Mayor Michael Dylan Brennan called the regular meeting to order at 7:00 p.m.

Roll Call:

Present:  
Mrs. Susan Pardee  
Mrs. Pamela Cameron (7:20)  
Mr. John Rach  
Mr. Steven Sims  
Mrs. Michele Weiss  
Mr. Mark Wiseman  

Also Present:  
Law Director Luke McConville  
Finance Director Michael Frederick  
Clerk of Council Kelly M. Thomas  
Police Chief Dustin Rogers  
Fire Chief Robert Perko  
Service Superintendent Jeffrey Pokorny  
Building Commissioner James McReynolds  

MOTION BY MR. SIMS, SECONDED BY MR. RACH to excuse the absence of Mr. Phillip Ertel.  
On roll call, all voted “aye.”

Approval of Minutes from Regular Meeting April 2, 2018

Mr. Sims provided his written corrections.

Mr. Rach noted that on page 6 the word should read “commented”

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to approve the Council minutes from April 2, 2018 as corrected.  On roll call, all voted “aye.”

Approval of Minutes from Regular Meeting April 16, 2018

MOTION BY MRS. WEISS, SECONDED BY MR. SIMS to approve the Council minutes from April 16, 2018 as amended.  On roll call, all voted “aye.”

Comments from Audience

Mrs. Shelia Hubman, 2532 Ashurst spoke on the proposed legislation regarding rental property, how residents can complete an initiative for an Ordinance and asked why there is a port-a-potty located on South Belvoir near John Carroll University.

Mr. McConville replied that in regards to a resident filing an initiative it would require that any resident or citizens gather the necessary signatures for an initiative to bring that set of signatures to City Council first and then Council is required to consider the ordinance.  If Council passes the ordinance it then becomes law in the City of University Heights; if Council rejects the ordinance, meaning they (council) rejects the initiative of the citizens then it would go to the ballot.  Mr. McConville stated that other municipalities don’t have a Charter provision that requires that process, so those municipalities a citizen might simply gather the required signatures and that would then cause a measure to go directly to the ballot.  But because of the way the University Heights Charter is structured the matter comes to Council first to see if Council would simply adopt the measure.

Mrs. Hubman asked Mr. McConville knew how much to cost to have a measure on the ballot.

Mr. McConville answered that there shouldn’t be any additional cost to add a ballot measure to a regularly scheduled election because those cost are already being paid.  The cost of an election does not typically have anything to do with the number of issues or races that are being considered, there would only be a cost if a special election is mandated.

Mayor Michael Dylan Brennan said that the Administration would check on the port-a-potty that is located South Belvoir.
There were no audience comments

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

Mayor Michael Dylan Brennan reported the following updates:

- The City received an extension for the submittal of the City’s audit until July 27, 2018
- Applications for the positions of Economic Development Director and Communications/Civil Engagement Coordinator
- A 3-year lease was signed for office space at 2245 Warrensville Center Road with an optional extension.
- The newly designed 2018 Recreation brochure is out in the mail to the community
- Purvis Pool opens for the season on Memorial Day
- New Memorial Day Events
  - 11:30am – Fly Over by United States Airforce (over the intersection of Warrensville and Silsby Road)
  - Ohio National Guard Army Band will march and perform in the Parade with 2 vehicles
  - Bike Decorating Station 9:30am at the Fenwick Community Park; sponsored by Sports Clip and the University Heights Public Library
  - Army Major Tim Jenkins, Assistant Professor of Military Science at John Carroll University will be the Keynote Speaker at the Memorial Day Program at John Carroll University
- Heritage Home Loan Program Informational Meeting – Thursday, May 17 at 6:30pm in Council Chambers with free technical assistance for home repairs, maintenance and rehab needs.
- Rain Barrel Workshop – Wed., May 23 at 6:30pm in the Service Department garage; cost: $60 if you want a rain barrel or free to just listen and learn.
- Block Parties and Garage Sale applications and guidelines are available on the City’s website.

**Agenda Items:**

**A. Motion to Appoint Patti Carlyle, Justin Seabury Gould and Allison Hibbard to the City’s Fair Housing Commission**

Mayor Michael Dylan Brennan introduced Ms. Carlyle, Mr. Gould and Ms. Hibbard and provided a summary of what each member brings to the Fair Housing Commission.

Mr. Wiseman thanked each of them for the service they are providing the City.

Mrs. Cameron asked what the Fair Housing Commission would be involved with.

Mayor Michael Dylan Brennan replied that the Commission would hear any fair housing complaint.

Mr. Wiseman noted that the City’s Charter calls for the City to have a Fair Housing Commission and there wasn’t one in existence until now.

Mayor Michael Dylan Brennan added that by appointing these residents to the Commission serves as good governance for the City.

**MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN** to appoint Patti Carlyle, Justin Seabury Gould and Allison Hibbard to the City’s Fair Housing Commission with the noted staggered terms. On roll call, all voted “aye.”

**B. Ordinance 2018-27 Amending Codified Ordinance Section 1220.09 Entitled “Public Meeting and Notice” for the Purpose of Providing Planning Commission Members with the Right to Establish A Regularly Scheduled Monthly Planning Commission Meeting at a Date and Time Convenient for Planning Commission Members (on emergency)**

Mayor Michael Dylan Brennan made note that in 2017 it was Council desires to ensure that Planning Commission meeting are held promptly and efficiently in a regular course of time without delay. It was at that time decided that by City Ordinance the Planning Commission would meet on the third Wednesday of each month if there were items to be considered. Mayor Brennan stated that Wednesdays are not a good day for one of the Planning Commission members, so this proposed Ordinance would allow the Planning Commission a little flexibility in scheduling that specific date.
Mrs. Pardee stated that she sponsored the original legislation that set the Planning Commission date. The purpose behind that legislation was to ensure timely Planning Commission meetings because the prior methodology was to schedule a meeting if there was enough business to go before the Planning Commission. City Council believed that a regular date would be preferable. The third Wednesday was chosen to work with Board of Zoning and other meeting dates, but this Ordinance will afford flexibility and stick with the idea to ensure there will always be a scheduled Planning Commission meeting.

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to approve Ordinance 2018-27 Amending Codified Ordinance Section 1220.09 Entitled “Public Meeting and Notice” for the Purpose of Providing Planning Commission Members with the Right to Establish A Regularly Scheduled Monthly Planning Commission Meeting at a Date and Time Convenient for Planning Commission Members. Roll call on suspension of the rules, all voted “aye.” Roll call for passage, all voted “aye.”

C. Ordinance 2018-28 Amending Codified Ordinance Section 1280.10 Entitled “Rental of One and Two-Family Dwelling Units in U-1 and U-2 Districts,” for the Purpose of Amending the Duration of Rental Permits, Modifying the Rental Permit Fee Schedule and Updating Appeal Procedures.

Mr. Wiseman noted that this Ordinance was discussed at the Building Committee meeting and changes City Code section 1280.10. Where there is a two-family house and the homeowner resides in one section of the house and a close relative resides in the other section then the homeowner would not need to obtain a rental permit for the house.

Mr. McConville added that he Ordinance applies as an except to obligation to obtain a rental registration permit to any rental property in the city whether it is a double or single-family house as long as it meets the requirements of the exceptions; which are, the house is owned by family member and lived in by someone who is related to the owner. The family relationship is defined by code.

Mr. Wiseman commented that the Ordinance doubles the cost of rental permits and shortening the duration of the rental permit from 2 years to 1 year.

Mr. Rach stated his support for this legislation, noting that the increase in cost is because of the annual inspection of the rental property. This legislation also serves as a health and safety measure for the tenants because the rental units will be inspected annually.

Ordinance 2018-28 was placed on first reading.

Mayor Michael Dylan Brennan asked for a motion to move agenda items d and e to the end of the listed agenda items to allow the City’s Labor Attorney time to arrive. Mayor Brennan added that there will be the intent to enter into executive session with the Labor Attorney, Mr. Isosa.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to move agenda items d and e to the end of the listed agenda items. On roll call, all voted “aye.”

For the purposes of these minutes the agenda items are listed in the order they appear on the agenda.

D. Ordinance 2018-25 Authorizing the Mayor to Enter into a Contract Wage Agreement between the City of University Heights and the International Association of Fire Fighters, Local 974, Setting Forth the Rate of Compensation and Benefits and Conditions of Employment for Members of the Bargaining Unit

There was no additional discussion besides what took place during executive session.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to Approve the passage of Ordinance 2018-25 Authorizing the Mayor to Enter into a Contract Wage Agreement between the City of University Heights and the International Association of Fire Fighters, Local 974, Setting Forth the Rate of Compensation and Benefits and Conditions of Employment for Members of the Bargaining Unit. Roll call on suspension of the Rules, all voted “aye.” Roll call on passage, all voted “aye.”
E. Ordinance 2018-26 Authorizing the Mayor to Enter into an Agreement with the Laborers’ Local 860; Setting Forth the Rate of Compensation and Benefits for Members of the Bargaining Unit

There was no additional discussion besides what took place during executive session.

MOTION BY MR. RACH, SECONDED BY MR. SIMS to Approve Ordinance 2018-26 Authorizing the Mayor to Enter into an Agreement with the Laborers’ Local 860; Setting Forth the Rate of Compensation and Benefits for Members of the Bargaining Unit. Roll call on suspension of the Rules, all voted “aye.” Roll call on passage, all voted “aye.”

F. Motion to Authorize purchase of one 5-ton Dump Truck Cab and Chassis from Cleveland Freightliner Inc. through the ODOT Cooperative Purchase Program not to exceed $85,571; and one Stainless Steel 5-ton Dump Body with a Plow and Snow/Ice Control System from Concord Road Equipment through the State of Ohio Cooperative Purchase Program not to exceed $69,745.60

Mr. Pokorny stated that the dump truck will be used for summertime road jobs.

MOTION BY MR. SIMS, SECONDED BY MRS. WEISS authorizing the purchase of one 5-ton Dump Truck Cab and Chassis from Cleveland Freightliner Inc. through the ODOT Cooperative Purchase Program not to exceed $85,571; and one Stainless Steel 5-ton Dump Body with a Plow and Snow/Ice Control System from Concord Road Equipment through the State of Ohio Cooperative Purchase Program not to exceed $69,745.60 with a total amount not to exceed $155,316.60. On roll call, all voted “aye.”

G. Motion to Authorize the Extension of the Contract for Recycling Services with Kimble Transfer & Recycling

Mr. Pokorny informed everyone that 12 cities, The Eastside Consortium participate in the Cuyahoga County Solid Waste District. The contract was for three years with the option for 2 additional years. The first three years have been completed and that this will allow the City to extend its participation in option year 1.

Mr. Pokorny added that currently the City receives a minimum of 5 cents per ton up to $1.39 per ton depending on market rates. In 2017 the City received $3,500 from its blue bag recycling.

MOTION BY MRS. CAMERON, SECONDED BY MR. SIMS authorizing the extension of the Contract for recycling services with Kimble Transfer & Recycling for 1-year. On roll call, all voted “aye.”

H. Motion to Authorize the Extension of the Solid Waste Disposal Service Contract with BFI of Ohio

Mr. Pokorny stated that the City spends $120,000 - $130,000 yearly for solid waste disposal, this will extend the City’s contract for waste disposal with BFI for a period of 1-year.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON authorizing the extension of the Solid Waste Disposal Service Contract with BFI of Ohio for a period of 1-year. On roll call, all voted “aye.”

I. Motion to Authorize the purchase of Leaf Vacuum Trailer ($26,594.23) and 2 Leaf Boxes ($12,011.15) from Old Dominion Brush Company not to exceed $38,605.38

Mr. Pokorny stated that the leaf vacuum is used for the City’s curbside leaf pickup program and noted that the current leaf vacuum trailer which was purchased in 1993 is well beyond its use.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON authorizing the purchase of a Leaf Vacuum Trailer and 2 Leaf Boxes from Old Dominion Brush Company through the National Joint Powers Alliance (NJPA) Contract #041217-ODB in an amount not to exceed $38,605.38. On roll call, all voted “aye.”
J. Motion to Authorize Seeking Bids for Kubota Rubbish Scooter

Mr. Pokorny stated that the Service Department operates with a fleet of 6 rubbish scooters. Four scooters are used for daily rubbish collections, leaving 2 scooters to serve as spares and for special pickups as needed. Mr. Pokorny noted that the scooters have a life of approx. 6 years. This scooter would replace the city’s oldest spare which was purchased in 2012 and is beyond it’s 6 years of useful life.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS to seek bids for a new Kubota Rubbish Scooter. On roll call, all voted “aye.”

K. Motion to Authorize the purchase of a Trailer Air Compressor with tools through NJPA from APO Pumps and Compressors LLC not to exceed $17,087

Mr. Pokorny reported that the air compressor is used to break up roadway pavement. The current unit was purchased in 1980, needs repairs done and has exceeded it useful life.

Mr. Sims added that this purchase was reviewed at the Service and Utilities Committee meeting and is included in the city’s budget for 2018.

MOTION BY MR. SIMS, SECONDED BY MR. RACH to authorize the purchase of a Trailer Air Compressor with tools through NJPA from APO Pumps and Compressors LLC in an amount not to exceed $17,087.00. On roll call, all voted “aye.”

L. Resolution 2018-29 Participate in 2018/2019 Winter Contract for Road Salt with ODOT (on emergency)

Mr. Pokorny stated that this contract would allow for the replacement of 2,500 tons of road salt for the 2018-2019 winter season. The salt will be stored at the Cleveland Heights salt storage garage.

Noting that the cost of the salt wasn’t known at this time Mr. Sims asked if the City could remove itself from the contract if the cost, once known is too high.

Mr. Pokorny replied that the cost of the salt won’t be known until the bids are received. But, the City will have 30 days to terminate the contract.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to approve Resolution 2018-29 for the participation in 2018/2019 Winter Contract for Road Salt with ODOT. Roll call on suspension of the rules, all voted “aye.” Roll call on passage, all voted “aye.”

M. Motion to Accept Bids and Authorize the Mayor to Enter into Contact for 2018 Groveland & Washington Waterline Replacement Project

Mr. Pokorny stated that bids were opened on May 3, 2018 and that five bids were received. Mr. Pokorny added that City Engineer, Mr. Ciuni reported that NOCE Enterprises Inc. submitted the best and lowest bid and that he recommends that it be accepted.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to accept the bid from NOCE Enterprises Inc. as the lowest and best bid and authorizes the Mayor to enter into contract with NOCE Enterprises for the 2018 Groveland/Washington Waterline Replacement Project in an amount not to exceed $1,294,434.90. On roll call, all voted “aye.”

N. 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 the need to have executive session for the discussion of labor contracts.

MOTION BY MR. RACH, SECONDED BY MRS. PARDEE to hold an executive session for the purpose of discussing labor contracts. On roll call, all voted “aye.”
City Council entered Executive Session at 8:08pm for the discussion of labor contracts.

**MOTION BY MR. WISEMAN, SECONDED BY MR. RACH** to resume the regular City Council meeting at 9:00pm. On roll call, all voted “aye.”

**MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN** to adjourn the meeting at 9:09pm. On roll call, all voted “aye.”

**Directors’ Reports**

**Interim Finance Director** Mayor Brennan reported that the City’s request for an audit extension for the calendar year 2017 was granted and extended to July 27, 2018.

**Law Director** Luke McConville stated that the hearing on the epic life style litigation was held for 3886 Silsby Road, but the receiver didn’t provide the Court requested information. A new hearing date has scheduled for May 23, 2018.

In regard to the topic of small cell technology, University Heights is one of the participating cities in litigation that is pending in Summit County that relates to Senate House Bill 331. Senate House Bill 331 was a State law that would allow small cell providers to locate their equipment/technology anywhere within the public right of way without the need of obtaining municipal approval. University Heights joined with about 150 Ohio Municipalities in litigation in a variety of Courts to have that law declared unconstitutional on a couple of different grounds one of which; on of the single subject rule because the State Senate passed the legislation with a variety of topics that were unrelated to each other. For example, small cell technology with pet store regulation. Mr. Sims asked how the indemnification would be done. Mr. McConville replied by City Ordinance.

Mr. McConville added that new legislation has been crafted and passed to replace Senate Bill 331. That legislation will go into effect in the middle of July 2018. That legislation will allow municipalities to adopt and apply reasonable written designed guidelines, increase the amount of time allowed from 90 days to 120 days for the city to review the application for installation of a new pole located in the right of way, provides that a municipality can determine the application fee up to $250 and an annual rental fee up to $200, limits the number of applications that can considered together to 30, lowers the maximum permit height of new poles from 50ft to 40ft. and allows the restriction as low as 35ft when there are other height restrictions in the area and requires that small cell phone companies timely act when a permit is issued (180 days to make installation), required to indemnify the City in connection to any injury or other event that could occur that relates to installation or existence of the small cell technology. Those fees can be adjusted for inflation.

**Fire Chief** Bob Perko provided the department’s monthly report. There were 149 incident calls; of those 89 were EMS calls, 62 fire call and 18 mutual aid calls, 14 mutual aid calls were provided to University Heights from other cities. Currently the department is flushing hydrants and will have a student shadowing the department operations. Chief Perko stated that the department is researching providing residents lock boxes for their homes and showed City Council one of the models.

**Police Chief** Dustin Rogers announced that Sargent Jimmy Lee Holden will be retiring from the City on July 20.

**Service Department** Jeffrey Pokorny stated that the tree seminar was held just prior to this council meeting and hopefully the video will be on you tube soon.

**Building Department** James McReynolds reported that the window in Council Chambers has been repaired and that he is fact finding about the needed repairs in the Fire Department kitchen and bathroom.

**Community Development** reported that the April housing report is available, and that the demolition application has been filed.

There were no other Director reports.
Standing Committee Reports:

Building Committee: Mr. Wiseman reported that the Building Committee met the previous Monday and that the following matters were discussed: (1) monitoring of renting to more than 3 persons – council is reluctant to make changes; double fees, shortage time will have to hire additional staff for building department; (2) City Land Bank – don’t have variable to create land bank; (3) no parking – Bushnell has approx. 50% rental properties that though was to not allow parking on the street between 2pm and 6pm but that wasn’t well received so the time maybe 3:30pm to 6:30pm. And thus far the City has only received one request for chickens.

Governmental Affair: Mrs. Weiss stated that the committee met last week and discussed the tax abatement for construction on existing homes. Allowing tri-cycle ice cream vehicle on the city streets was also a topic of discussion. Another meeting will occur in May.

Safety Committee: Mr. Rach stated that the Safety Committee would be meeting the following day, Tuesday, April 17 at 7pm in Council Chambers. Discussion will regard updates from interim Police Chief Rogers, interim Fire Chief Perko for 2018, community policing and engagement like neighborhood watch, CPR training, installation of baby car seats, CERT program, lockbox program, etc.

Service Committee: Mr. Sims reported that the committee met on April 10 and that the discussions included; (1) ADA compliance including elevator/chairlift. This matter will continue to be studied but, in the meantime the city should continue to make accommodations as it is able to. (2) Road improvements – there are a lot of deferred maintenance on the city’s streets. The city needs to be more proactive in trying to address the conditions of the streets. The idea that the City could conduct crack sealing to preserve and extend the lives of the roads. (3) capital improvement that are in the 2018 budget and decided to push any procurements forward as soon as possible because many of those procurements have long lead times. (3) ordinance relating to women, minority and small businesses in the community – decided that there should be a level of annual reporting on the outcome of the companies that the city conducts business with and their level on engagement with those populations. (4) the committee would like to see matters that relate to service and utilities be placed before the committee before they are presented before council. The committee will meet again after June.

There were no other committee reports.

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

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

There being no further business, the meeting was adjourned at 10:01pm.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council