

**MINUTES SPECIAL COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
JULY 19, 2017**

Vice-Mayor Pardee called the regular meeting to order at 8:04p.m.

Roll Call:

Present: Mrs. Susan Pardee
Mrs. Pamela Cameron
Mr. Phillip Ertel
Mr. John Rach
Mr. Steven Sims
Mrs. Michele Weiss

Absent: Mr. Mark Wiseman

Also Present: Law Director Luke McConville
Finance Director William N. Sheehan III
Police Chief Steven Hammett
Fire Chief Douglas Zook
Building Commissioner James McReynolds

MOTION BY MRS. CAMERON, SECONDED BY MR. ERTEL to excuse the absence of Mr. Wiseman. On roll call, all voted "aye."

Agenda Items:

A. Public Hearing for 2018 Budget

No discussion was recorded.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS for the hearing of the 2018 City Budget. On roll call, all voted "aye."

B. Resolution 2017-21 Adopting the 2018 City Budget and Declaring an Emergency

No discussion was recorded.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS for the passage of Resolution 2017-21 Adopting the 2018 City Budget. Roll call on suspension of the rules, all voted "aye." Roll call on passage, all voted "aye," except Mrs. Cameron, who voted "passed."

C. Appeal of the Board of Zoning Appeals decision regarding the operation of a retail business at 4499 Groveland Road

Mr. Fishman, representative for the homeowner of 4503 Groveland cited a portion of the City code that addresses home businesses and commented that he believed that there was receiving and delivering of packages occurring at this residence and that there was a lot of foot traffic going in and out of the premises. Mr. Fishman noted that the street has a lot of traffic. Mr. Fishman continued to say people are parking on the North side of the street where parking is prohibited and that during the wintertime when it is hard to see where driveways are, people were driving on neighbor's lawns creating a nuisance situation. Noting that there are a lot of empty retail premises in the area Mr. Fishman stated he believed this business should be located in one of those places and that it was the opinion of the homeowner that this business should not be in a residential area.

Mr. Sims asked the Mr. Fishman who was he representing.

The Mr. Fishman replied Sharkoff Investments who is the property owner of 4503 Groveland which is next door to 4499 Groveland.

Mayor Infeld provided the background for this item. The project was brought to the City's attention and was denied by the Building Commissioner. The denial was appealed by the applicant to the Board of Zoning Appeals and the appeal was granted with a Special Permit by the Board of Zoning allowing the operation of

this retail business with business hours of 8am – 5pm and additional evening hours on Mondays and Wednesdays from 7pm to 9pm. With the stipulation that if the evening hours needed to be changed Ms. Munk would have to notify the Police Department for approval.

Mr. Mendlovic explained that he was experiencing additional traffic, illegal parking, driving over neighbors grass in the wintertime, noise from vehicle and the house doors opening and closing, etc.

Mr. Sims asked what would be the difference when Ms. Munk had company coming over and closing doors.

Mr. Mendlovic replied that there wasn't a difference, it was just the volume of the number of times the doors open and shut closed.

Mrs. Pardee asked Mr. McConville if the City Code 1280.11 had regulations for the hours of operation for businesses.

Mr. McConville replied that there are specified hours in code: section normal business hours are stated as 8am to 5pm. But, there was a request from the applicant and BZA granted the Special Permit allowing the home business and in addition to the allowed regular hours that the applicant is permitted to have evening hours two nights a week from 7pm to 9pm.

Mr. Ertel asked if the two parties attempted to work out any settlement with each other.

Mr. Mendlovic said he suggested that Ms. Munk move the entrance for the business to the back door, but that suggestion was pretty much ignored.

Mrs. Weiss noted that that suggestion was discussed at the BZA meeting.

Mr. Rach noted that BZA granted a Special Use Permit, so it would be before the BZA yearly for renewal.

Mr. McConville replied yes.

Mayor Infeld added that a letter was also received from the neighbor on the west side of Ms. Munk.

Mr. Mendlovic stated that he has a daughter with special needs and is recouping from surgery; and noted that he believed that members from Council went to site and visited with Ms. Munk but not him so they only got one side of the situation.

Mr. Todd Weber, 4477 Groveland. Mr. Weber stated that he was 4 or 5 houses west so he couldn't speak to the noise but was concerned about the amount of traffic, speeding and illegally parked cars.

Mr. Sims asked if the legal speed was posted on the street and if Mr. Weber was saying that the speeding cars could possibly be customers of Ms. Munk.

Mr. Weber said that speed limit signs are posted and that he didn't mean for it to seem that the speeding cars were customers of Ms. Munk. But, all the long he has had an issue with the speeding on the street and that as you increase the amount of traffic the on the street in general the proportion of speeders will increase as well. Mr. Weber noted that Groveland is already a cut-thru street.

Ms. Munk spoke to Mr. Mendlovic comment about persons driving on his lawn and stated that when there is snow on the ground it is hard to tell where the curb and driveway meet and that she was trying to work with the city to come up with some solutions. In regards to doors slamming; if it is after 8pm then it is due to personal company. Ms. Munk noted this was discussed at BZA and that her business is such that she can only service one client at a time so at any one time there could be 2 cars parked either on the street or in the drive. Mrs. Munk explained the operations of her business and noted that all of her deliveries are from UPS.

Mr. Rach asked how many clients are serviced on a given day.

Ms. Munk replied her appointments are staggered every 15minutes so during a busy day she could service 10 – 20 people in a morning or until 2 or 3pm but sometimes there are just a few. During the summer months and around holiday time the number of appointments are greater.

Mr. Sims asked Ms. Munk if she thought that her level of business would increase and if she thought the level of her business would out-grow a residential location.

Ms. Munk replied that the level of her business has grown since she first started, but that she couldn't do much more than she was current doing. So if additional persons wanted to become clients she would have to turn them down. The only additional people she has helping her is a college student who comes over in the evenings to wash the wigs.

Mr. Sims asked Mr. McReynolds if it was his determination that it was not appropriate for this business to be run out of this property.

Mr. McReynolds stated that Ms. Munk filled out an application to operate a home business and that the application has a series of 35 questions regarding deliveries, toxic substances, layout of the house, where public will approach, traffic, etc. and based on Ms. Munk answers and in addition to the photographs showing the traffic he received from the neighbor he personal visit to review the amount of traffic he determined that he could not approve Ms. Munk's application.

Mrs. Cameron asked Mr. McReynolds how did he determine that the traffic was due to Ms. Munk.

Mr. McReynolds replied that it was in his opinion. Mr. McReynolds provided Council with a file folder of pictures that had been provided to the building department.

Mr. Rach asked Mr. McReynolds how did he know when the pictures were taken since they were not time stamped, given some pictures showed snow and some did not.

Mr. McReynolds replied by the date that they were emailed.

Mr. Mendlovic informed everyone that in his emails he would state here are the x's of pictures that were taken today, etc.

Police Chief Hammett stated he could only comment on the number of calls received in the Police Department. Phone calls regarding this property has only been occurring since May 2017 and the department has only received 9 calls. Of those 9 calls, 4 have been about traffic (in 3 of the 4 cases the cars were moved prior to the police getting there), 3 were regarding a neighbor taking pictures of people going to Ms. Munk house and the other 2 calls were that an illegal business was being run out of the house. Chief Hammett noted that he personally went out to review the traffic and spoke with both Mr. Mendlovic and Ms. Munk as attempt to help this situation. And during that time (mid-morning) of about 15 minutes he did see people coming and going with 4 to 5 people all parked legally on the street. A traffic assessment of a longer time frame would have to be conducted for a more accurate opinion on the amount of traffic.

Mr. Rach asked about placing a slow-down sign in the area and no parking on this side of the street.

Chief Hammett replied that having a large number of signage is discouraged by State Highway Traffic Control because it tends to confuse drivers. There is signage that states no parking on this side of the street.

Councilwomen Cameron and Weiss asked Mr. McReynolds how many complaints did he receive.

Mr. McReynolds replied 3 to 4 complaints a week for a period of 5 weeks.

Mrs. Weiss asked if the complaints were from multiple persons or the same person.

Mr. McReynolds replied most of them were from the same person.

Mayor Infeld commented to be fair the City has received complaints from a variety of people from both sides of the street.

Fire Chief Zook commented that the character and what is occurring inside the house in terms of the types of chemicals being used he had no safety concerns. The chemicals are the same hair chemicals you would find in any residential home.

Mr. Frank, 4482 Groveland spoke about the amount and speed of traffic on the street but couldn't say he witness much more of a traffic disturbance due to Ms. Munk's home business because it is a pass thru for Beachwood residents and that he didn't see how Ms. Munk's appointment based business would cause an additional disturbance to the neighborhood.

The homeowner of 4472 Groveland stated that the traffic and speeding problems were present prior to Ms. Munk's moving in and that Ms. Munk's home had been vacant in previous years. Ms. Munk's business is small and not harmful to the community.

Mr. Mendlovic asked what if everyone on the street who had a business decided they wanted to move their business into their living or dining rooms, where does it stop. Lastly residents should live with resident and businesses should be in retail centers.

MOTION BY MRS. WEISS, SECONDED BY MR. ERTEL to affirm the Board of Zoning ruling to grant the Special Permit to operate a home-business (wig shop) inside a residential home with business hours 8:00a.m. – 5:00p.m. and with evening hours until 9:00p.m. on Mondays and Wednesdays. Days of evening hours changeable upon advance notice to the Police Department.

Mr. Sims added for the record that he didn't want to dismiss anyone's point of view in this matter and that he was in agreement that the residential nature of the community should stay as residential as possible and businesses should be limited in operating in University Heights homes. But, in this case Mr. Sims said he personally didn't see this item as an intrusion on the community other than the issue of traffic. Noting that Groveland was a busy street already, anything that the City can do to help the residents on that street should be done. Mr. Sims stated that was the bases of him asking Ms. Munk about the volume and whether the business would grow beyond where it current is because it is a residential area. Mr. Sims added that he thought if something could be done either by Ms. Munk or by the City to better identify the neighbor's yard as not Ms. Munk's driveway should be done.

Mr. Rach commented that this is a Special Permit and the City can see what happens within the year.

On roll call, all voted "aye."

D. Motion Authorizing the Mayor to go out to bid for the Fall tree planting project

Mr. Pokorny reported that this is for the 2017-2 tree planting program. The area where the trees are to be planted primarily follow the listing of where trees were trimmed or removed last year. There are approximately 300 trees proposed for the planting.

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON authorizing the Mayor to go out to bid for the Fall tree planting project. On roll call, all voted "aye."

E. Resolution 2017-22 to authorize the Mayor to submit a grant to the NEORS to purchase a street sweeper (on emergency)

Mr. Pokorny stated that as part of the storm water fees collected by the Northeast Ohio Regional Sewer District there is a program called the Community Cost Share where the Sewer District is willing to give the city 25% of the monies they've collected from storm water fees for use on the purchase of items that will help reduce sediments and other contaminants that can enter into the storm sewer water, such as a street sweeper.

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON for the passage of Resolution 2017-22 Authorizing the Mayor to submit a grant to the NEORS to purchase a street sweeper. Roll call on suspension of the rules, all voted "aye," and roll call on passage, all voted "aye."

F. Motion to authorize the Mayor to trade-in older model Police Department service revolvers to Vance's Law Enforcement and replace with new weapons revolvers

Police Chief Hammett stated that the current service revolvers are 11 years old and the manufacturer recommends that they be replaced every 10 years. Chief Hammett said he received a quote from Vance's Law Enforcement for \$15,768 to purchase 35 handguns in return the City would trade-in its current handguns giving a total cost to the City of \$313.93.

MOTION BY MRS. WEISS, SECONDED BY MR. RACH authorizing the Mayor to trade-in older model police department service revolvers to Vance's Law Enforcement and replace with new weapons revolvers. On roll call, all voted "aye."

G. Motion to enter into Executive Session for the purpose of discussing Real Estate Matters – University Square

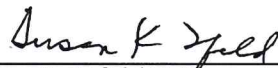
MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to enter into Executive Session for the purpose of discussing Real Estate Matters – University Square. On roll call, all voted “aye.”

MOTION BY MRS. CAMERON, SECONDED BY MR. SIMS to exit executive session and resume the regular session. On roll call, all voted “aye.”

MOTION BY MR. RACH, SECONDED BY MRS. WEISS to re-enter regular session. On roll call, all voted “aye.”

MOTION BY MR. SIMS, SECONDED BY MRS. WEISS 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

