

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
FEBRUARY 5, 2018**

Mayor Michael Dylan Brennan called the regular meeting to order at 7:02p.m.

Roll Call:

Present: Mrs. Susan Pardee
Mrs. Pamela Cameron
Mr. John Rach
Mr. Steven Sims (7:08)
Mrs. Michele Weiss
Mr. Mark Wiseman

Absent: Mr. Steven Sims
Mr. Phillip Ertel

Also, Present: Law Director Luke McConville
Finance Director William Sheehan III
Clerk of Council Kelly M. Thomas
Police Chief Steven Hammett
Fire Chief Robert Perko
Service Superintendent Jeffrey Pokorny
City Engineer Joseph Ciuni
Building Commissioner James McReynolds
City Prosecutor Michal Astrab

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

Approval of Minutes from Regular Meeting January 2, 2018

There were no corrections or additions to the Council minutes from January 2, 2018.

MOTION BY MRS. WEISS, SECONDED BY MRS. PARDEE to approve the Council minutes from January 2, 2018 until the next meeting. On roll call, all voted “aye.”

Approval of Minutes from Regular Meeting January 16, 2018

There were no corrections or additions to the Council minutes from January 16, 2018.

MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to approve the Council minutes from January 16, 2018 until the next meeting. On roll call, all voted “aye,” except Mr. Rach and Mrs. Weiss who “passed.”

Comments from Audience

Mr. Bert Siebert, 2645 Whiton Road commented that he was pleased that the city’s website was updated with a calendar of the Service Department holidays but asked how could future delays in rubbish pickups be announced so that the regular Monday routes would be aware of the delay and not have their rubbish out for 2 days. Mr. Siebert suggested that the calendar be mailed out with a letter to homes on the Monday route pickup area, or possibility post sign similar to those used for fire hydrants flushing.

There were no audience comments

Mayor’s Reports and Communications to Community

Mayor Michael Dylan Brennan provided the following -

- Announced the upcoming retirement of Police Chief Steven Hammett after 31 years of Police Service – March 16, 2018. And, furthermore on the behalf of himself and the residents of University Heights Mayor Michael Dylan Brennan thanked him for those years of service and the high standards he has set. Also Mayor Michael Dylan Brennan stated that it is his intent to consider the current Lieutenants and Sergeants to identify an interim replacement. After which the position of Chief will be advertised to seek both applicants from the outside and from within.

- Several University Heights Officials (Law Director Luke McConville, Prosecutor, Michael Astrab, Interim Fire Chief Robert Perko, Community Development Patrick Grogan-Myers) will be meeting on Wednesday, February 6 with John Carroll University President Jeanne Colerain and other members of the JCU Administration.
- There has been substantial interest from residents for the Citizens Committees. Dozens of residents have signed up and the Mayor's Office will continue to accept names of interested citizens.
- Named Mike Sears as Citizen Chair of the Memorial Day Parade Committee. Mr. Sears will work with Special Projects Coordinator Lisa Mayernik
- Chapter 820 Fair Housing of the University Heights Charter provides for a Fair Housing Commission. The Commission is a panel of 3 persons who will work in coordination with the City Law Director to hear fair housing complaints. Mayor Michael Dylan Brennan noted that this Commission is not presently constituted and that he is looking for people to serve on this commission. He will be accepting statements of interest with resumes on a continuing bases until the 3-person panel is complete – hopefully these names can be presented to Council members at the next Council meeting for confirmation.
- Swenson's - Originally a meeting with Mayor Michael Dylan Brennan, Swenson's CEO Mr. Flowers, Beachwood Mayor Martin Horwitz and Beachwood Vice Mayor James Pasch was planned to be held February 6 has been changed to February 19.

Agenda Items:

A. Resolution 2018-13 in Honor of February being Black History Month

Mayor Michael Dylan Brennan read Resolution 2018-13 into the record.

MOTION BY MRS. CAMERON, SECONDED BY MR. RACH to approve Resolution 2018-13 in Honor of February being Black History Month. On roll call, all voted "aye."

B. Presentation from Mark Harris – Kiwanis of the Heights

Mr. Harris was unable to attend tonight's meeting.

C. Presentation and consideration of proposal for Rebranding the City in the amount of \$30,000 from Cathy Fromet, Guide Studio

Mrs. Fromet was present and provided an overview regarding the process for community re-branding.

Mrs. Fromet stated that community re-branding means is not only creating a physical logo and marketing it but also to essentially help guide the City through a process that uncovers who the City is and how that can be communicated to the residents, businesses and the surrounding communities.

Part of that process would be community engagement where there would be a series of workshops and focus groups where input from residents, businesses, stake holders within the community would be received in efforts to understand what is the City's core purpose, what does it mean to be a member of the community of University Heights, what are the distinct advantages and what makes University Heights unique from the surrounding communities.

Why would University Heights want to do this; this will help to retain residents, help to build a stronger economic base by creating the correct key messages in terms of bringing in new businesses. It helps to overcome incorrect perceptions, and how the City is visually represented.

Guide Studio is a branding, communication and consulting firm located in Shaker Square. Personally Mrs. Fromet stated she had previously lived in South Euclid for 15 years. The work that Guide Studio does for branding and communication is solely focused on communities and not businesses. Their work is to aid communities to think a little bit like businesses so that they can be more economically stable.

Guide Studio has done work for South Euclid, North Olmsted, Downtown Kent, Downtown Lakewood, as well as other cities throughout Ohio.

Mr. Sims asked Mrs. Fromet to briefly explain the work that was done for South Euclid.

Mrs. Fromet stated that they conducted workshops, focus groups to help develop their core communication foundation pieces for communicating to large public audiences. Guide Studio helped to create positioning for them, clarify and understand who their audience was. This is important because contrary to the idea that you want to talk to everybody in the world Cities do have to focus and prioritize depending on the objectives. Because those objectives shift from year to year so all the different audience groups are look at. At that point Guide Studio helps to then develop their logo and identity, help launch the brand (website landing page). Review how they were communicating with the community on the existing website, incrementally throughout the year develop gateway signage.

Mr. Sims asked Guide Studio where it's inspiration with regards to their branding approach, especially visually come from.

Mr. Sims also asked whether the company was familiar with neighborhood branding approaches in the City of Cleveland, and what other cities in the county it had assisted.

Mr. Sims noted he was well familiar with the company under its former name.

Mr. Sims stated the City was doing a great service as far as transparency is concerned and helping the public see how business is conducted. But, he also knew there were plans to implement a number of things that will increase the cost for the City doing business. He noted the monthly cost of recording the meetings is averaging in the \$5,000 range, if it is carried until years end the cost could be \$30,000 - \$40,000. Mr. Sims encouraged the City to be as cost effective and efficient as possible with the resources that are being spent.

Mrs. Fromet responded that part of the exploration is understanding the personally, character as a community so they have to engage with the community members and citizens. They also look at the physical context of the community (streets, architectural, make-up of the community) to help create those branding ideas. They will also conduct a few visual exercises to see where the community is leaning. As a design firm they look at a lot of different things as well as the competition so that the city is differentiated from other cities.

Mrs. Pardee asked Mrs. Fromet if Guide Studio's was the only firm that did this type of municipality local community designed branding and how long have they been in business.

Mrs. Fromet replied yes, in Northeast Ohio. But they do compete against marketing/advertising agencies, but their focus is not as in depth when it comes to community work. Working with communities has different challenges. They celebrated their 20th year in business last year.

Mr. Rach stated that this was a very important, long overdue pursuit that the City is doing. Noting that this was also outlined in the City's Masterplan that this should be done. Mr. Rach added that any particular project that the Council looked at for the City it was always said "I wish we had a comprehensive strategy of the City for streetscape, way finding, signage, the look and feel of the city. The current look and feel of the city is dated and it is time for a refresh. The work for this type of effort had begun with the two committees; Civic Information and Governmental Affairs and looking at the Cedar/Taylor District. This effort will give the City to look at all the districts, both business and residential components as well. An ad hoc committee comprised of city stakeholders: employees, directors, council members, people from the community, residents, business owners, all boards and committees of the city will be formed for this project of rebranding so that the people will have a say. The survey results that the City conducted a few years ago will also be reviewed.

Mr. Wiseman asked Mrs. Fromet to explain how the branding and wayfinding can help the city in terms of helping the businesses in the city and helping people who want to come to the city. What are the practical effects so that it is know that the money that is being spent will actually have an effect on the city?

Mrs. Fromet replied that what is unique with the cities in this area is that they are very tightly connected, so it is hard to tell one city from the other when you are crossing the city borders. Each community has a different pride and identity. When a city has an identity that all people can get on board with, even if it is a tag line or elevator pitch or something that is easy to say "I live here and this is what is unique about it," businesses will start to look at your city in a different light.

Mr. Sims noted for the record that in speaking with the City Law Director he was informed that because this is considered a professional service contract that the City doesn't have the requirement to solicit additional quotes. Mr. Sims added that generally excited to see more than one bid and definitely at least solicit additional bids and agreed with Mr. Rach comment regarding reaching out and finding ways to work with women and minority owned businesses.

Mrs. Weiss reminded Council that monies have been allocated and placed in a fund for this type of project.

Mr. Sheehan stated that it is in the budget for \$25,000 and that he will increase that amount to \$30,000.

Mr. Wiseman asked Mrs. Fromet if the timelines/phases listed in the report were accumulative.

Mrs. Fromet replied yes. Typically, each process takes a 6 to 8wks or a few months and they are looked at systematically. The first phase is the Strategy (discovery phase 8wks. - looking to understand who the City is). The design process for developing the visual identity can take around the same time frame. Other items include time to see what it would look like to implement the program, how will it be done, how will you plan for the cost that comes into play when changing your identity, how will things be phase in over time, etc.? Total time frame 4 to 6 months if moving at a good pace, but that depends on the community itself.

MOTION BY MR. RACH, SECONDED BY MR. WISEMAN to approve the proposal presented by Guide Studio for the purpose of Rebranding the City in an amount of \$30,000. On roll call, all voted “aye.”

D. Motion Approving Mayor’s Appointments to City’s Board of Zoning Appeals Commission

Per Ordinance 2017-52 which is titled Amending Codified Ordinance Sections 1244.01 entitled “Establishment of Board of Zoning Appeals” and 1244.08 entitled “Appeal to Council; fee” to Alter the Composition of the Board of Zoning Appeals and to Remove the Right of Appeal to Council of Board of Zoning Appeals Decisions Mayor Michael Dylan Brennan provided Council with the names and information for the three individuals he would like to appoint to the Board of Zoning Appeals; Linda Johnson (reappointment), Kevin Goodman and Ari Jaffe.

Mrs. Pardee stated she reviewed the resumes and was in favor of approving all three persons.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to approve the Mayor appointment of Ms. Linda Johnson to the Board of Zoning Appeals. On roll call, all voted “aye.”

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to approve the Mayor appointment of Mr. Ari Jaffe to the Board of Zoning Appeals. On roll call, all voted “aye.”

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to approve the Mayor appointment of Mr. Kevin Goodman to the Board of Zoning Appeals. On roll call, all voted “aye.”

E. Ordinance 2018-08 Appointing Kelly M. Thomas as Clerk of Council effective March 1, 2018 (on emergency)

Mrs. Pardee stated that it was Council desire and interest to reappoint the current Clerk of Council.

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to approve Ordinance 2018-08 Appointing Kelly M. Thomas as Clerk of Council effective March 1, 2018. Roll Call on suspension of the Rules, all voted “aye.” Roll call on passage, all voted “aye.”

F. Ordinance 2018-09 Authorizing Mayor Michael Dylan Brennan to Appoint and Enter into Contract for 2018 with Jeremy Iosue / Harvey Abens Iosue, CO., LPA as the City’s Labor Counsel in an amount not to exceed \$35,000 (on emergency)

Mayor Michael Dylan Brennan provided Council with information regarding Mr. Iosue’s law firm as well a list of other municipals he has and still represents. Mayor Michael Dylan Brennan added that he did contact both the Mayors of Lorain, Parma Heights and Valley View and noted that he wanted someone to represent the City in Labor negotiations going forward with the Service and Fire Union employees. Mayor Michael Dylan Brennan noted that Mr. Iosue was unable to attend this Council meeting because he was at the Lorain City Council meeting but would be more than happy to attend to attend the next meeting to meet everyone.

Mayor Michael Dylan Brennan added that he felt that following some of the contentiousness that occurred this past year with the unions a fresh start and hitting the reset button in respect to the city’s approach with the unions and bring someone new in symbolize that fresh start and to effectively provide the city with that fresh start were a change in direction at this juncture would be necessary. Mr. Iosue is the person for this task and has already set up appointments with the Mayor, Service Superintendent Mr. Pokorny, Service Department Assistant Mr. Pucella; Fire Chief Perko, Fire Union President Lt. Kanner to begin work. Mr. Wiseman added that he felt it was very important that the Labor Consul should have a partner in the Mayor and have a good relationship with each other. Mr. Wiseman asked if the cities that Mr. Iosue listed in his resume were previous clients or current clients.

Mayor Michael Dylan Brennan replied that he believed some were in the past. Mayor Michael Dylan Brennan said that he verified with Mr. Iosue that he had the capacity to add University Heights on as an additional client and he indicated that he did.

Mr. Wiseman commented that he thought that Mr. Iosue's fees were lower than the previous Labor Counsel.

Mayor Michael Dylan Brennan replied that the City would be saving \$50 per hour with Mr. Iosue's firm.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to approve Ordinance 2018-09 Authorizing Mayor Michael Dylan Brennan to Appoint and Enter into Contract for 2018 with Jeremy Iosue / Harvey Abens Iosue, CO., LPA as the City's Labor Counsel in an amount not to exceed \$35,000. Roll Call on suspension of the Rules, all voted "aye." Roll call on passage, all voted "aye."

G. Ordinance 2018-03 Authorizing the Mayor to Appoint and Enter into an Agreement with Joseph R. Ciuni c/o GPD Group as the City Engineer (on second reading)

Mayor Michael Dylan Brennan stated that Mr. Ciuni has agree to continue his services as City Engineer for another year, as well as extent the previous rates from 2017 into 2018. Mr. Ciuni has been the City Engineer since 1990 and the City is very happy with the work that is completed for the city.

Mr. McConville noted that this should be on second reading and on emergency so that the Ordinance would take effect immediately. Thus the need for the following motions: 1) add the emergency clause; 2) and motion to implement the contract immediately; and then the approval would be on emergency as amended.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to amend Ordinance 2018-03 by adding an emergency clause for the purpose for the contract with Joseph Ciuni c/o GPD Group going into effect immediately. Roll call on passage, all voted "aye."

MOTION BY MRS. WEISS, SECONDED BY MR. SIMS to Suspend the rules and adopt Ordinance 2018-03 as amended Authorizing the Mayor to Appoint and Enter into an Agreement with Joseph R. Ciuni c/o GPD Group as the City Engineer. Roll Call on suspension of the Rules, all voted "aye." Roll call on passage, all voted "aye."

Mr. Wiseman made note to agenda item d – the appointment of Ms. Johnson, Mr. Jaffe and Mr. Goodman to the Board of Zoning and stated that each of them cares about the City and that the newly constituted BZA will be in good hands and congratulated each of them.

Mayor Michael Dylan Brennan added that he had spoken to Vice-Mayor Pardee at the beginning to the meeting and suggested that part way through a break is taken to allow folks to stretch their legs and speak with Ms. Johnson, Mr. Jaffe and Mr. Goodman.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to take a 5-minute break to greet the new and reappointed members of the Board of Zoning Appeals Commission. On roll call, all voted "aye."

H. Resolution 2018-10 Adopting The Countywide All Natural Hazards Mitigation Plan for Cuyahoga County, 2017 Update (on emergency)

Fire Chief Perko explained that this is a requirement per the County and that a similar Resolution was passed in 2012.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to approve Resolution 2018-10 Adopting The Countywide All Natural Hazards Mitigation Plan for Cuyahoga County, 2017 Update. Roll call on Suspension of the Rules, all voted "aye." Roll call on Passage, all voted "aye."

I. Ordinance 2018-11 Repealing the Moratorium on Medical Marijuana Testing Laboratories, Amending Codified Ordinance Chapter 874 Entitled “Medical Marijuana Operations,” Amending Codified Ordinance Chapter 1284 Entitled “Medical Marijuana Dispensaries,” and Amending Codified Ordinance Section 1266.02 Entitled “Use Regulations” and the Schedule Thereto, to Permit Medical Marijuana Testing Laboratories as a Special Use (on first reading)

Mr. McConville stated in looking at the medical marijuana regulations that relate to all of the medical marijuana entities; dispensaries, testing labs, cultivator processors are extensive. So under State Law there are extensive security provisions, chain of custody provisions, there are very detailed provisions that relate to disposal particularly in respect to testing laboratories. For those reasons, the city’s regulation that relates to laboratories is very similar to the earlier regulations that Council enacted regarding dispensaries.

Ordinance 2018-11 was placed on first reading.

J. Ordinance 2018-12 Amending Codified Ordinance Section 1475.04 Entitled “Vacant Building Inspection and Issuance”, For Purposes of Requiring the City to Obtain the Consent of the Owner to Any Vacant Building Inspection (on first reading)

Mr. Wiseman reported that at the first Council meeting of 2018 Council adopted a sweeping change to the vacant property registration Ordinance, Codified Chapter 1475 where a plaintiff in a home foreclosure case knows that the house has to be vacant while the foreclosure is pending, there are some important requirement with respect to that building to the City. There are also requirements on the plaintiff to actually do work after the City inspects the property to ensure that while the foreclosure is pending that the house isn’t falling into disrepair. As adopted the Ordinance gave the City the right to enter into houses to inspect them for vacancies and problems, but the Law Director has suggested that it would be better to add the requirement that the City go to the Shaker Heights Municipal Court to seek permission or to obtain an order from the court to enter the property based on an established case that the City had reason to enter the house. Thus section “d” of Ordinance 2018-12 was added, *“An Owner shall have the right to withhold his or her consent to an inspection hereunder. In the event the Owner withholds consent to an inspection, the Building Commissioner shall seek an administrative search warrant from a court of competent jurisdiction, for the purpose of conducting the inspections contemplated in this ordinance.”* This was vetted in a Building Committee meeting and unanimously recommended for passage.

Mr. McConville added that his concern was in response to case law that entitled Baker-vs-the City of Portsmouth. In that case the Appeals Court has ruled that in connection with the rental registration Ordinance that a municipality cannot enter into someone’s dwelling without their consent unless they have a warrant. In Ohio the Courts have begun to say if a City doesn’t have the consent to enter the home then that City has to go to the municipal court, demonstrate there is probable cause to conduct an inspection and seek an Administrative Search Warrant.

Ordinance 2018-12 was placed on first reading.

K. Motion Authorizing the Mayor to seek bids for upgrades/improvements to the IT and Phone Capabilities for City Hall and Upgrades to the Audio Visual Capabilities for Council Chambers

Mrs. Weiss commented on the need for cohesive IT services and that she as well as Councilmen Wiseman and Rach have been researching how to have audio/visual capabilities in Council Chambers so that the audience and Council could see what is being presented as opposed to having poster boards on easels facing Council only. There would also be the ability for have streaming.

Mr. Rach echoed Mrs. Weiss’ comments and added that the streaming of Council meeting is very important as being an open government with full disclosure. Streaming is very important until the city hall gets an elevator to allow all people to see the meetings to be as transparent as possible.

Mrs. Pardee added the audio/visual opportunities for Council Chambers was is originally brought forwarded by the Citizen led Technology Advisory Commission and that she was very happy that this may have a comprehensive solution. Her only question was what the ballpark cost may be.

Mayor Michael Dylan Brennan replied he couldn’t answer that for various reasons one of which was not prejudice a potion plan/bids and that there are many options.

Mr. Wiseman noted for the record that the Citizens Advisory Tech Advisory Commission recommended that Council Chambers be updated with video screens and streaming more than 3 years ago and that he was glad that the current Administration is looking forward to this.

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS Authorizing the Mayor to seek bids for upgrades/improvements to the IT and Phone Capabilities for City Hall and Upgrades to the Audio Visual Capabilities for Council Chambers. On roll call, all voted "aye."

L. Motion Authorizing the Mayor to Continue to Incur the Expense of Securing an Outside Video-Record Company to Videotape Council Meetings

Mayor Michael Dylan Brennan stated that he was approaching his \$5,000 spending authority and would like to continue to video tape the Council proceedings for public consumption. Plus, the feedback has been great.

MOTION BY MRS. CAMERON, SECONDED BY MRS. PARDEE

Mr. Sims commented that the motion as proposed was not very specific with respect to what that expense will be and for what period of time.

Mayor Michael Dylan Brennan replied he couldn't give a date but noted that he would like to do something more permanent where cameras are installed so there wouldn't be a need the video company wouldn't have to bring all their equipment. The current method of streaming is not desired on a continual bases any longer than necessary when a more permanent solution is found.

Mr. Sims asked the Mayor in his estimation when would the City be switching to a more permanent solution.

Mayor Michael Dylan Brennan said he would love to have this done by the summer.

Mr. Sims stated he felt that the City was doing a great service as far as transparency and help the public see how business is conducted. But, he also knew that there is a plan to implement a number of things that represent an increase in cost for the City doing business. If you base the cost of streaming using the current company and if in the time that this company has been working for the City thus far is approaching the \$5,000 range, if it is carried until years end the cost could easily rise to \$30,000 - \$40,000. Mr. Sims stated that Council needs to take note of that fact and encouraged that the process of whatever needs to be done be expedited so that the City is in the position where it is being as effective and efficient as possible with the resources that are being spent.

Mr. Rach agreed with Mr. Sims that the motion be amended to include a timeline that is not to exceed nine (9) months. If a video system is not in place in those nine months, then the Mayor can come back to Council for the approval of additional time/services.

Mr. Wiseman added that he also felt it was important to videotape the proceedings and offered a timeline of 60 days for \$10,000 because he wasn't comfortable in spending this amount of money until June. Mr. Wiseman felt that this should be pushed forward as much as possible.

Mr. Rach said he didn't see a problem if the timeline extended to June 2018.

Mrs. Cameron withdrew her motion, Mrs. Pardee withdrew her second.

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS Authorizing the Mayor to Continue to Incur the Expense of Securing an Outside Video-Record Company to Videotape Council Meetings through June 18, 2018. On roll call, all voted "aye."

M. Motion to Grant the Cleveland Community Mikvah a 1-year Extension of Planning Commission Approval, originally granted on January 17, 2017 and approved by Council on February 6, 2017, through February 5, 2019, regarding their application to build a 5,565 gross square feet Mikvah in a U-1 District at 2588 South Green Road, pursuant to Codified Ordinance Section 1274.05

Mr. McConville stated that explained that the Cleveland Community Mikvah went before both Planning Commission and Council for their Mikvah plans approval. Under Codified Ordinance 1274.05 they had a finite period of time in which to pull their building permits and they did not meet that time period. Under the Ordinance Council has the following options: grant an extension for their approval (giving them additional time in which to pull their building permits) or decide that in the event that the Cleveland Community Mikvah was still interested in building their project that they would need to go back to the Planning Commission for approval.

Mr. Wiseman commented that representatives from the Mikvah were present but had to leave because they had another appointment and although he was in favor of granting them additional time; he would be willing to motion this item be tabled until another meeting if necessary.

Mr. Rach asked if tabling this would place them beyond the permitted 12-month window of the original approval.

Mr. McConville replied that the 12 months has already passed and that the Ordinance isn't read in a way where Council has to grant the extension during that window of time. The Cleveland Community Mikvah is asking for an extension of their original approval and Council has the authority under the Ordinance to grant that and if that isn't granted then they have to go back through the Planning Commission process. Mr. McConville added that the Community Mikvah is outside the window in which they can obtain a building permit; right now they cannot go to the building department and pull a permit unless they are given an extension by Council. Council has that ability under code section 1274.05.

Mrs. Weiss commented that unless there are any changes to the original approved plans she didn't see any reason to table the consideration of this item and that she would vote today to grant the extension.

Mrs. Pardee agreed and added that they came in good faith to request the extension, furthermore there doesn't appear to be any changes to the plans.

MOTION BY MRS. WEISS, SECONDED BY MR. SIMS to Grant the Cleveland Community Mikvah a 1-year Extension of Planning Commission Approval, originally granted on January 17, 2017 and approved by Council on February 6, 2017, through February 5, 2019, regarding their application to build a 5,565 gross square feet Mikvah in a U-1 District at 2588 South Green Road, pursuant to Codified Ordinance Section 1274.05. On roll call, all voted "aye."

- N. Motion Authorizing the Administration to Seek Bids for the 2018 Road Resurfacing of Silsby Road (from Edgerton to Warrensville Center) and for the acceptance of funding from the Cuyahoga County Department of Public Works 2018 Maintenance Program in the amount of \$36,000**

Mr. Ciuni stated that this project is the continuation of last year's Silsby Resurfacing Project that went from South Taylor to Edgerton. Mr. Ciuni noted that the curbs and catch basins will be replaced at the city's expense.

MOTION BY MR. RACH, SECONDED BY MRS. CAMERON Authorizing the Administration to Seek Bids for the 2018 Road Resurfacing of Silsby Road (from Edgerton to Warrensville Center) and for the acceptance of funding from the Cuyahoga County Department of Public Works 2018 Maintenance Program in the amount of \$36,000. On roll call, all voted "aye."

- O. Motion Authorizing Mayor Michael Dylan Brennan to Enter into an MOU with Cuyahoga Soil and Water Conservation District (SWCD) and the Northeast Regional Sewer District (NEORS) to Provide the Minimum Control Measure (MCM) for #1 Public Education and Outreach and #2 Public Participation and Involvement in the amount of \$5,500**

Mr. Pokorny reported that the City participated in the same program last year. The County requires cities to resubmit to them their intent to participate. The programing is required in order for the City to obtain its EPA permit as a small municipality storm water discharge community.

Mr. Sims asked Mr. Pokorny to explain the process and program.

Mr. Pokorny stated that the city is paying the Cuyahoga Soil and Water Conservation District \$5,500 to provide the city with public outreach and public education programs so that we are in compliance with the Ohio EPA requirements for our storm water. The SWCD is providing this service because the Regional Sewer District has named them as the responsible agent to provide those services. And once those services are provided and the city pays them, we get reimbursed for those services through the Northeast Ohio Sewer District. So there really is no cost to the city.

Mr. Wiseman asked what were the programs last year and if the city can choose the programs.

Mr. Pokorny replied educational programs were provided at the temporary High School, provided brochures for City Hall, conducted investigation on storm water inlets in the city and held a hands on rain barrel building and use training seminar. Mr. Pokorny said he assumed the programs would be similar this year and noted that several years back the city paid about \$3,300 to the Cuyahoga County Board of Health to conduct these services. The city is allowed to make recommendations for programs it would like to see.

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON Authorizing Mayor Michael Dylan Brennan to Enter into an MOU with Cuyahoga Soil and Water Conservation District (SWCD) and the Northeast Regional Sewer District (NEORS) to Provide the Minimum Control Measure (MCM) for #1 Public Education and Outreach and #2 Public Participation and Involvement in the amount of \$5,500.

Mr. Sims asked Mr. McConville given the fact that the City will be reimbursed the \$5,500 should a motion be grant at the time of the reimbursement to accept the \$5,500, is a motion needed to accept the funds, or should it be incorporated in the current action?

Mr. McConville responded that the way the contract works is that the City spends \$5,500 to one entity and then another entity reimburses that same amount back. Typically, when money is provided from an outside source to a municipality they should accept those funds by some formal action. Mr. McConville suggest that the motion includes the authority to accept the reimbursement.

Mrs. Weiss withdrew her motion.

MOTION BY MR. SIMS, SECONDED BY MR. RACH Authorizing Mayor Michael Dylan Brennan to Enter into an MOU for \$5,500 with Cuyahoga Soil and Water Conservation District (SWCD) and to accept the reimbursement of the \$5,500 from the Northeast Regional Sewer District (NEORS) for Provide the Minimum Control Measure (MCM) for #1 Public Education and Outreach and #2 Public Participation and Involvement. On roll call, all voted "aye."

P. Motion Authorizing the Purchase of a Refurbished Replacement Engine for the Service Department 2009 International 7400 5-ton Dump Truck #34-8 from Cerni Motors of Painesville, Ohio in an amount not to exceed \$14,800

Mr. Pokorny explained that this is one of the five-ton salt trucks which is equipped with a salt spreader and plow. This truck broke down last month due to a valve lifter and broken engine parts. It is more economical and efficient to replace the entire engine with a refurbished one as opposed to replacing several engine parts. Price quotes were received by two vendors Cerni Motors in Painesville (\$14,800) and Jasper Engines and Transmissions in Indiana (\$15,264). Mr. Pokorny stated he received written confirmation from Cerni Motors that the replacement engine will have the fixed heavier duty valve lifter holders and should not break.

Mrs. Cameron asked what the projected life of the truck would be with the refurbished engine.

Mr. Pokorny replied at least 5 years and noted the rest of the truck is in pretty good shape.

Mr. Sims added that he thought that this was the type of emergency occurrence that the Administration should communicate to the Council Committee Chair for that department in advance so that they are aware that there will be an upcoming request for a large expenditure to allow time for any questions or concerns to be addressed. And to Councilwoman Cameron's question regarding putting \$14,800 into this vehicle, how much does the vehicle itself cost.

Mr. Pokorny replied \$165,000.

Mr. Sims stated in 5-years Council will be asked to make a \$165,000 purchase.

Mr. Pokorny replied correct.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN Authorizing the Purchase of a Refurbished Replacement Engine for the Service Department 2009 International 7400 5-ton Dump Truck #34-8 from Cerni Motors of Painesville, Ohio in an amount not to exceed \$14,800. On roll call, all voted "aye."

Q. Motion Authorizing the Purchase a Global M3 Mechanical Broom Street Sweeper through the ODOT Cooperative Purchase Program from MTech Company of Oakwood Village, Ohio in an amount not to exceed \$185,936

Mayor Michael Dylan Brennan stated that this item was approved at the January 16, 2018 Council meeting.

Item Q was removed from the agenda.

R. Motion Authorizing the Mayor to Enter into agreement with PC Alternatives, LLC for IT Service and Maintenance for the Various City Departments at an annual cost not to exceed \$9,000

Mr. Sheehan stated that it has become quite apparent that the City has no one to service or maintain the IT equipment. Current when a problem occurs there's a scurry to contract PC Alternatives to come fix the problem. Mr. Sheehan said that his department obtained three quotes to perform IT service and maintenance for the city. PC Alternatives provided the lowest price at \$9,000 for 100 hours of service, they know the city's equipment and how things are configured. Thus Mr. Sheehan recommended entering into agreement with PC Alternatives.

Mr. Will Robinson, owner PC Alternatives provided a brief explanation of the work he has been providing the city as an on call bases without a contract. Mr. Robinson stated that he lives in Richmond Heights and noted that he has Richmond Heights, Highland Heights, Valley View, Cuyahoga Heights, Newburg Heights, and others for a total of approx. 14 cities. Mr. Robinson added that he has been in business for 26 years, he has also worked with various police, finance, building departments, Mayor's Court, etc. hardware and software.

Mr. Robinson also noted what he has observed in conducting a brief audit of the technology in University Heights and made several recommendations.

Mr. Sims asked Mr. Robinson if the 100 hours was sufficient for the amount of services he provides the city and would that then serve for maintenance only.

Mr. Robinson replied that the 100-hour block was a suggestion, where the city buys a discounted price block of service time for maintenance as opposed to his normal a la carte hourly rate.

Mr. Sims asked how much would it cost and how much time would it take to create a disaster recovery plan.

Mr. Robinson replied that would depend on exactly what all would have to be done in first getting everyone (departments) on the same page.

Mrs. Weiss asked what are the work hours.

Mr. Robinson replied he tries to stay within the basic 9 to 5 weekday work hours, but concessions can be made if and when necessary.

Mrs. Cameron asked what would be the approx. cost for a server for this size city.

Mr. Robinson suggested approx. \$5,000 to \$8,000 would cover/support all the users and provide security, storage and backups.

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS authorizing the Mayor to enter into agreement with PC Alternatives, LLC for IT Service and Maintenance for the Various City Departments at an annual cost not to exceed \$9,000. On roll call, all voted "aye."

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

Mayor Michael Dylan Brennan stated that there was a need to hold executive session for real estate matters.

MOTION BY MRS. CAMERON, SECONDED BY MR. RACH to enter Executive Session for the purpose of Real Estate matters. On roll call, all voted "aye."

Directors' Reports

Finance Director William Sheehan announce that the Auditor started working on the 2017. If Council has any questions or needs to reach out to them, they can feel free to email them at their email address which was provided to Council earlier.

Law Department Luke McConville stated that regarding Codified Chapter 820 relates to Fair Housing and Fair Housing Enforcement there is a three (3) person committee that needs to be filled. In addition, the Ordinances call for a particular complaint form which will be provided to the Mayor for review. The form allows any complainant party to provide information in a simple form for the City in respect to any Fair Housing complaint and to provide a description of what they alleged occurred. The form has been created in a format that the be posted to the City's website for downloading purposes.

Mr. McConville also reported that the City has been named as a defendant in three separate instances of foreclosure litigation. These cases are bank actions against individual homeowners in which the City is named a party because either the City has a lien on the home or bank thinks that the City could have a lien on the home. The City's typical response has been to file an answer asking the court to guard the City's interest. In foreclosures actions that have been resolved have issued judgement in which they indicate that the City is a creditor and that the City would receive notification if there is any money left over after the bank claims its interest at the time of the post-sale.

Police Chief Steven Hammett reported that as part of Black History Month he has been asked by the Cleveland Heights/University Heights Schools to participate in a panel discussion on February 23, 2018. Chief Hammett said he will participate in the discussion and it will be moderated by Wayne Dawson.

Chief Hammett stated that he forwarded an application to Dr. Williams, Principal of Heights High for their Criminal Justice Program in an attempt to get some of the students involved in the FBI Academy. The Academy is a three-day course for high school students between the ages of 16 – 18 with a GPA of 3.0 and interested in law enforcement.

Fire Chief Robert Perko reported and explained how the Fire Department response to regional call efforts with other cities in conjunction with the newly formed Joint Dispatch Center for the Heights Hillcrest area. Since the beginning of the year the department has responded to: 8 structure fires, 91 medical calls, a total of 161 incidents. The department has also applied for a couple of grants; FEMA assistance to fire fighters grant - \$55,000 for a diesel exhaust extraction unit (hoses hook up to the exhaust pipe of the vehicles to catch all the diesel fumes and carcinogens via a motor and blows it out the building); State grants for 2017 training reimbursement and equipment purchases in 2018.

Mr. Wiseman commented that Council had previously passed legislation when the Mayor had to approve all grant applications prior to them being applied for.

Mayor Michael Dylan Brennan stated he was aware that the Fire Department was applying for these grants.

Service Department Jeffrey Pokorny reported that the department has been called in over 8 times after business hours for snow and ice control. In regards to the supply of road salt, the city is approximately half-way through our salt inventory for the year and anticipate that the salt use will be at 110% of the ODOT contract with is the maximum amount allowed. Most of the water breaks that were reported at the last Council meeting have been repaired, there is a new leak 2400 block of Fenwick. But there are still the 2 were valve leaks (Laurelhurst at Washington and Summerfield at Green Road).

Building Department James McReynolds reported that Bellefaire is ready to start work on their major renovations starting with the demolition (approved already) of an old dorm. But they have not submitted any plans for review regarding any new buildings as of yet.

Community Development Mayor Michael Dylan Brennan read a report that was supplied by Mr. Grogan-Myers.

There were no other Director reports.

Standing Committee Reports:

Building Committee: Mr. Wiseman reported that the committee met on January 23 at the renovated University Heights Public Library the following recommendations were made: changing the ordinance regarding chapter 1475 vacant building; to permit chickens coops as a Special Use Permit for 2018 as a pilot program – the ordinance will be on a upcoming Council agenda for consideration, have no parking on Bushnell from Wrenford to Warrensville Center Road between 2pm and 6pm to help with the street parking problem, the point of sale inspection program and the timing of those inspections, discussed possible changes to the moratorium Ordinance on three unrelated persons living together, Mr. Wiseman added that most of the people at the committee meeting were not in favor of changing the Ordinance from 3 unrelated persons to allowing more than three unrelated persons and revamp the actual rental application. Lastly, the committee discussed trying to adopt some sort of sidewalk program where a contractor would agree that however many sidewalk blocks that the city cited during exterior inspections price quotes would be given to the residents at a reduced price if they chose that particular contractor.

Mayor Michael Dylan Brennan noted that Mr. McReynolds is working on contacting other cities that have sidewalk repair programs.

Finance Committee: Mrs. Pardee stated that the Joint Finance Advisory Committee and the Council Finance Committee have held 3 meetings thus far to review the 2018 Budget. The committees have held reports from the various department head directors including Chief Haramett, Chief Perko, Service Director Pokorny, Finance Director Sheehan. There will be two more meetings, unless a third meeting is also needed. One of those meetings will be for the Building Commissioner McReynolds, Community Development Mr. Grogan-Myers, the final meeting will be with the Mayor where he will explain his part of the budget and the changes he is suggesting. The 2018 Budget should be presented on first reading at the March 5, 2018 Council Meeting.

Committee of the Whole: Mrs. Pardee reported that the Council Committee of the Whole will be having a retreat on Monday, February 26, 2018 from 5:30pm to 9:30pm. The discussion will be priorities, the future vision for the City, developing specific actions steps for the next few months and into the next year. The place is still to be determined.

There were no other committee reports.

Council entered into Executive Session at 9:52pm

MOTION BY MRS. PARDEE, SECONDED BY MRS. WEISS to resume the Regular Council Session. On roll call, all voted "aye."


Council resumed its regular session at 10:36pm.


MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to add item "T" to the agenda – Motion to authorize Mayor to negotiate and enter into a lease agreement for Real Estate for a period of one (1) year. On roll call, all voted "aye."

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH authorizing the Mayor to negotiate and enter into a lease agreement for Real Estate for a period of 12 months/one (1) year. On roll call, all voted "aye."

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

There being no further business, the meeting was adjourned at 10:40pm.



Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council