

**MINUTES COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS, OHIO  
FEBRUARY 20, 2018**

Mayor Michael Dylan Brennan called the regular meeting to order at 7:05p.m.

Roll Call:

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

Absent: Mrs. Susan Pardee  
Mrs. Pamela Cameron

Also, Present: Acting Law Director Amy Hamilton  
Finance Director William Sheehan III  
Clerk of Council Kelly M. Thomas  
Police Chief Steven Hammett  
Fire Chief Robert Perko  
Service Superintendent Jeffrey Pokorny  
Building Commissioner James McReynolds  
Community Development Patrick Grogan-Myers

**MOTION BY MRS. WEISS, SECONDED BY MR. WISEMAN to excuse the absence of Mrs. Pardee and Mrs. Cameron. On roll call, all voted "aye."**

**Approval of Minutes from Regular Meeting February 5, 2018**

There were no corrections or additions to the Council minutes from February 5, 2018.

**MOTION BY MR. RACH, SECONDED BY MRS. WEISS to approve the Council minutes from February 5, 2018. On roll call, all voted "aye."**

**Comments from Audience**

Mrs. Sheila Hubman, 2528 Ashurst Road thanked the Fire Department for all their service. Mrs. Hubman asked that when the discussions regarding the possible updating of Council Chambers occur that updating the City Hall chair lift also be updated and improved.

Mayor Michael Dylan Brennan agreed with Mrs. Hubman comments and added that the City Hall chair lift issue is something that he sincerely intends to resolve during his term as Mayor.

Mr. Jeremy Iosue, City's Labor Counsel introduced himself and stated that he has started contract discussions with the Service and Fire Unions.

Mrs. Cameron asked Mr. Iosue if he had specific guidelines or policy when dealing union issues.

Mr. Iosue replied that he uses a very cooperative, efficient approach to achieve the best possible end result and maintain good relationship with all.

Mr. Wiseman commented that he would like Mr. Iosue to come before Council several times throughout the negotiation period to be kept apprised and not just at the end once the contract is ready to be approved.

There were no audience comments

**Mayor's Reports and Communications to Community**

Mayor Michael Dylan Brennan provided the following -

- The 2018 State of the Schools a Showcase of Excellence Report will be giving by Dr. Talisa Dixon at Heights High School on February 21, 2018 at 7pm. From 6pm – 8pm there is the opportunity for people to go on self-guided tours of the school.

- City Council will hold their Council Retreat on Monday, February 26 at 5:30 at the Shaker Heights Nature Center - 2600 South Park Boulevard, Shaker Heights
- Application for the last vacant seat on the Fair Housing Planning Committee and the 1 vacant seat on the City Planning Commission are being accepted. Residents can email their letter of interest and resume to Mayor@universityheights.com
- The Planning Commission will meet on March 21, 2018
- The Memorial Day Parade Committee will meet at the University Heights Public Library on Thursday, February 22 at 6:30pm. All are welcome.
- The Finance Committee meeting has been postponed and will be reschedule in the near future.
- “Solar United Neighbors” A Cuyahoga County Solar co-op will meet on Wed., March 14, 2018 in the University Heights City Council Chambers from 6:30pm – 8:30pm. The public is invited to learn about their programs.
- Along with several University Heights Administrators attended a meeting hosted by John Carroll University Interim President Jean Cullerian and other members of the JCU Administration to discuss working together on matters of mutual interest to advance both the City and the University.

### Agenda Items:

#### **A. Presentation from Paul Sobel ~ Village in the Heights**

Mr. Sobel provided flyers and explained that Village in the Heights is a program geared to help those residents with physical issues stay in their homes. Village in the Heights is a non-profit organization that uses neighbors to help operate the provided services. The services consist of, but aren't limited to: transportation, lite duty housework, regularly scheduled programs/events, etc. The annual fees to be a client are \$200 for individuals /\$350 family, and cost for parking and misc. are charged to the client. A three-day notice is required for any service. Village in the Heights has been in operation for 16 years. Mr. Sobel added that this program has impacted their client's social lives and general wellness. In regards to the area in which transportation would be provided within the Mayfield and eastside suburbs.

Mrs. Hubman asked if Village in the Heights is non-profit what was the fees used for.

Mr. Sobel answered that the fees are used to cover overhead cost such as: programing, insurance, etc.

Mr. Sobel informed everyone that the volunteer are vetted via background check with the DMV --

#### **B. Presentation from Tonia Porras ~ Gloria's Way Memory Care**

Mrs. Porras was unable to attend.

#### **C. 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**

Mrs. Weiss reported that Ordinance 2018-11 is similar to the Ordinance regarding Marijuana Dispensaries in terms of having the same rules of where the testing laboratories can be located within the City. In the case of University Heights there is just one site where a testing laboratory or dispensary could be located.

**MOTION BY MRS. WEISS, SECONDED BY MR. RACH approving 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 roll call, all voted “aye,” except Mr. Sims who voted “nay,” and Mrs. Cameron who “passed.”**

**D. 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**

Mrs. Hamilton explained that Ordinance 2018-12 updates the current Ordinance that exist so that a homeowner can withhold his rights to have someone inspection the property, this would not be a criminal violation. At that point the City would have to obtain an administrative warrant to conduct the inspection based on probable cause.

Mayor Michael Dylan Brennan noted that this was in large part to comport with recent case law that may not be binding on University Heights but would be persuasive should this Ordinance be challenged or it could be viewed as persuasive and therefore this is a cautionary step in amending the Ordinance so that we would avoid a 4<sup>th</sup> amendment violation or allegation of a 4<sup>th</sup> amendment violation with respect to inspections.

Mr. Wiseman added that the Ordinance amends the Ordinance that was passed earlier this year which gives the City a lot more control over houses that are vacant and in foreclosure. The amended portion provides the City permission to inspect vacant houses inside and outside once approval from the Court to inspect the interior has been granted.

**MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS approving 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 roll call, all voted “aye.”**

**E. Ordinance 2018-14 Amending Codified Ordinance Section 1250.02 of the Planning and Zoning Code Entitled “Permitted Uses” To Permit Chicken Coops in a U-1 District upon issuance of a Special Use Permit (on first reading)**

Mr. Wiseman stated that Ordinance 2018-14 discussed and stemmed from the Building Committee that was held on January 23, 2018. The Ordinance if approved would be for a 2018 pilot period to see how allowing residents to have 6 chickens and no roosters would affect the City. The Eggs would be for the resident’s use only and cannot be sold.

Mr. Wiseman added that surrounding cities who allow chicken coops were contacted and they appear not to be having any problems with them.

Mayor Michael Dylan Brennan remarked that having a chicken coop would require having a Special Permit and that the home owner would have to make application for the Board of Zoning Appeals and demonstrate that they are within the guidance of the ordinance and seek approval before they would be allowed to precede.

Mrs. Weiss asked that the year time period be defined better; is it the calendar year 2018 or a year of having the Special Permit.

Noting that the time period wasn’t really discussed in those terms, Mr. Wiseman said the idea was look to see after the summer ended if the City wanted to continue allowing chicken coops.

Mrs. Weiss added that University Heights is a little different than some of the surrounding cities that allow chicken coops because University Heights homes are much closer together.

Mayor Michael Dylan Brennan replied that some of the rules that dictate how far off the property lines the coop has to be, it is possible that there are some University Heights yards that won’t be able to accommodate a chicken coop under these provisions.

Mr. Ertel noted his concern regarding chickens and the possibility for the chickens to have health issues that could be carried over to people, if the City could see a copy of the chicken’s vaccination records would be helpful.

Mr. McReynolds noted that the City of Shaker Heights has no regulations for chickens until a problem occurs or a complaint is made to the City. The proposed Ordinance provides the guidelines and the Building Department would response to any complaints and address any appearance of smells, conditions, etc.

Mr. Rach commented that under a Special Use Permit conditions are check at the time of the annual renewal. Special Use Permits are highly regulated as opposed the rules and regulations regarding dogs.

Mr. McReynolds added that the Building Department would check the property only when it receives complaints and would then address any issues with the appearance, upkeep, smells, etc. Mr. McReynolds also stated that having an inspection prior to the renewal could be a condition for the approval of the Special Permit.

Mr. Rach asked about how surrounding cities, South Euclid, Beachwood, Shaker Heights and Cleveland Heights regulate chickens.

Mr. Sims asked if a file or complaint would be based the number of coups in other cities.

Mr. Ertel spoke about his concerns that if the city allows chickens and we don't know what possible health issues chickens might have and how the chickens may affect the environment.

Mr. Wiseman added that this topic had been vetted numerous times with testimony from the residents who are interested in having chicken coops and at no time was the concern for health issues brought up. None of the research that Council has seen so far has indicated that this is at all a health risk.

Ordinance 2018-14 was placed on first reading.

**MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to Amend the Agenda by Adding Ordinance 2018-15 Enacting Codified Ordinance Section 618.25 Entitled "Keeping of Chickens" to Establish Regulations for the Keeping of Chickens, and Amending Codified Ordinance Sections 618.18 Entitled "Number of Animals Limited" and 618.20 Entitled "Proximity of Dwellings," for Consistency with the Regulations for Keeping of Chickens. On roll call, all voted "aye."**

**Added item: Ordinance 2018-15 Enacting Codified Ordinance Section 618.25 Entitled "Keeping of Chickens" to Establish Regulations for the Keeping of Chickens, and Amending Codified Ordinance Sections 618.18 Entitled "Number of Animals Limited" and 618.20 Entitled "Proximity of Dwellings," for Consistency with the Regulations for Keeping of Chickens**

Discussion of Ordinance 2018-15 was combined with Ordinance 2018-14.

Ordinance 2018-15 was placed on first reading.

**F. Motion Authorizing Mayor to enter into Maintenance Agreement with i2c Technologies for the CCTV System in an amount not to exceed \$6,808.00**

Police Chief Hammett stated that this is a one-year agreement for the maintenance for the municipal complex video monitoring system.

Mrs. Weiss asked if the agreement would cover the entire campus security system.

Chief Hammett responded yes.

**MOTION BY MR. SIMS, SECONDED BY MRS. WEISS to authorize the Mayor to enter into a Maintenance Agreement with i2c Technologies for the CCTV System in an amount not to exceed \$6,808.00. On roll call, all voted "aye."**

**G. Motion Authorizing Mayor to enter into an Extended 12-month Maintenance Agreement with L3 Communications Mobile-Vision for all equipment associated with the video system; including server, drive array, back-up pc/archive, access point, firewall, switches, in-car video and the interview room in an amount not to exceed \$5,609.00**

Police Chief Hammett stated that this via State Contract.

**MOTION BY MRS. CAMERON, SECONDED BY MR. SIMS Authorizing Mayor to enter into an Extended 12-month Maintenance Agreement with L3 Communications Mobile-Vision for all equipment associated with the video system; including server, drive array, back-up pc/archive, access point, firewall, switches, in-car video and the interview room in an amount not to exceed \$5,609.00. On roll call, all voted "aye."**

**H. Motion Authorizing PC Alternatives to purchase and install a server with 2 portable document scanners along with the necessary hardware and software for the Administration, Finance, Service, Building, Police and Fire Departments in an amount not to exceed \$17,519.85**

Finance Director William Sheehan reviewed the itemized cost proposal that was provided to Council and added that PC Alternatives has been approved as the city's IT service company.

**MOTION BY MRS. CAMERON, SECONDED BY MR. WISEMAN Authorizing Mayor to enter into an Extended 12-month Maintenance Agreement with L3 Communications Mobile-Vision for all equipment associated with the video system; including server, drive array, back-up pc/archive, access point, firewall, switches, in-car video and the interview room in an amount not to exceed \$5,609.00. On roll call, all voted "aye."**

**I. Motion Authorizing the Mayor to enter into a 3-year contract with Cintas Corporation for the purpose of Uniform Rental and Laundry Services for the Service Department per Union Contract Agreement**

Service Director Jeffrey Pokorny reported that the previous uniform contract was entered into 5 years ago and expired at the end of January. Cintas offers State pricing for a savings of about \$42 weekly or \$117.00 each billing cycle. Mr. Pokorny recommended that the City enter into contract with Cintas Corporation.

Mr. Sims asked what the contract period was.

Mr. Pokorny responded 3 years.

**MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON Authorizing the Mayor to enter into contract with Cintas Corporation for the purpose of Uniform Rental and Laundry Services for the Service Department per Union Contract Agreement for a period of 3 years. On roll call, all voted "aye."**

**J. Motion to Advertise for bids for the Silsby Road Neighborhood Park**

Mr. Grogan-Myers stated that \$100,000 southside

Mrs. Weiss asked for the \$100,000 what is the vision.

Mr. Grogan-Myers replied that the \$100,000 is for part of the conceptual plan budget and would include equipment, gathering space, fencing, ADA ramp, etc. Matt Hills a former University Heights resident developed the plan design is one of the landscape architect the Administration reached out to. Mr. Hills has worked for Benke and current with OHM Advisors.

Mrs. Weiss commented that the City should consider building a house there and selling the land.

Mayor Michael Dylan Brennan commented that the neighbors want the lot to become a pocket park.

Mr. Ertel asked if all the proposed items will fit into that one lot.

Mr. Grogan-Myers said that the design is meant to be cozy and quiet.

Mrs. Weiss asked if a grant was written specifically for a park or can it be used to place a community garden there.

Mr. Grogan-Myers replied a community garden would not be allowed because the city is held to the terms which include the conceptual plan. This type of grant is designed for an active park.

Mr. Rach commented that pocket parks cost the city money to maintain, whereas with a house the city gets revenue from property tax and RITA Income taxes. Having this pocket park in between 2 houses is an awkward situation. Mr. Rach also asked if there was a ramp that led up to the park for handicapped purposes.

Mr. Grogan-Myers replied the ramp was due to elevation from the sidewalk.

Mr. Rach asked if the grant could be used to add for example addition play equipment, splash pad, dog park, waste bags for pets, etc. to the existing new Fenwick community park and what would be the estimated cost for maintenance; would there need to be a line item in the 2018 budget for it.

Mr. Grogan-Myers replied that this grant was written after the Fenwick park was planned so it couldn't be used for the Fenwick park and it doesn't need to be a line item because the exact cost is not known at this time.

Mayor Michael Dylan Brennan added that the present proposal is rough and what is before Council for approval is a request to go out for bids to seek a landscape architect who would create a final design version and implement that design.

Mr. Rach asked how much was the grant for.

Mr. Grogan-Myer replied \$105,000 and change.

Mr. Rach noted that the sub-total was \$112,000 and change with contingencies and asked if the plans could be trimmed down to get to the \$105?

Mr. Grogan-Myers said the cost might change and cost estimate based on the conceptual plan.

Mr. Sims stated that he appreciated his colleague's comments regarding pocket parks and what is the best use for properties such as this one. Mr. Sims recalled the first pocket park that the City built and in order to do it the City demolished a home; Mr. Sims stated he was not in favor of that. Noting his agreement with the concern that has been expressed regarding the maintenance of these properties, and although the cost is not known it would still take employees away from doing other things. Mr. Sims said he was a little bit more interest in this pocket park because there is approximately \$105,000 to do it and it's not coming out of the city's pocket. Mr. Sims asked how would the advertisement be done to create a level playing field.

Mr. Grogan-Myers responded that the city would use the conceptual plan to build out the true cost and the true bid specifications.

Mr. Sims asked when the bid for the park are done will the specifications have a list of items so that all bidders are bidding apples to apples. If this is a competitive bid the cost could come in below the \$105,000 because the City can design the level of improvement that we (city) want. The City should be able to tailor the specifications where it can fit within the dollar amount we have.

Mr. Wiseman asked what was the time period in which to spend the grant funds. Mr. Wiseman commented that he was hearing two different things in terms of being bounded to the conceptual plan design. The conceptual plan leaves a lot detail out; from there the City can evaluate what materials will be used to get closer to the \$105,000 grant award.

Mr. Grogan-Myers replied by the end of 2018. The City is bound to the concept that is currently being presented. We are expected to produce something that is of a likeness to what is in the conceptual plan.

Mr. Wiseman commented that this was not something that he would be in favor it the City had to pay for it, but sense the Ohio Department of Natural Resources has given the City funding before it would look good not to accept this grant. Mr. Wiseman said he would like it to be tailored so that even with the contingency included it would be less than the money that the grant is for. Noting his concern about the safety, Mr. Wiseman asked Chief Hammett about the safety of the neighbors.

Chief Hammett stated that the Police Department checks all the public parks hourly after dark.

Mr. Wiseman noted the boundaries of the property lines and asked if a variance would be needed to erect any fencing.

Mr. Rach commented that the nearest crosswalk to the site is at Brockway and asked if any thoughts had been given to placing a crosswalk at Allison Road.

Chief Hammett stated that a traffic safety study has been done for that area, but could be conducted.

Mrs. Cameron asked if the grant was specific to that location and if any other pocket parks were under consideration.

Mr. Ertel remarked that the city has to maintain the lot regardless and although he respected the idea about the loss of property taxes on the other hand he liked the idea that the quality of life would be enhanced in that part of the neighborhood. If there are young families in that area and if the City wants to retain those residents and entice other young families into that part of the neighborhood we can't do much better than the pocket park. If the park is really obvious when driving passed it would be good for business as a city in that this city has the interest of community at heart.

Mr. Sims asked if it were possible to try to get another grant for a splash pad at the Fenwick Park.

Mr. Grogan-Myers said he would research if there are any other grants available for a splash pad.

**MOTION BY MR. ERTEL, SECONDED BY MR. SIMS to Advertise for bids for the Silsby Road Neighborhood Park. On roll call, all voted "aye."**

**K. Motion Declaring 3654 Raymont Boulevard (PPN 722-03-058) a Public Nuisance**

Building Commissioner Mr. James McReynolds stated that there were six houses in the city that are vacant and in bad condition and two of the six (3654 Raymont and 3673 Washington)

Mr. Wiseman stated that he had no problem in voting to demolish houses in deplorable condition. Noting there were no pictures of the interior, Mr. Wiseman asked if there were any interior violations because otherwise the house didn't appear to warrant being demolished.

Mr. Rach stated that this was the necessary first steps in declaring a house a public nuisance.

Mr. Sims asked Mr. McReynolds to clarify what the plan for the property(ies) were and if there is a determination that the house(es) should be demolished would that final decision come back before Council for approval.

Mr. Sims asked if the City was working with the land bank and that he did not want to see a lot of properties demolished.

Mr. McReynolds replied that that wasn't the goal. The hope is that this action would ignite the homeowner to do something to correct the violations.

Mr. Ertel commented that in order to maintain the housing stock, the city needs to be aggressive.

Mrs. Cameron asked about properties that are under foreclosure.

Mr. Wiseman stated that if a house is in foreclosure process the City can send the foreclosure plaintiff a citation and force them to fix the violations. If they don't take care of them they could then be charged up to \$1,000 per day for not correcting the violations. The land bank reviews the property and he would like to see what the land bank has to say about the condition of the home.

**MOTION BY MR. ERTEL, SECONDED BY MR. RACH to declare 3654 Raymont Boulevard (PPN 722-03-058) a Public Nuisance. On roll call, all voted "aye."**

**L. Motion Declaring 3673 Washington Boulevard (PPN 722-03-012) a Public Nuisance**

Mr. McReynolds reported that this house may be removed from the list

**MOTION BY MR. SIMS, SECONDED BY MR. ERTEL Declaring 3673 Washington Boulevard (PPN 722-03-012) a Public Nuisance. On roll call, all voted "aye."**

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

There was no need to hold executive session.

**Directors' Reports**

**Finance Director** William Sheehan reported that his department is in the process of researching telephone providers to present to Council for approval because the current phone system doesn't have enough lines for any new employees.

Mr. Wiseman commented that as Mr. Sheehan is looking for a new telephone provider that he also ----

**Police Chief** Steven Hammett provided the Police Departments annual report to Council and noted copies are posted to the City's website and are available at the Police Department.

**Fire Chief** Robert Perko reported that the department is working of obtaining grants to help community risk reductions. In 2010 the department had a FEMA grant for \$80,000 to purchase 4000 smoke detectors, once those grant funds were used the program ended. It is hoped to be able to again get funding for smoke and Co2 detectors. Chief Perko also 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. Firefighter/Paramedic Christopher Stacey retired after 28 years of service on February 13, 2018.

**Service Department** Jeffrey Pokorny reported that Parks Tree Company is all most complete with the tree pruning project. The road salt supply is slowly being replenished.

Mr. Ertel asked if the City was using more road salt than in previous years and if the sensible salting program was gone.

Mr. Pokorny replied yes to both of Mr. Ertel's questions.

Mr. Sims asked if another tree seminar was being planned.

Mayor Michael Dylan Brennan replied it could be planned in the near future.

**Building Department** James McReynolds reported that the inspectors will be going for additional home inspection training.

**Community Development** Patrick Grogan-Myers reported that the Heritage Home Loan Program will be conducting a seminar on Thursday, May 17, 2018 at 6pm in Council Chambers. Exterior home maintenance grant.

There were no other Director reports.

#### **Standing Committee Reports:**

**Finance Committee:** Mayor Michael Dylan Brennan reported that budget meetings are being held to finalize the 2018 City Budget.

#### **Committee of the Whole:**

There were no other committee reports.

**MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to adjourn the meeting. On roll call, all voted "aye."**

There being no further business, the meeting was adjourned at 9:25pm.



Michael Dylan Brennan, Mayor



Kelly M. Thomas, Clerk of Council