

**MINUTES COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS, OHIO  
JANUARY 16, 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. Phillip Ertel (8:03pm)  
Mr. Steve Sims  
Mr. Mark Wiseman

Absent: Mr. John Rach  
Mrs. Michele Weiss

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 MR. WISEMAN, SECONDED BY MRS. CAMERON to excuse the absence of Mr. Rach, Mrs. Weiss and Mr. Ertel. On roll call, all voted "aye."**

**Approval of Minutes from Regular Meeting January 2, 2018**

Mrs. Pardee asked that the minutes be tabled until the next meeting to allow Council members time to review them.

**MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to table the Council minutes from January 2, 2018 until the next meeting. On roll call, all voted "aye."**

**Comments from Audience**

There were no audience comments

**Mayor's Report to Community**

Mayor Michael Dylan Brennan provided the following report.

- Announced that the meeting is being filmed as a part of the overall commitment to transparency
- Explained that proposed Ordinance 2018-04 would restore Interim Fire Chief Perko to his previous service ranking of Captain once the position of Fire Chief is opened for application; should he elect not to seek or take the position if offered or if the position is not offered to him.
- Attended a meeting at the Shaker Heights Municipal Court with other Mayors who use Shaker Court. It was brought to his attention by the Court Clerk, Judge Montgomery and general review of University Heights that:
  - Crime, crime enforcement and the court docket are up in numbers to an all-time high
  - Call from residents to have not just additional law enforcement but more enforcement in Housing Court, i.e. absentee landlords and other violations. Currently the building inspectors are not only representing the City in court as a witness but also as the City's representative without having an additional advocate present to represent the City. Mayor Michael Dylan Brennan said he was surprised that for the most part the city didn't have counsel present at housing court to assist the inspectors and to ensure the city's interest is made known. City needs to have counsel present at these court hearings to represent the interest of the City
- Attended the Cleveland Clinic Martin Luther King Jr. Breakfast along with Clerk of Council, Kelly Thomas
- Attended events for Martin Luther King Jr. holiday at the Maltz Museum
  - desires that City Council and Mayor enter a joint Resolution together in renewing the City's commitment to non-discrimination in University Heights
- Appointed to the NOACA Board as the representative serving the Eastern part of Cuyahoga County. Service Supt. Jeffrey Pokorny will serve as the alternative

- Announced that the City's Board of Zoning Appeals (BZA) has 3 member seats that need to be filled; one seat will be a new appointment because per Ordinance 2017-xx the Mayor is no longer a member of the BZA this will professionalize and depoliticize the Board; and, the other 2 member seats would be renewals or replacements. Anyone interested in serving is encouraged to contact Mayor Michael Dylan Brennan. The appointments will be announced at the next Council meeting.
- Announced that the City's Planning Commission also has an open seat due to the resignation of Commission Member Edward Reichel
- The Fair Housing Committee will have 3 open seats; this is a 3-year term. One of the seats will be for the full 3 years, one seat will be for 2 years and the last seat will be for 1 year
- Announced that Swenson's has officially opened and that he would meet with Beachwood Mayor, Vice Mayor and Swenson's owner Mr. Flowers on February 6, 2018 to address lingering concerns.
- Informed everyone about the IT issue at City Hall – noted that RFP's will be developed for City Hall computers and phone service
- Has examined the City Hall Campus and Buildings
  - Noted that there is no space/facilities for Female employees at neither the Fire nor Service Departments
  - Noted that there is no space available for new employees/positions
- Will be adding various citizen committees, one of which will be a committee to advise on future municipal facilities and a future City Hall
- Voice the need to have an Executive Session to discuss Real Estate matters

### **Agenda Items:**

#### **A. Presentation ~ Michael Hauser, newly appointed to Cuyahoga County Council District 10 Representative**

Mr. Hauser introduced himself and stated that he intends on continuing the relationship that previous County Council Member Hairston had with University Heights. Mr. Hauser's email is: [mhouser@cuyahogacounty.us](mailto:mhouser@cuyahogacounty.us)

#### **B. Ordinance 2018-01 Reappointing Luke F. McConville as Law Director Effective February 1, 2018 (on emergency)**

Mayor Michael Dylan Brennan stated that it was his understanding that it was Council will to maintain Mr. McConville as the City's Law Director and that he wholly supports maintain Mr. McConville as Law Director.

Mr. Wiseman commented that he served on the Charter Review Commission with Mr. McConville and appreciated his efforts in the recent smooth transition of the City's Administration. The City is in good hands with Mr. McConville.

Mrs. Pardee added that the Law Director is hired by Council and works with the Council as well as with the Mayor. Mr. McConville has been exceptional in walking the line between Council and the Mayor. He has been objective, creditable and is an outstanding example of a Law Director.

Mr. Ertel agree that he is an exceptional Law Director and that the City is lucky that he is also a resident of University Heights.

Mr. Sims added that not only is Mr. McConville diligent but he puts in a lot of time for City business.

Mayor Michael Dylan Brennan noted that there was an increase in the amount of compensation to bring Mr. McConville in-line with other Law Directors given the level of service he provides the city.

**MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to approve Ordinance 2018-01 Reappointing Luke F. McConville as Law Director effective February 1, 2018 on Emergency. Roll call on suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."**

Mr. McConville was sworn in by Mayor Michael Dylan Brennan.

**C. Ordinance 2018-02 Acknowledging the Appointment of Michael Astrab as Prosecutor and Assistant Law Director; and, Authorizing a Contract for Compensation (on emergency)**

Mrs. Pardee stated that the City was fortunate to have Mr. Astrab join the Legal Department for the City.

Mrs. Cameron added she has known Mr. Astrab for more than 10 years and will be a great asset to the City.

Mr. Sims noted that in the executive session Council had the opportunity to ask very extensive questions. So even though Council didn't have questions at this time there was the opportunity during the executive session.

Mayor Michael Dylan Brennan stated that he has known Mr. Astrab since 1999 and the having him as the City's Prosecutor/Assistant Law Director is a gain for the City.

**MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to approve Ordinance 2018-02 Acknowledging the Appointment of Michael Astrab as Prosecutor and Assistant Law Director; and, Authorizing a Contract for Compensation. Roll call on suspension of the rules, all voted "aye." Roll call on passage, all voted "aye."**

Mr. McConville was sworn in by Mayor Michael Dylan Brennan.

**D. 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 first reading)**

Mr. Ciuni inform Council that this is the annual agreement and that there was no increase in the fees. Mr. Ciuni noted that His firm has been the City's engineer since 1977.

Ordinance 2018-03 was placed on first reading.

**E. Ordinance 2018-04 Restoring the Fire Chief to the Civil Service Rank of Captain (on emergency)**

Mayor Michael Dylan Brennan stated that he had explained this briefly during his report.

**MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to approve Ordinance 2018-04 Restoring the Fire Chief to the Civil Service Rank of Captain if so needed. Roll Call on suspension of the Rules, all voted "aye." Roll call on passage, all voted "aye."**

**F. Resolution 2018-05 Accepting \$43,964.00 from the Northeast Ohio Public Energy Council (NOPEC) as Part of their NOPEC Energized Community (NEC) Program (on emergency)**

Mr. Grogan-Myers stated that this was a grant that the City did not have to apply for. The grant is part of the introduction to a new grant program from (NEC) and this is the way they are getting cities excited about the program. But, in the future the grant will be competitive. The grant award amount was based on the gas and electric bills. Mr. Grogan-Myers added that the Administration is waiting for additional information pertaining to the awarded grant and how the monies have to be utilized.

Mr. Sims commented that there was a similar program in the past and it was used for energy improvements to various City Hall buildings. Mr. Sims asked Mr. Grogan-Myers how would programs be determined, prioritized and utilize the grant funding.

Mr. Grogan-Myers replied he didn't know what the specifics of the grant will entail.

Mr. Sims suggested the development of some ideas to see what is acceptable.

Mr. Grogan-Myers said there would be a public process in deciding.

**MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to approve Resolution 2018-05 Accepting \$43,964.00 from the Northeast Ohio Public Energy Council (NOPEC) as Part of their NOPEC Energized Community (NEC) Program. Roll Call on suspension of the Rules, all voted "aye." Roll call on passage, all voted "aye."**

**G. Authorization to Purchase One (1) Global M3 Mechanical Broom Street Sweeper through the ODOT Cooperative Purchase Program, reimbursed through the Northeast Ohio Regional Sewer District (NEORS) Storm Water Cost Share Program**

Mr. Pokorny stated that this unit would serve as a replacement the current unit which is ageing and unreliable. The City would be reimbursed by a grant the City was awarded by the Northeast Sewer District. Mr. Pokorny added that NEORS storm water program cities are able to request 25% of the fees collected from city residents via the storm water cost share program for storm water related improvements.

Mrs. Pardee asked if the City would receive full reimbursement and if this purchase was line itemed in the 2018 budget.

Mr. Pokorny answered that the City would receive full reimbursement and that the purchase is in the 2018 budget.

Mr. Wiseman asked how did the street sweeper qualify as storm water improvement.

Mr. Pokorny replied that the sweeper collects the street debris to prevent it from going into the sewer system.

Mr. Wiseman asked what the cost per year was.

Mr. Pokorny replied \$72,000 per year.

Mr. Wiseman asked if tree planting would qualify for this grant.

Mr. Pokorny said no, not if it were just our regular tree lawn tree program. The grant would only cover if the trees were filtering storm water.

Mr. Wiseman asked if the program was on the county's website.

Mr. Pokorny replied he would provide the information about the program to Council.

Mr. Ciuni added that the Sewer District can store those collected funds up to five years and that the City can borrow up to 3 to 4 years of projected funds. But if the funds aren't used within 5 years those funds are loss.

**MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to authorize the Purchase of one (1) Global M3 Mechanical Broom Street Sweeper through the ODOT Cooperative Purchase Program, reimbursed through the Northeast Ohio Regional Sewer District (NEORS) Storm Water Cost Share Program and not to exceed \$185,936.00. On roll call, all voted "aye."**

**H. Ordinance 2018-06 Adopting a Moratorium on the Enforcement of the Prohibition against Three Unrelated Persons Living Together, As Set Forth in Codified Ordinance Section 1280.10(B)(1). For a Period Expiring on May 31, 2018, to Allow the City to Review Policy Issues in Connection with the Ordinance (on emergency)**

Mayor Michael Dylan Brennan noted that he is aware that some people have strong feelings about this ordinance; but, he also thought that stated that the strong feelings were related to being good neighbors, including renters. As a City, we should be looking at whether or not the ordinance achieves what we are seeking or if there are other things that need to be done to regulate things such as behavior or other things that are causing problems between neighbors.

Mayor Michael Dylan Brennan added that he felt that it is equitable to be enforcing the ordinance during the review period because the changes that could be made would displace people. At the same time Mayor Michael Dylan Brennan wanted it to be very clear that this moratorium should not be considered in any way that the landlord or tenant should rely on for any future lease; the law is what the law will be when it is determined and until then there will be a moratorium of having more than three unrelated people living at a rental property until the end of May when it will be reviewed.

Mr. McConville added that some qualifications in the ordinance to make sure that the City can continue to enforce the ordinance should Council elect to either not make changes or to make changes that would impact the legality of the type of arrangement. Specifically, what the ordinance is saying is that upon the expiration of the moratorium the City reserves the right to cite anyone who is in violation of the ordinance, irrespective of when they entered into such a living arrangement or rental agreement. This ordinance also clarifies that the Building Department remains precluded from issuing a permit for any sort of rental arrangements or tendencies that would violate the ordinance and the remaining provisions of 1280.10 that relate to rental and other inspections will remain in full force and effect.

Mr. Wiseman asked what the conditions were.

Mr. McConville replied that what the city is clarifying is that the moratorium isn't permission to either enter into or engage in conduct that violates the ordinance. Conduct that violates the ordinance would have more than three unrelated persons living together in one dwelling. And, upon expiration of the moratorium if the Building Department becomes aware of such an arrangement, even if it began during the period of the moratorium the city still can enforce the ordinance. Also, if someone comes to the Building Department during the period of the moratorium with an application/ rental registration that identifies more than three unrelated persons living together in one dwelling that applicant would not get permit, they would remain subject to the ordinance as it is in effect. Simply, the City will not cite/issue citations for illegal living arrangements during the moratorium period of time.

Mr. Wiseman commented – if a fictitious person was cited for this the previous week what happens to them.

Mr. McConville said any existing citation would be unaffected by the moratorium. Mr. McConville said he didn't think there were any but clarified for example the Board of Zoning matter that was recently affirmed by Council, that affirmation remains in place. So that individual is not excused from the ordinance, they are subject to it. What is being said is that there aren't going to be new citations or prosecutions during the moratorium. But again Mr. McConville wasn't aware of any citations or prosecutions, the city is at a clean break right now.

Mr. Wiseman asked if this will this be formally studied by council committee or the Administration.

Mayor Michael Dylan Brennan replied he would encourage public comment and for the whichever council committee to take hearings for this matter. Otherwise, he would be glad to select an ad hoc or citizen's committee who would report to him.

Mr. Wiseman added that he just wanted to ensure that something occurs soon because landlords will begin to sign rental agreements in May.

Mr. Astrab noted his concern that landlords be notified of this ruling with a clear basic letter.

Mayor Michael Dylan Brennan stated that this was not a license for anyone to enter into a rental arrangement that would be in violation of the ordinance as it presently stands.

Mr. Wiseman said it was a great idea to notify the landlords.

Mr. McConville said he would draft a letter for review.

Mr. Wiseman added that this comes with having a new Administration and a new set of eyes.

Mrs. Pardee referred to Board of Zoning Member, Linda Johnson's email which urged Council not to approve Ordinance 2018-06 and to send it to committee for review. Mrs. Pardee agreed in sending this to committee for further review but hopes the process would move fast.

Mayor Michael Dylan Brennan agreed that this should be done prior to May.

**MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to approve Ordinance 2018-06 Adopting a Moratorium on the Enforcement of the Prohibition against Three Unrelated Persons Living Together, As Set Forth in Codified Ordinance Section 1280.10(B)(1). For a Period Expiring on May 31, 2018, to Allow the City to Review Policy Issues in Connection with the Ordinance. Roll call on Suspension of the Rules, all voted "aye," Roll call on Passage, all voted "aye."**

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

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

Council entered into Executive Session at 7:40pm

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

Council resumed its regular session at 8:33pm.

An additional executive session was not necessary at the end of hearing all the agenda items.

### **Directors' Reports**

**Finance Director** William Sheehan informed everyone that it was open enrollment time (January 16, 2018 – January 28, 2018) for the City Employee health insurance. There will be no additional cost to the employees and there is a choice of three (3) different plans; high deductible, \$500 deductible or Metrohealth which has no deductible.

**Law Department** Luke McConville provided update on various cases; the house at 3886 Silsby is in the process of being rehabbed for resale and that the property should be in compliance by the end of January 2018 for occupancy.

**Police Chief** Steven Hammett reported that the City received the 2017 AAA Traffic Safety Silver Award; traffic accidents have been reduced by 40% and the department will continue to identify high risk areas for further improvement.

**Fire Chief** Robert Perko reported that the Fire Department responded to 80 incidents; 37 medical, 21 mutual aid and 5 working fires. The web based electronic patient reporting system is up and running and allows for patient information to be shared with the hospitals for better quality control. Please also be aware of CO<sub>2</sub> dangers by having your furnaces and appliances checked often.

**Service Department** Jeffrey Pokorny reported that with the cold weather there have been a series of water main breaks; three were actual breaks and 2 were valve leaks. Mr. Pokorny noted that none of the breaks damaged the roadways and that Cleveland Water has been working on fixing all of the breaks. The tree pruning project is scheduled to begin next week (January 22, 2018).

Mr. Sims thanked Mr. Pokorny for holding the tree care seminar just prior to tonight's meeting. Mr. Sims asked if it could be repeated in March where there may be a larger turn out because residents will be thinking of springtime yard care.

Mayor Michael Dylan Brennan agreed with having another tree seminar.

Mrs. Cameron asked Mr. Pokorny if water main breaks ever caused problems for residents.

Mr. Pokorny explained that if the water enters into the gas lines it could cause problems for residents.

**Building Department** James McReynolds reported that Swenson's is opened under a temporary occupancy permit until approximately the Springtime when all the required plantings are in. The upcoming new businesses are: Fish Sticks and a sushi bar. Bellefaire is planning for major renovations starting with the demolition (approved already) of an old dorm. The department will continue with its exterior maintenance program, which operates on a 5-year rotation cycle for each house in the city.

Mr. Wiseman asked about the new computer system.

Mr. McReynolds replied the new system should be live soon and that there have the department has been in attendance in meetings with the other cities. The program will feature drop down menus for ease of use and will be implemented in various stages with completion within 60 to 90 days from the start.

Mr. Sims asked about the landscaping at Swenson's and noted that the Beachwood residents were under the impression that different plantings (more mature) would be done.

Mr. McReynolds replied that no amended plans to the plantings have been reported to his department. But added that he has an upcoming meeting with Swenson's.

Mr. Sims stated that he hopes that the landscaping regarding more trees, more mature trees will be addressed. Because if the trees aren't mature it will be years before they serve as a barrier to the adjoining Beachwood neighbors.

**Community Development** Mr. Grogan-Myers reported the following: University Heights has a You Tube page listed as City of University Heights; the Sewer District Recycling Grant Projects are meant to help cities raise recycling awareness via recycling events and campaigns. Mr. Grogan-Myers added that people can refer to <http://cuyahogarecycles.org> for information. There has been an increase in the usage of the Heritage Loan Program and the city has received all positive responses from the residents who have used this program. The County Housing (Hatch) Report for University Heights will be published to the city's website.

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 topics for discussion were: allowing chickens, vacant properties, parking on Bushnell, the moratorium on three unrelated persons living together in rental properties and the point of sale program.

**Civic Information:** Mrs. Cameron stated that Civic Information includes the reviewing of the city's IT issues so the committee will begin to review and present recommendations for the audio/video upgrades to Council Chambers as well as to the telephone system, computers and servers. The committee will also begin reviewing the senior programs and senior transportation. Lastly the committee will continue with the work that Councilman Rach started with Kevin Smith regarding the Cedar/Taylor District and other City gateways.

**Finance Committee:** Mrs. Pardee stated that the Finance Committee will be meeting on January 22 at 7pm in Council Chambers to review the 2018 Budget. Mrs. Pardee also made note that Mrs. Kristin Bryan was added to the Financial Advisory Committee.

Mrs. Pardee also reported that the Council Committee of the Whole will be having a retreat from 5:30pm to 9:30pm. The date and place are to be decided.

There were no other committee reports.

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

There being no further business, the meeting was adjourned at 10:02pm.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council

