water Department, be re-inspected for flow testing of water pressure.

**Service Department:** Mr. Pokorny had no report.

Mrs. Cameron asked when would the community park bathrooms be opened.

Mr. Pokorny said they are currently opened for the season.

Mr. Wiseman asked again how the city can better inform the residents about the tree trimming program and if their trees are on the schedule because the current way is not effective enough.

Mr. Pokorny noted that the tree trimming list and program schedule is posted to the city's website for residents.

Mrs. Weiss reminded everyone about placing the ability to pay for special pick-ups on the city's website.

**City Engineer:** Mr. Ciuni reported that the city's road program started and will take 90 days to complete and the next week the City Hall parking lot will be replaced and the Police Department parking lot will be replaced after City Hall's parking lot is done. Mr. Ciuni added that he has not requested permission to bid the Silsby Road Resurfacing Project because the city is still waiting for the grant agreement from the County. Mr. Ciuni recommended that the City waits to bid out the project (even though we were verbally told we were awarded the grant) until it gets the written agreement from the County for the grant funds because there is plenty of time.

Mr. Wiseman asked Mr. Ciuni if there was a downside to bidding the project and not having the final agreement from the County.

Mr. Ciuni answered there is no downside, the project could be bid and hold awarding the project until we received the agreement from the County. Mr. Ciuni noted that the City's bid specs requires the bid prices hold for 60 days.

Mr. Wiseman suggested going out for bids now.

**MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON authorizing the Administration to seeks bids for the 2017 Silsby Road Resurfacing Project. On roll call, all voted "aye."**

There were no other Director reports.

**Standing Committee Reports:**

**Finance Committee:** Mrs. Pardee reported that the Audit exit interview was held on April 26; there were no material weaknesses or findings, there was one item in the management letter and four verbal comments which will be discussed at the Joint Finance Committee and Finance Advisory Committee on May 24 at 7pm. The actual report will be posted by the end of May.

**Recreation Committee:** Mrs. Cameron invited everyone to the third annual "all geared up" family bike event on May 6 from 9am to 12noon. This year due to the growth of the event and its adaptability Canterbury Elementary School has voted and adopted the project as their own.


There were no other committee reports.

**MOTION BY MRS. CAMERON, SECONDED BY MR. WISEMAN to adjourn Executive Session and re-enter Regular Session. On roll call, all voted "aye."**

**MOTION BY MR. WISEMAN, SECONDED BY MRS. PARDEE to adjourn the meeting. On roll call, all voted "aye."**

There being no further business, the meeting was adjourned.

  
 Susan K. Infeld, Mayor

  
 Kelly M. Thomas, Clerk of Council

