

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
MARCH 19, 2018**

Mayor Michael Dylan Brennan called the regular meeting to order at 7:03p.m.

Roll Call:

Present: Mrs. Pamela Cameron (7:05)
Mr. Phillip Ertel
Mr. John Rach
Mr. Steven Sims
Mrs. Michele Weiss
Mr. Mark Wiseman

Absent: Mrs. Susan Pardee

Also, Present: Law Director Luke McConville
Finance Director William Sheehan III
Clerk of Council Kelly M. Thomas
Police Chief Dustin Rogers
Fire Chief Robert Perko
Service Superintendent Jeffrey Pokorny

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to excuse the absence of Mrs. Pardee. On roll call, all voted “aye.”

Approval of Minutes from Regular Meeting March 5, 2018

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

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to approve the Council minutes from March 5, 2018 as submitted. On roll call, all voted “aye.”

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to move agenda item A before audience comments. On roll call, all voted “aye.”

But for the purposes of these minutes the items appear in the order of the agenda.

Comments from Audience

1. Laura Francis, 3605 Meadowbrook Blvd., spoke to dispel some of the common myths about chickens: chickens are not smelly and dirty – they spend many hours a day cleaning their selves, it is the poop that smells, and we would take care of the waste correctly; chickens don’t harm the property values, hens are not ordinally noisy, etc.
2. Diane Palasics, 3609 Meadowbrook Blvd., voiced her approval of allowing backyard chickens
3. Paul Miller, 2370 Charney Road was present to again raise his many concerns and why he was not in favor of allowing backyard chickens in University Heights. Mr. Miller stated that 5% of chickens are born roosters and you can’t tell at birth. Citing cases from the CDC and Poultry Mr. Miller spoke about how diseases can be transmitted to infants, elderly persons with reduced immune systems, etc., and the higher level of noise that is generated when laying eggs. Mr. Miller asked why would Council want to change the current listed distance of 500ft. to 20ft. and furthermore, would the quality of people who live in University Heights be enhanced by the approval of Ordinance 2018-14 and Ordinance 2018-15?
4. Tami Jabroski, Cedarbrook stated she was in favor of allowing chickens.

5. Richard Passow, 2604 Saybrook commented that he has been around chickens and the myths aren't myths but the truth. Mr. Passow suggested that people check with people in Burton to see how they like having chickens in their City. Mr. Passow also spoke to the original ordinance being adopted in 1944 with a larger distance of 500ft and there was more land between the house at that time. Chickens require daily maintenance and the yards in University Heights are smaller than in Shaker Heights and Cleveland Heights. Mr. Passow added that because the yards in University Heights are so small he can't even do a home addition without getting permission but with the proposed ordinances he would be able to have a chicken coop.

Mr. McConville stated that the proposed regulation ordinance has the following noted distances: twenty (20) feet away from any other inhabited dwelling structure, a minimum of twenty (20) feet away from any outdoor recreational improvement (as hereafter defined), a minimum of ten (10) feet from any side yard line, and a minimum of three (3) feet away from an adjacent rear lot, except where the rear lot line forms the side lot line or front line of an abutting property, in which case the setback from such rear lot line shall be ten (10) feet.

Mr. Passow responded that the size of most yards in University Heights are too small.

6. Mr. Francia Kyles spoke to "pets with benefits" articles stating that chickens create less noise and other dangers.
7. Mr. Paul Nickerson, 2407 South Belvoir read an article from the CDC regarding seminoma in backyard citing that there were 11,017 cases in 2017. Mr. Nickerson stated that he was neither pro nor con in allowing backyard chickens but wanted everyone to be aware of the possible health issues.
8. Mr. Nick Tunison, 2544 Traymore said that chickens attract coyotes and stated that 20ft. is not a sufficient distance and allowing chickens was not good for the resale value of homes
9. Mr. Charles Evans, 3626 Meadowbrook Blvd. - grew up with chickens, chickens need special care, the use of metal containers are necessary for the waste. Mr. Evans is not in favor of allowing chickens in University Heights
10. Arlene Tempsey, 3873 Grenville – having chickens was fine when there was a depression for people to have a food source, no need to compare University Heights with other cities because our lots are smaller, chickens will create a lot of nuisance calls. Mrs. Tempsey said she was not in favor of allowing chickens.
11. Mary Fox, 3620 Meadowbrook; opposed to chicken coops, spoke to residents in Cleveland Heights who live near chicken coops and they informed her that they were a nuisance – how is Council considering going from the distance of 500ft in the original ordinance to 20ft.

Mr. Wiseman replied that the ordinance passed in the 40's and that Council used the ordinances from neighboring suburban communities that are just like University Heights as model measurements. Most rear yards in the city back up to another rear yard so most rear yards have a fence line and then another rear yard. The Board of Zoning has to approve every chicken coop in the city will decide if the coop is far enough from the adjoining properties so that the coop not only complies with the ordinance but also the spirit of the ordinance. The Zoning Board could require that the coop be move to a different place. The applicant will also be required to take a class from the Metroparks.

A question was asked from the audience if they wanted to build a chicken coop they could without having a permit to do so.

Mayor Michael Dylan Brennan replied no; the application would be review by the Building Commissioner a special use permit would have to be applied for approval from the Board of Zoning Appeals to ensure the coop plans comply with the ordinance. If granted the special use permit would be valid for 1-year. After that it would be up for renewal and then if there was an issue at that point the BZA would be made aware. The proposed Ordinance has been amended so if passed there would be a public meeting in February 2019 to see how it is going and any problems can be addressed.

12. Justin Gould, 2200 Edgerton voiced his support of allowing chickens and stated he hoped that the government would get out of the way. Create an ordinance that has regulations for example 1-year permits.
13. Suzette Stanitz, 2304 Lalemant stated she didn't want chickens to be allowed in the city.
14. Nick T., Traymore noted and asked if anyone looked at the fact that the housing density in University Heights compared to Cleveland Heights, Shaker Heights and Beachwood is way out of whack and that the proposed ordinance is an infringement on the University Heights residents.

15. Dr. Jeff Green, 2568 Eaton, understood the desire to do this, but why is it necessary. The Planning Commission's recommendation was for the ordinances not to be approved by Council. If this passes, who will be responsible for managing it.

Mr. Ertel commented that this is a health and safety issue.

Mrs. Cameron thought it would be the Building Dept. to manage it.

16. Dr. Dennis Schanti, Charney and professor of Biology said he was in favor of allowing chickens and that salmonella comes from direct contamination. So allowing chickens should not be a problem as long as the coops are kept clean.

17. Mr. Richard Passow, 2604 Saybrook commented that most lots in University Heights are only 50ft. wide and asked if rental properties would be allowed to have chickens.

Mayor Michael Dylan Brennan replied that the ordinance regards U-1 zoned districts which are single family homes.

18. Ms. June Stanitz, 14157 Washington asked what the procedure would be if allowing chickens didn't work out, would the City wait for complaints to come in and what would be the oversight.

19. Mrs. Amy Hamilton, 3805 Westwood asked what type of notification would neighbors get if the applicant meets the required specifications and what could they do if they had concerns or problems; will fencing be required, a chain-linked fence wouldn't help the sight of the coop nor the smell, etc.? Noting the setbacks aren't extensive enough – what would happen if this is repealed. It doesn't make sense to allow chickens in University Heights, the lots are too small. Why change the zoning - - - what will change next?

Mr. McConville replied that initially if all the requirements are met then the neighbor can comment on it, but the Board of Zoning will essentially be granting a Special Use Permit if the condition of the Ordinances are met. That is not necessarily what will happen upon the renewal. The renewal will be an evidentially hearing so that any neighbor could testify about nuisance conditions or any other problems. Chain-linked fencing would be acceptable. If the ordinance were to be repealed there is no "grandfathering" so it would be the owner's responsibility to remove the chickens from the property. Mr. McConville stated that if someone submits a cite plan that complies with the setback requirements and the education requirements then the BZA would be obligated to issue the permit.

20. Representatives from John Carroll's Student Union came to introduce themselves: Sam Alai, Pierce Srail, Mike Bishop, Alexis Bifro and Collin Derrig

21. Mr. Vaughan, 2484 Saybrook – pro chickens

22. Mr. Christopher Russo – against allowing chickens, how will the coops be heated (fire concern)

23. Jamie Feldman, 2591 Traymore – opposed to allowing chickens in University Heights and spoke with Cleveland Heights residents who live near chicken coops and they said they were not happy with the conditions.

24. Luba Cehelska, 2171 South Belvoir – is opposed to allowing chickens; there will be complaints, so how will rules be enforced and stated that maybe this issue should be placed on the ballot for residents to vote on if it is indeed a 50/50 proposition.

25. Shelia Hubman, 2528 Ashurst – commented and asked if this ordinance passes would the City then be changing law? Mrs. Hubman stated she attended the Finance Committee meeting and was very disappointed to see how much the City is over spending its revenue, that is not a good idea even though there is a reserve that can be used now. But what happens when the City runs out of reserve and people are employed? For example, currently the Mayor has 3-days of an assistant and the new budget as she understood it ask for 8-days, that is almost triple. There could be some compromise there, possibly 5-days. Lastly, when people are speaking at the podium please don't turn around and speak to the audience because that is not you are presenting their arguments to and the microphone and cameras are setup to for the Council and you can be seen nor heard by those watching the recording from home.

There were no other audience comments

Mayor's Reports and Communications to Community

Mayor Michael Dylan Brennan provided the following updates:

- Tonight is the first reading of the 2018 Budget with the desires of the new Administration, this City Council, Departmental necessities and desires and the balancing of those against each other and against the long-term fiscal picture of the City.
- Some of the City's surplus will be invested into one-time expenditures
- Increasing services to the residents through some strategic additions to the budget including the hiring of: 1 additional police officer; 1 additional fire fighter; the creation of an Economic Development Department with the hiring of an Economic Development Director and the addition of a combined Communications and Civic Engagement position. These additions will allow the City to better serve the residents.
- There will be a Special City Council meeting on Monday, March 26 at 7pm to have a second reading and vote on the 2018 Budget as well as the second reading of the other recommendation from the Finance Committee for the adjustment of the Mayor's spending authority from \$5,000 to \$15,000 (this limit has not been adjusted since 1988)
- The Memorial Day Parade Committee will meet tomorrow Tuesday, March 20 at 6:30pm
- The Communication Committee met last week to discuss improvements in communications with residents as the future of the monthly newsletter and other forms of outreach to the community.
- Last week the installation of the City Hall server began and continues as there is wiring to do, permissions to grant, access to give
- Improving the infrastructure of the City is critical to serving the residents
- Last week was a guest of the John Carroll University Student Union where he addressed the student representatives and listened to their concerns. Engaging in regular dialogue will promote the working together in a shared community.
- There will be joint meeting between University Heights, Cleveland Heights, the shared School Board District and shared Library Board District.
- The School Board will hold a joint meeting with University Heights on April 23. The School Board has also set aside June 25 for a joint meeting with also the City of Cleveland Heights and a third meeting date of October 29.
- Attended the Heights/Hillcrest Regional Dispatch Center Board meeting last week. There are 2 officer vacancies on the Board (secretary and vice chair). Mayor Michael Dylan Brennan was selected as vice chair.
- Last week along with Councilman Rach, Community Development Coordinator Patrick Grogan-Myers, Law Director Luke McConville had the first organizational meeting with Guide Studios about the rebranding of the City. This meeting was just to setup further meetings.

Agenda Items:

A. Oath of Office – Interim Police Chief Dustin Rogers

Mayor Michael Dylan Brennan administered the Oath of Office to Interim Police Chief Dustin Rogers.

B. Ordinance 2018-18 Restoring the Interim Police Chief to the Civil Service Rank of Sergeant (on emergency)

Mayor Michael Dylan Brennan explained that in the event that Interim Police Chief Rogers doesn't become Chief this Ordinance would allow him to return back to his previous Civil Service ranking of Sergeant.

MOTION BY MRS. CAMERON, SECONDED BY MRS. WEISS to approve Ordinance 2018-18 Restoring the Interim Police Chief to the Civil Service Rank of Sergeant. Roll call on Suspension of the Rules, all voted "aye," and roll call on passage, all voted "aye."

C. Approval of Memorandum of Understanding between Dustin Rogers and the City of University Heights

There was no discussion.

MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to approve the Memorandum of Understanding between Dustin Rogers and the City of University Heights. On roll call, all voted "aye."

D. Planning Commission's Recommendation to City Council from their March 12, 2018 meeting to Approve Bellefaire/JCB – 22001 Fairmount Blvd. to Build a New Cottage for an Expanded Child & Youth Mental Health Unit.

Mr. Dave Pusti, Mr. Robert Brum and Mr. Jeffrey Lox, Program Director Bellefaire were present

Mr. Pusti provided everyone if a brief overview of the project, noting that it had also been approved by the Architectural Review Commission.

Noting that the campus is beautifully wooded and landscaped with trees, Mr. Rach asked about the trees that were labeled from removal.

Mr. Pusti replied that the trees marked for removal are elm trees and would require removal anyway because of elm disease but they will be replaced with new trees. Mr. Pusti noted that Bellefaire has a 216 ft. setback from their buildings which provides the neighboring properties a nice level of buffering from the buildings.

Mr. Wiseman asked how many clients would reside there and what would be the staffing levels.

Mr. Lox explained that the building would have 2 wings with 6 clients in each wing. Staffing would consist of 3 shifts, 7 days a week. During the day time there would be a full staff and during the overnight times there would be a reduced number of staff members.

MOTION BY MR. RACH, SECONDED BY MRS. CAMERON to approve the Planning Commission's Recommendation from their March 12, 2018 meeting for Bellefaire/JCB – 22001 Fairmount Blvd. to Build a New Cottage for an Expanded Child & Youth Mental Health Unit. On roll call, all voted "aye."

E. Planning Commission's Recommendation to City Council from their March 12, 2018 meeting Not to Approve 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 second reading)

Mr. Wiseman thanked the community for attending the meeting and provided a history of the Ordinance. Mr. Wiseman spoke to the question someone had as to if Council could tell them that allowing chickens will enhance the lives of University Heights residents – Mr. Wiseman replied that he did not know if, although he hoped it would. But if it doesn't and it is a nuisance Council will stop it. The idea is that Council has put something together which they think takes everybody's concerns into heart. The reason for an educational class is because it will teach people how to take care of chickens and if someone has a pet/animal you know how much care to put into that animal. People will not let their chickens run loose if they don't want chickens anymore and Mr. Wiseman said he would venture to guess that they will really care about the animals and do everything that they can to make sure that they are healthy, happy and not a nuisance. This Ordinance wasn't taken lightly is the reason that it would be a pilot program and look at again in 2019. Changing the law back is not really a problem, it would just take another vote of Council. No roosters will be allowed, and the eggs can't be sold. A limit of 25 homes will be allowed to have chickens. Mr. Wiseman added that he understood the resident's concerns and noted that almost all of the surrounding cities allow chickens with South Euclid having zero complaints about them. The Ordinance also limits residents to having no more than 4 chickens. Mr. Wiseman noted that he missed his first ever Planning Commission meeting because he was stuck on the freeway for 3 hours due to an accident. Had he been present this would have passed the Planning Commission, but Council would still be having the same exact conversation as to whether City Council wants to approve this. Planning Commission's recommendation is only that, a recommendation – it has no force on Council. Mr. Wiseman asked that the residents of the city have a little patience for their elected officials, in that they wouldn't do something like this without thoroughly investigating it and without doing everything they could to protect the resident's interest. Since everyone wants something different there might be necessarily be some kind of compromise with problems that arise in the city.

Mr. Rach commented that Council has spent a lot of time on this Ordinance and at the beginning he thought this was interesting but as he looked further into it University Heights is surrounded by Shaker Heights, Cleveland Heights, South Euclid and Beachwood and all of those cities allow chickens coops in the backyard. Council looked at some of the neighboring cities to see how they handled their Ordinances to see how University Heights as a good neighbor handle our Ordinances. Adding that he hoped that the adjustments will help; such as allowing only 25 houses with chicken coops. Mr. Rach said you have to asked yourself why do some codes exist? Codes exist because they are a good thing, they preserve the home value of your property and the neighboring properties. However, there are rules and zoning codes that are dated, there are codes that are somewhat discriminatory. Mr. Rach noted his appreciation for people who want to grow their own food.

Mr. Sims commended his colleagues and their attentiveness to the concerns raised by the residents and community. But added that he felt the cons outweighed the pros and noise was a factor. Presently University Heights is not a farming community and people aren't moving here to have backyard animals. Mr. Sims said University Heights doesn't compare with other cities; nor did he think University Heights should be compared to other cities. University Heights houses are densely populated with small lot sizes. Even though the Ordinance has been modified it still is not on target for this community. Mr. Sims added that even if the Planning Commission had recommended that Council approve the Ordinances to allow chickens his opinion would not be different.

Mr. Ertel stated that he was not in favor of allowing chickens in University Heights. It would be intrusive to the neighbors and have potential health and safety concerns. If this were to pass Mr. Ertel said he would also want the Building Department inspectors to attend educational classes regarding chickens.

Mr. McConville stated that Council needed to amend the agenda so that this could be passed on emergency. Also, in order for it to pass on emergency it would require a 2/3 vote of all Council, so 5 affirmative votes would be needed.

Mrs. Weiss asked if Council could motion to table this item and then placed on second reading and not be placed on emergency so that all changes are placed in the legislation and Council then would have time to review everything at the next Council meeting.

Mr. McConville replied yes it could be tabled.

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to table Planning Commission's Recommendation to City Council from their March 12, 2018 meeting Not to Approve 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 until the next regular Council meeting to allow Council time to review the additional narrative that was not included in the agenda.

Mr. Wiseman commented that Vice Mayor Pardee wasn't present at this meeting, but he has discussed this issue with her and she is clearly for the allowance of chicken coops and since Councilman Sims and Councilman Ertel have expressed their desire to vote this matter down. Mr. Wiseman explained why there was a motion to table this item and explained that if only 4 Council Members vote for it and because the Planning Commission voted it not to recommend the passage it would fail, and it also wouldn't pass on emergency. So, it would be tabled until the next regular Council meeting, at which time Mr. Wiseman anticipated Vice Mayor Pardee would vote yes, giving the needed 5 votes assuming 4 of his colleagues are in favor the legislation will pass.

Mayor Michael Dylan Brennan stated that he believed that was accurate and that would afford everyone additional opportunity to consider further amendments if there is something that someone feels doesn't balance the competing interest of all the neighbors present at this meeting and in the community.

On roll call, all voted "aye," except Mr. Sims and Mr. Ertel who voted "nay."

Ordinance 2018-14 was tabled until the next regular City Council meeting.

- F. 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**

There was no discussion for this companion Ordinance to Ordinance 2018-14.

MOTION BY MR. WISEMAN, SECONDED BY MR. RACH to table agenda item F - 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 second reading and emergency) until the next regular Council meeting. On roll call, all voted "aye," except Mr. Ertel and Mr. Sims who voted "nay."

Ordinance 2018-14 was tabled until the next regular City Council meeting.

G. Ordinance 2018-16 Amending Codified Ordinance Section 212.01 Entitled “Advertising Requirements; Bids” And Ordinance 212.03 Entitled “Execution and Approval,” for the Purpose of Increasing the Mayor’s Spending Authority to \$15,000 (on first reading)

Mr. Rach stated that the last time the Mayor’s spending authority was raised was in 1988 and that the cap of \$15,000 was chosen because any amount over that would require that bids be obtained.

Mr. Wiseman added that \$15,000 was a good compromise and that previously he would not be in favor of raising the Mayor’s spending authority, but it was easy for him to now vote for the approval of this increase to \$15,000 because of the new level of transparency with the current Administration.

Ordinance 2018-16 was placed on first reading.

Mayor Michael Dylan Brennan commented that there would be a Special Council meeting the following Monday, March 26 at 7pm regarding the next agenda item, the 2018 City Budget and this Ordinance may also be an item.

H. Ordinance 2018-17 City Budget for 2018 (on first reading)

Mr. Rach reported that Council met with every department head regarding their department’s wish list and what their true needs were. Mr. Rach added that the City had a \$3mil surplus at the end of 2017 with \$7.5mil in reserves and a projected positive \$1.7mil at the end of 2018. In order to grow the City; you have to invest in the City.

Mrs. Weiss added that the Finance Advisory and Finance Committee along with Council as a Whole worked together on the 2018 City Budget. There will still be a surplus and the City will continue to be financially strong.

Mr. Sheehan commented that he may need to amend the proposed budget by \$19,800 due to the Service Department food and clothing allowances.

Ordinance 2018-17 was placed on first reading with the seconded reading for passage on emergency occurring on the Special Council Meeting agenda for March 26.

I. Motion to Accept the Bid from C.A. Agresta Construction Co. for the Silsby Road Resurfacing (Edgerton to Warrensville Center Road) Project as the Lowest and Best Bid in an amount not to exceed \$346,236.00 and to enter into Contract

Service Director Mr. Pokorny stated 6 bids were received with the best and lowest bid being \$346,236.00 from C.A. Agresta Construction Co. and noted that the City Engineer Joseph Ciuni recommended awarding the project to C.A. Agresta Construction Co.

Mr. Sims asked if C.A. Agresta had performed work in the city previously.

Mr. Pokorny replied yes; usually they conducted concrete work as the sub-contractor and had done work within the last 3 years.

Mr. Sims also commented and asked with respect to the entire resurfacing program, the City has been very diligent in resurfacing streets but his impression was that a lot of the streets that have been resurfaced recently are falling back into disrepair, does the City have any process for trying to evaluate the work that is done and how long it will last?

Mr. Pokorny said he would refer that question back to the City Engineer Joseph Ciuni to answer. Mr. Pokorny added that there is a requirement in the specifications that the roads are crack sealed the following year and that crack sealing is inspected. However, as the road ages it will start cracking again.

Mr. Sims continued to say that it appears that other communities do crack sealing to a much larger extent than University Heights and asked what does University Heights do? Mr. Sims said that although he didn’t know if the other communities contracted this work out of if they do it in-house what this does is preserve the road for a longer period of time.

Mr. Pokorny said University Heights does not do crack sealing other than the following year after a paving contract. Most of the other cities do contract for that service. Mr. Pokorny added that there probably was a cracking sealing program back 25 to 30 years ago.

Mr. Sims stated that the City probably could give a little bit more attention to making sure that the investments that we make last as long as they possibly can. Lastly Council instituted certain guidelines with respect to what companies have to do to talk about their participation with women and minority owned business, Mr. Sims said he presumed that information was shared with all of the bidders and asked what was the requirement of the company upon the submission of the bid regarding that particular item.

Mr. Pokorny replied that language will included in all the bid packages and added he couldn't answer what the requirement of the company upon submission of the bid because he didn't have the bid spec in front of him.

Mr. Sims asked that that information be provided so that Council can familiarize themselves with it more and so that staff and the Administration also familiarize itself with it more so that we don't have a situation where the Chair of the Service and Utilities Committee, the Director of Service and the Clerk of Council can't completely recall and doesn't know what it is. Mr. Sims said he understood that the City Engineer knows but it is a matter that he thought everybody should be familiar with so that we can make sure that it is actually being executed in the manner that Council intended.

Mr. Wiseman agreed with Mr. Sims about the paving and wanting a report that looks back 5 to 10 years and states who performed the repairs; what shape the roads were in so that Council can keep their eyes on things in the future. Mr. Wiseman noted the list that Mr. Ciuni provided with the rating of all the streets with what needed to be done and noted he wasn't sure where did this section of Silsby ranked on that list. Mr. Wiseman added that this bid price seemed like a lot, noting the City has been doing \$1mil or so for the past few years but it has been for 11 to 12 streets; this is for one street from Edgerton to Warrensville and it's 1/3 of what the City spent on the roads last year. Mr. Wiseman asked if Mr. Pokorny knew why.

Mr. Pokorny replied that this bid included curbs because this is the last section of Silsby Road from east to west that doesn't have curbs or that the curbs are sunken.

Mr. Wiseman asked if this was part of the 2018 road program.

Mr. Pokorny answered that this is separate from the 2018 road program. But the monies are coming out of the same budget line item as the streets program because the City is asking for monies from the County and has received a commitment of about \$36,000 from the County to help pay for materials.

MOTION BY MR. ERTEL, SECONDED BY MRS. CAMERON to accept the bid from C.A. Agresta Construction Co. for the Silsby Road Resurfacing (Edgerton to Warrensville Center Road) Project as the lowest and best bid in an amount not to exceed \$346,236.00 and to enter into contract. On roll call, all voted "aye."

J. 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 need for an executive session.

MOTION BY MR. WISEMAN, SECONDED BY MR. ERTEL to hold an executive session for the purposes of real estate and personnel matters. On roll call, all voted "aye."

Directors' Reports

Finance Director William Sheehan reported that the computer server was installed and that the needed wiring for the phones and service would be more than \$15,000.

Mr. Rach asked if the Macy's Department Store tax collection adjustment would affect the City.

Mayor Michael Dylan Brennan replied that the adjustment to the Macy's property tax doesn't affect the City's budget noting that he wouldn't say that there is no effect at all on the City. Because he believed it was wrong and that the correct decision was rendered. The City wasn't party to the action but there is commercial property across the street in South Euclid that has gone up in value and Mayor Michael Dylan Brennan didn't believe it was appropriate for the University Heights Macy's to be compared to a Macy's in Clarke County that is a depressed area as opposed to the commercial properties that are right here in this vicinity and that share this retail market.

Law Director Luke McConville stated that there is a telephone hearing tomorrow regarding the Epic Lifestyle litigation, this is the litigation that relates to the property at 3886 Silsby Road that has been rehabbed through the receivership. Noting the moratorium for code section 1280.02 regarding 3 unrelated persons and rental registrations would be expiring in May needs to be discussed in committee meeting soon.

Police Chief Dustin Rogers said he was looking forward to having the honor of serving the City as Interim Police Chief. Chief Rogers reported that on the March 15 middle school bomb threat the University Heights Police Department assisted the school staff (who made the decision to evaluate) in evaluating the students from the school so that they could be bussed to Heights High School. Chief Rogers added that the school staff was very efficient in the evacuation, nothing was found but the investigation is ongoing. Lastly, the no right turn sign located at South Belvoir and Carroll roads has been removed.

Fire Chief Robert Perko reported that Sever Weather week is March 18 – March 24, with the state-wide tornado drill occurring on March 21 at 9:50am. The Fire Department joined with the John Carroll University Police and EMS squad for Mass Casualty Incident drill and was a featured article in the Cleveland Clinic NEO Siren Winter 2018 magazine.

Mr. Sims asked about the smoke detector program and suggested that the community be reminded to check the batteries in their smoke detectors.

Chief Perko said the Administration and Fire Department are looking to reinstate that program and that they would be reminding residents to check their smoke detector batteries.

Service Department Jeffrey Pokorny reported that the salt truck that was purchased used in 2010 needed repair and that he would be asking Council for approval to seek bids for a replacement truck. This purchase is included in the 2018 budget. Road salt is in the process of being replenished.

Mr. Sims asked if the tree workshop had been scheduled yet.

Mr. Pokorny replied no.

water main breaks have been fixed but that the holes will be repaired once the weather breaks.

Mr. Sims noted that there was at Meadowbrook and Allison needs to be patched.

Mr. Pokorny replied that that has to be a part of the paving program because it is concrete.

Mr. Ciuni noted that Cleveland Heights will be paving their portion of that section this year.

Community Development - Mayor Michael Dylan Brennan reported that the City retained a grant from the NEORSB for recycling postcards that are customized for University Heights on how to recycle are at the printers and will be mailed out to residents in the next two to three weeks. The March housing report is on the City website, hard copies are available in the lobby. There will be a public meeting about the Heritage Loan Program on May 17 at 6:30pm and a rain barrel workshop will be held on May 23 at 6:30pm in the Service Yard.

There were no other Director reports.

Standing Committee Reports:

Building Committee: Mr. Wiseman reported that there will be a meeting on April 9 at 7pm at the University Heights Public Library the discussion items: moratorium for code section 1280.02 regarding 3 unrelated persons and rental registrations and whether people who are getting rental permit are pay their taxes.

Mayor Michael Dylan Brennan asked that the subject of the Bushnell Road street signs be added to the agenda.

Governmental Affair: Mrs. Weiss stated that the committee would hold a meeting on April 9 at 8pm at the University Heights Public Library to review tax abatements on new construction.

Safety Committee: Mr. Rach stated the committee would be polled for a meeting in April.

Service Committee: Mr. Sims noted that the Service Committee would meet at the first opportunity. The first topic would be to make sure there is a strong sense of what capital items are including in the 2018 budget.

Civic Affairs: Mrs. Cameron said the Committee would hopefully meet soon.

There were no other committee reports.

MOTION BY MR. RACH, SECONDED BY MR. SIMS to return to regular session. On roll call, all voted “aye.”

MOTION BY MR. RACH, SECONDED BY MR. SIMS to Authorize the Mayor to enter into a Real Estate contract for 3 years with the option for an additional year in a amount not to exceed \$. On roll call, all voted “aye,” except Mrs. Weiss, who voted “nay.”

MOTION BY MR. RACH, SECONDED BY MR. WISEMAN to adjourn the meeting. On roll call, all voted “aye.”

There being no further business, the meeting was adjourned at 10:48pm.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council