

**MINUTES SPECIAL COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
JULY23, 2018**

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

Roll Call:

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

Absent: Mr. Phillip Ertel

Also Present: Law Director Luke McConville
Police Chief Dustin Rogers
Fire Chief Robert Perko
Building Commissioner James McReynolds
Service Director Jeffrey Pokorny
City Engineer Joseph Ciuni
Community Development Patrick Grogan-Myers

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

A. Ordinance 2018-33 Implementing Sections 3735.65 through 3735.70 of The Ohio Revised Code, Establishing and Describing the Boundaries of a Community Reinvestment Area in the City of University Heights, Ohio, designating a Housing Officer to Administer the Program, and Creating A Community Reinvestment Housing Council and A Tax Incentive Review Council (on second reading)

Mrs. Weiss stated that this Ordinance had been discussed several times in the committee meetings and on first reading at the previous regular City Council meeting on June 18. To summarize this Ordinance makes the entire city something called a Community Reinvestment Area (CRA). Mrs. Weiss noted that the State of Ohio has already approved the City’s draft Ordinance. According to the current legislation homes will get a 15-year tax abatement for anything additions or new construction that is over \$25,000, anything below \$25,000 will get a 10-year tax abatement.

Mr. McConville clarified how that works. The tax abatement that homeowners or developers who are building new construction would be eligible for is not necessarily a dollar to dollar tax abatement as it relates to their expenditure. If a homeowner spends for example \$75,000 in addition they are eligible for a 15-year tax abatement at a 100%, but the 100 % relates only to the extent to which the improvements increase the assessed evaluation of the home. So, if as a result of the \$75,000 investment the home increases in value by \$25,000 it is then on that \$25,000 increase in value on which the abatement attaches. Mr. McConville stated that he wanted to clarify that because he thought there had been a little bit of confusion about the extent to which abatements are retroactive. Abatements are retroactive so long as the project to which they relate is completed meaning that there is a final inspection conducted by our building department after passage of this Ordinance. Any project that's already been built prior to passage of this Ordinance is not eligible for the abatement. But, if there's a project that is ongoing right now and is completed after passage of this Ordinance then it hypothetically could be eligible for abatement.

Mrs. Weiss commented that when we spoke the in the last meeting I thought we said that anything in 2018 would qualify because nothing gets accessed until the year after. For example, something completed last month hypothetically wouldn't that be considered?

Mr. McConville replied that would not be eligible, there is a specific statutory provision that indicates that completion of the project must occur after passage of the Ordinance.

Mayor Brennan added that that as he understood that was not something that was within the City's control.

Mr. McConville stated that that is part of State law.

Mr. Rach stated he understand what was being said about the assessed value and how the county handles that. But on this Ordinance sections Part A through E really talks about the cost of the remodeling.

Mr. McConville commented that the cost of the remodeling is essential for eligibility. For example, I spent \$25,000 on now eligible to apply for tax abatement but my abatement is only going to be on the extent of the increase in my assessed value.

Mr. Rach said so if I put a \$30,000 addition on my home and the County assessed it as an increase in value of maybe \$10,000 would that put me in a different bracket?

Mr. McConville responded no, you're eligible by virtue of spending the \$25,000 you're eligible for the 100% of abatement and the increased assessed value for 15-years.\

Mr. Rach added so it is based on the cost of the construction and the cost of the construction is what would put you in the particular bracket.

Mayor Brennan added for clarification that the increase in value has to be due to the reinvestment that occurs as opposed to some other reason.

Mr. McConville replied that was correct. You wouldn't get abatement just because you happen to build an improvement on your home that corresponded with the County's 6 year reappraisal of every home in the County. The county will soon be releasing results which indicate countywide whether homes name particular municipality went up or down in value by a percentage and those amounts that the County determines are not relevant to a particular project.

Mrs. Pardee commented that this is exciting and thanked Mrs. Weiss for her work with this. Mrs. Pardee added that it will mean a lot to the residents and asked if there was a plan for the Administration to create an FAQ and post this prominently so that people will know that they need to take out a permit or be know what the process is. Perhaps have examples so they can understand a little better whether or not they're eligible and what it means for them.

Mayor Brennan replied yes, I think that would be a good idea. There will be a procedure that Mr. McConville and Mr. Grogan-Myers will be undertaking as far as steps after this evening assuming passage this evening and asked Mr. McConville to briefly describe what the procedure is from here both the passage of this Ordinance.

Mr. McConville stated that the next step for the city is to submit its formal application to the State to have the State review the application and declare the City to be a Community Reinvestment Area. The application will consist of the housing survey, which has already been provided to the State to make sure that it was adequate for their purposes along with several other categories of information that the State requires. This includes things like the City's Zoning Map and some of the census data. Realistically we should be able to get the application submitted to the State within a week or two because it isn't too labor-intensive. Once the State receives the application they have 30 days in which to approve it or deny it. Mr. McConville said he didn't anticipate any reason for its denial. Once the State approves then the City is eligible to act on any applications that may be submitted.

Mrs. Weiss noted that there are a lot of projects going on right now throughout the city - so, if they don't have their final inspection are they are still eligible to apply?

Mr. McConville said yes.

Mayor Brennan commented that for the last year he had been discussing this with residents and that he knew that there was a desire and interest in this, When it comes to the City's overall strategy to improve the housing stock here in the city this this is one of several key things that we are doing here in University Heights to strengthen our housing stock for the long term. Mayor Brennan added that he believed that for people who feel like they're outgrowing their homes or considering moving to gain upgraded living space that we have found a way to help make it worth their while to stay.

Mr. McConville stated that Ordinance is on emergency but it's not on suspension of rules and explained the difference between the two. The City Charter requires that an ordinance be read twice before it can be voted on; in this case this is the second reading so we are complying with the Charter provision for two readings and therefore don't need to suspend the reading rule because we're complying with it. The distinction from an emergency ordinance is that an emergency ordinance can be an ordinance that's read once or twice. In either case an emergency ordinance becomes effective immediately upon its passage whereas an ordinance that is not an emergency ordinance does not become effective until 30 days after its passage. So, the distinction with this Ordinance is that while this is on emergency it is also on second reading. In order for passage on emergency basis a vote of 5 in the affirmative is needed.

MOTION BY MRS. WEISS, SECONDED BY MRS. CAMERON to Approve the Passage of Ordinance 2018-33 Implementing Sections 3735.65 through 3735.70 of The Ohio Revised Code, Establishing and Describing the Boundaries of a Community Reinvestment Area in the City of University Heights, Ohio, designating a Housing Officer to Administer the Program, and Creating A Community Reinvestment Housing Council and A Tax Incentive Review Council. On Roll call, all voted "aye,"

B. Resolution 2018-35 Adopting the Alternative 2018 Tax Budget (on Emergency)

Mayor Brennan introduced the new finance director Mr. James Patrick Goffe II

Mr. Goffe stated that historically it was very important to make sure that the property taxes were assessed and that the City isn't collecting excess of revenue year to year and isn't spending a lot down being largely income tax driven it really is more of a formality at this point for us in terms of getting the property tax rate set it starts the process part of the budget where the Budget Commission will review ours as well as everybody else's tax budgets. The Commission will officially accept what the rates could be, the rates will eventually come back to Council for the adoption of those rates for property taxes for next year. Then the City will start rolling at that point probably into our regular budget process. Mr. Goffe said it will be at that point where a kind of broad scheme blueprint of the numbers will absolutely change between this and when we get to our budget at the start of the year the numbers so that there is some kind of start for things to go off of. This is largely driven by the kind of an average of the last five years for most expensive revenue and the property tax numbers are or correlated with last with property tax collections that's the part of the purpose of the tax budget.

MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN Approving Resolution 2018-35 Adopting the Alternative 2018 Tax Budget. Roll call on suspension of the rules, all voted "aye," and roll call on passage, all voted "aye."

C. Ordinance 2018-36 Amending Codified Ordinance Section 432.08 Entitled "Driving Within Lanes or Continuous Lines of Traffic" For the Purpose of Regulating the Operation of Motor Vehicle in any On-Street Path, Lane, Trail, or Multi-Purpose Lane Designated by Official Signs or Markings for the Exclusive Use of Bicycles or other Non-Motorized Modes of Transportation (on Emergency)

Mr. Grogan-Myers stated that this is to help to a pedestrian traffic cross over Warrensville Center Road between those long blocks where there's a light at Washington and then all the way down to Meadowbrook. The next set of traffic lights is then between Meadowbrook and Fairmount Circle. The project also includes installing painted bike lanes on the stretch of Warrensville between Cedar and Fairmount Circle. The project is finally at the point where the design is being finished up with all the necessary work from the City Engineer and ODOT. There is one exception where bikes or emissary buses are allowed to pull into the bike lanes to access the necessary bus stops along their route obviously taking the necessary precaution as they're pulling into and out of.

Mr. Sims asked how many automobile traffic lanes will there be in each direction on Warrensville Center Road between Cedar and Fairmount, and how will the public be informed that driving in a bike lane is illegal?

Mr. Grogan-Myers replied that there will be 2 traffic lanes in each direction will be maintained. Mr. Grogan-Myers added that he imagined that there would be a large marketing campaign soon to follow the passage of this Ordinance.

Mr. Sims stated that it was important and that he hoped the City would put up some sort of educational signage to explain that it is illegal to drive in a bike lane.

Mayor Brennan agreed that's it would be good to have additional signage.

Mr. Rach asked if runners would be allowed to use bike paths as their safe means of transport if there are in the correct travel direction because the legislation says that it's for exclusive use of bicycles and non-motorized transportation. Mr. Rach added that he knew runners do use the bike lanes because sidewalks have become a trip hazard. Mr. Rach stated that he wanted to make sure that it was clear to conveying the message that runners can also use our bike lanes.

Mayor Brennan noted that section 1 would amend code section 452.03 to reserves the on-street pathway and trail for a multipurpose lane for the exclusive use of bicycles and other non-motorized mode of transportation. Mayor Brennan said he would read that to mean that somebody who is running would fall under that.

Mr. McConville agreed.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON for the Passage of Ordinance 2018-36 Amending Codified Ordinance Section 432.08 Entitled “Driving Within Lanes or Continuous Lines of Traffic” For the Purpose of Regulating the Operation of Motor Vehicle in any On-Street Path, Lane, Trail, or Multi-Purpose Lane Designated by Official Signs or Markings for the Exclusive Use of Bicycles or other Non-Motorized Modes of Transportation on Emergency. Roll call on Suspension of the Rules, all voted “aye,” and Roll Call on Passage, all voted “aye.”

D. Ordinance 2018-37 Amending Codified Ordinance Section 452.03 Entitled “Prohibited Standing or Parking Places” For the Purpose of Regulating Parking in any On-Street Path, Lane, Trail, or Multi-Purpose Lane Designated by Official Signs or Markings for the Exclusive Use of Bicycles or Other Non-Motorized Modes of Transportation (on Emergency)

Mr. Rach asked, as it relates to the parking where it states there are so many ft. from a stop sign, so many ft. from different egress and ingress. As a driver that's not always clear and I know some cities will paint the curb yellow in areas in which they are red which they are not supposed to park it this may be something to consider in the future because I've learned as a driver that when you see a painted curb it means don't park there.

Mayor Brennan commented that when it comes to driveways for instance we don't have a bright-line rule for how many ft. is appropriate, we simply state that vehicles are not to block the driveways. But here like it's saying 20 ft. from a crosswalk or 30 ft. from a stop sign or flashing beacon traffic control signal those are things that you know hypothetically and could be marked whether we paint the whole curb or simply paint a slash indicator the 30-foot mark or the 20-foot mark. This could be something discussed further in a safety committee meeting or with Mr. Ciuni or with the Chief of Police

MOTION BY MRS. CAMERON, SECONDED BY MR. WISEMAN for the Passage of Ordinance 2018-37 Amending Codified Ordinance Section 452.03 Entitled “Prohibited Standing or Parking Places” For the Purpose of Regulating Parking in any On-Street Path, Lane, Trail, or Multi-Purpose Lane Designated by Official Signs or Markings for the Exclusive Use of Bicycles or Other Non-Motorized Modes of Transportation on Emergency. Roll call on Suspension of the Rules, all voted “aye,” Roll call on passage, all voted “aye.”

E. Ordinance 2018-39 Small Cell Legislation (on Emergency)

Mr. McConville stated that the next two Ordinance were in connection with legislation passed by the State regulating a public right-of-way in connection with installation of small cell facilities. Small cell facilities are defined as being wireless facilities that are that contain antennas typically enclosed and not more than six cubic feet in volume. University Heights was involved in litigation as a plaintiff along with about 30 other municipalities actually in Summit County to contest the original small cell regulation passed by the State and there are similar pieces of regulation brought in Courts of Common Pleas all over the state where dozens and dozens of municipalities were plaintiffs. The University Heights case was the only case in which a judge ruled that the law was not unconstitutional but Judges and three other Courts of Common Pleas found the rule the law to be unconstitutional on the basis that it violated the Ohio Constitution's single subject rule because when the original legislation was passed it was lumped together with a bunch of other unrelated subjects. The consequence of all that litigation was that the State Legislature went back to the drawing board and ended up enacting a new statutory framework to take the place of the old one and this time the new statute was heavily negotiated buying among various parties to litigation on both side. So, the State adopted these small cell regulations that are slated to go into effect on July 31. This regulation is regulation that tracks the new state legislation and places a variety of duty and out duties and obligations on the small cell companies and provides the City with various rights. To be a little more specific under this proposed ordinance a small cell carrier will need to submit a detailed application to the city that contains a site plan, drawings, survey, elevations and that notes the exact location of the proposed small cell facility. The City in turn will have the right to cause collocations in certain instances or to move any proposed location of a small cell facility 100 ft. in either direction within the right-of-way in addition to that the tandem ordinance to this is the design guideline Ordinance gives the City additional latitude to cause the small cell carriers to put up screening and in our definitions we reserve the right to cause the carrier to install fencing, public art, landscaping and other screening devices.

Mr. Ciuni stated that when small cell carrier companies come in they actually fill out a permit and we have been denying these permits to any of these carriers that are coming in. Mr. Ciuni said it was his opinion that this is a for-profit company that's getting free right away.

Mr. McConville added that if you go back about 18 months ago there was an instance in the city where a small cell carrier came in to the building department and was applying for three or four small cell facilities and at the time this was an unregulated area and we required that carrier to enter into a franchise agreement with the city that was very expensive for the carrier relatively speaking and essentially controlled where those units went. The carriers were experiencing that all over the state and so they went to the State Legislature to get a law enacted and through their lobbying were able to get a very one-sided law enacted that essentially allowed the small cell carriers carte blanche to put small cell facilities in the right-of-way without municipal approval they had the right to go in to any right-of-way any location and install these facilities that is what created the litigation that's why the city's all banded together and sued and claimed that the law for a variety of reasons was unconstitutional. In three of the four cases that were pending at the Common Pleas level the cities were the cities prevailed and those cases were going up on appeal to the Courts of Appeals throughout the state and as a result of that litigation the lobby got together with the municipalities and worked with the state legislature to craft a law that's fair that's the law that's going into place at the end of this month and that is has created a necessity for us to adopt these regulations.

Mr. Ciuni said he really appreciated the Ordinance because we will begin to see these small cell towers all over the place. We want to control them to keep them away from sewers, away from where we may widen a road. Mr. Ciuni added that the applicants have to submit a very detailed that plan to his office for approval before they can get their permit.

Mr. McConville said that one of the additional provisions of the State Legislature addressed and to the satisfaction of municipalities was that depending on what type of application is filed whether they're co-locating or desiring to build a new tower or just make repairs to an existing facility the city has given periods of time in which to process those application. For a time period of between he thought 90 and 150 days depending on the type of application. So University Heights really does have the opportunity to convince them where they should put their tower or where they should co-locate. There is adequate time to really review these applications in detail.

Mr. Ciuni added that there will be a fee, per State Legislator that is limited \$250.

Mr. McConville said that amount is set by State Statute and then the City will be able to require them to renew every year at the cost of \$200 per facility and that's

Mayor Brennan added that there is a set number of small cell devices that may be included on one permit.

Mrs. Pardee spoke to Mr. Ciuni's comment about widening the road or working on the sewer; stating that she understood that the first section of the Ordinance was about the permits and some of the basic application and the second ordinance we're going to pass is about design but I thought I read about a requirement that if possible they have to locate something underground.

Mr. McConville replied that if they have equipment that is separate and apart from the actual antenna and it can be located underground then they have to locate it underground.

Mr. Ciuni said that he thought that they would still need the tower, it's usually a box or something but the equipment that hangs on the pole and we could possibly require them to put that underground.

Mr. McConville said the City will have the right to regulate the screening and the look and in certain areas we will require that they use metal poles as opposed to wooden. If they are building a new pole we will have the ability to dictate how it's going to look to some extent.

Mr. Wiseman commented that if these are being put up without seeking permission can we put something in the Ordinance or add it later that says there's a fine of \$1,000 a day if you do this without having the appropriate permits.

Mr. McConville replied that there is a penalty provision in the Ordinance.

Mrs. Pardee asked if continued each day because that was the way she read it.

Mr. McConville stated any person or entity found guilty of violating disobeying omitting neglecting or refusing to comply with any of the provisions of this Chapter shall be fined not less than \$100 nor more than \$500 for each offense. A separate and distinct offense shall be deemed committed each day during or on which a violation occurs or continues.

Mrs. Pardee added that she was aware that on the westside of Cleveland and in some Akron locations have commissioned public art on the item (box) so that the boxes have nice designs on them. It would be nice if we could have in the permit package suggestion of what they could do to create public art with their boxes.

MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS approving Ordinance 2018-39 Small Cell Legislation on emergency. Roll call on Suspension of the Rules, all voted "aye." and roll call on passage, all voted "aye."

F. Ordinance 2018-43 Small Cell Design Guidelines (on emergency)

There was no discussion for this item.

MOTION BY MRS. CAMERON, SECONDED BY MR. SIMS approving Ordinance 2018-43 Small Cell Legislation an Ordinance enacting on emergency. Roll call on Suspension of the Rules, all voted "aye." and roll call on passage, all voted "aye."

G. Ordinance 2018-38 Creating the University Heights Community Improvement Corporation and Authorizing the Mayor to File Appropriate Articles of Incorporation (on first reading)

Mr. McConville stated that this was an ordinance that would create a Community Improvement Corporation for the City Community Improvement Corporation is a statutory entity that exists under Chapter 1724 of the Revised Code it has broad powers to promote development on behalf of the city and typically CICS as they're known are utilized to conduct specifically real estate transactions since a CIC is not bound by the same kind of public bidding laws that a municipality is so a municipality is enabled through this chapter of the Revised Code to transfer property to the CIC and then the CIC can function more like a typical corporation in choosing what to do with that real property so for example if the city came into ownership of infill lots that were foreclosed on it could transfer those Lots to the CIC and the CIC could look for development partners for those lots and in more conventional ways than the city can the existence of CICS or Economic Development Corporation's to conduct these kinds of development activities is fairly typical and there are Economic Development Corporation's some of which are CICS and some of which are nonprofit corporations throughout Northeast Ohio. Mr. McConville recommended that this go to committee.

Mrs. Weiss stated that this potentially interact with the City's land bank test but that they are not exactly sure.

Mr. McConville added that technically a land bank is supposed to be created under this same chapter of the ordinances so there's a lot of overlap between the economic development function versus a land bank function. They have a lot of similar or same rights.

Mrs. Weiss asked if one is higher than the other? So that if there's a foreclosed property in the city would you put in the land bank first or does it go into the CIC first?

Mr. Grogan-Myers stated that in essence the land bank legislation allows the City to assert itself into the tax foreclosure process whereas the 501c3 functions as the development arm.

Mrs. Cameron asked if landbank allows intervention in the foreclosure process.

Mr. Grogan-Myers replied that when there is a tax foreclosure happens in the City, since the land bank legislation was enacted the County Prosecutor's Office now sends the City what called a Land Affidavit so that the City is attesting to what the current condition of the property is – is it a structure, a vacant lot, occupied or unoccupied and based on those conditions the City as the land bank can decide to take the property into the land bank once the tax foreclosure process resolves itself. From there is when it (property) comes into the City's land bank but it is a program of the City and not a separate organization.

Mr. McConville add that by virtue of passing the legislation the County Land Bank interacts with the City, but the City really doesn't have a separate corporation that exist. The program is still owned by the City. In order for property to pass from the city to the CIC but Council will have to pass an Ordinance with respect to any parcel or parcels that indicate that the land is no longer needed for any municipal purpose. So the City would be transferring these properties initially by legislative action because there is no other was to initiate the transfer.

Mayor Brennan clarified that the City can transfer those properties from the City's land bank to the CIC.

Mrs. Pardee stated if Mayor Brennan wanted this to go to the Finance Committee for further discussion she would be glad to add it to the agenda.

Mayor Brennan stated he was thinking having it go to the Governmental Affairs Committee, but there are a lot of different ways/committees this could go to.

Mr. Wiseman noted that he was not worried how the properties get into the CIC, he was worried how they get out – who determines how they get out and who determines where they go and what happens to them.

Mr. McConville replied that the CIC will function as any other corporation does through a Board of Directors. This legislation has a suggested composition of Board of Directors in noted in Section 4 and currently the draft contains a Board of five (5) members which includes the Mayor, Community Development Coordinator, Vice Mayor, one (1) member appointed by the Mayor, one (1) member appointed by Council so that by the City having such a small and tight Board, the City would retain substantial control over what happens with the properties. It is a requirement of the statute that at least three (3) members of the Board hold office or otherwise be employees of the municipality and there has to be a minimum of five (5) board members. The Board can be expanded, but three (3) have to be either elected, officers or employees of the City.

Mr. Wiseman asked about conceivably placing limits on their ability to conduct business unless they sought council approval. Because although he would agree with almost everything that the current Mayor decides what happens when there's maybe a Mayor that he doesn't agree with he was a little hesitant to give that fictional person the say-so over selling off five or six parcels of land to a developer when it maybe something that Council isn't in agreement with.

Mr. Sims said that to some extent he shared Mr. Wiseman's concern, but he thought that concern was basically alleviated by the fact that when they are talking about properties that the City has, Council would be responsible for transferring those properties into the CIC. That is where Council would influence whether or not they wanted to go into the CIC because as either the Mayor or Law Director stated, Council would have already determined that there was no municipal use for the property. But, the other thing about the CIC is that the work of the CIC is much broader than transfers. The CIC is really economic development, for example Council just passed the reinvestment areas and in many CIC's they have the responsibility for administrating those tax abatement programs.

Mr. McConville stated that Mr. Sims's comments were accurate and that the City can make the CIC as dynamic as the City allows it to be. It often ends up being a matter of funding because they are funded through contributions from a city council.

In addressing Mr. Wiseman's concern, Mr. McConville provided a case from another municipality where the CIC works with a developer to come up with a concept for development that relates to a particular piece of property that the CIC does not own, but the municipality knows it's obviously happening and wants to see an agreement reached. The CIC negotiates an agreement with that developer and that agreement gets signed for a particular project and use of the land that the CIC does not own and then subsequent to that the municipality transfers the land into the CIC so it can perform under the contract.

Mrs. Weiss sought more clarification of the land bank verses the CIC and asked if the land bank could potentially sell properties?

Mr. McConville replied yes. But noted again that the City doesn't have a separate corporation that is a land bank.

Mrs. Weiss asked if the City needed to have a separate corporation to sell properties because she was trying to figure out why the City needed the CIC.

Mr. McConville responded that if the City were to sell a property today, it would then be selling a property as the City because there isn't a separate corporation entity that owns anything. The City owns everything and so if the City is going to sell a property today, it is obligated to go through public bidding; where as a CIC is nonprofit and would not have to do that.

Mrs. Weiss added that the City would also hope that the CIC has internal policies and procedures that would essentially do the same thing as the City would.

Mr. McConville stated that the City would hope that the CIC would operate like a business that was concerned about its bottom line.

Ordinance 2018-38 was sent to Government Affairs Committee for further discussion and placed on first reading.

H. Resolution 2018-42 Accepting a Community Block Grant in the Amount of \$142,965 from Cuyahoga County for 2018 Cedar/South Green Traffic Calming Project (on emergency)

Mr. Grogan-Myers reported that the City was awarded monies for the stamped and colored crosswalks on South Green Road between Cedar and Silsby Roads. The project has to be completed with all required paperwork before the end of November 2018. Mr. Grogan-Myers added that the next two agenda items also relate to this project.

Mr. Goffe added that Ordinances act as a best practice where Council formally accepts the grant and then reestablishes the CDBG Grant Fund so that the City can have a segregated fund for the federal dollars that will be coming in for the project. Lastly, the Ordinance authorizes the appropriations for the total budgeted amount for the project as well doing an advance from the General Fund to the CDBG Fund. The advance creates a short-term loan from the General Fund the target fund (CDBG Fund) allowing the City to have upfront money to spend on the project because the grant is a reimbursement grant. The advance also allows for a couple of items such as the bus shelters as items the City may be purchasing as part of the project that aren't covered by the grant itself. Mr. Goffe noted that any monies from an advance is a short-term loan and after the City is done with the project any portion that stays in the fund and gets spent stays there. Thus, essentially whatever part that comes out of the City's pocket after reimbursement will come back to Council as a request for an advance transfer and as an advance out of in this case the CDBG grant fund for a cash flow mechanism back to the General Fund once the project is completed.

Mr. Rach asked in regards to the reimbursement would the City be reimbursed in the calendar year 2018?

Mr. Goffe replied yes; because the grant should be finished before November, 2018 but if for some reason there is a holdup from the County in providing the reimbursement it would then show as an advance outstanding from the General Fund to the CDBG funded year end and that would then be accounted for in the following year of any revenues that weren't received and then conducting the adjustment to any respective dollars from the advance to be paid back to the General Fund where those dollars stayed from the advance to a transfer. Short-term is less than a year, so the timing of year-end is common from one year to the next. But at the same time this project should be resolved before that.

Mr. Sims asked for clarification that the entire Block Grant amount is being advanced and that is an additional \$13,000 that is related to something else that the City might do is also being advanced. In relation to the Ordinance Mr. Sims said he didn't see the reestablishment of the Block Grant account anywhere the Council is actually authorizing the General Fund to advance money to the Community Block Grant Fund.

Mayor Brennan commented that in Section 2 of Ordinance 2018-41 it says transaction advance from General Fund to CDBG Fund it shows \$13,200 but it should read \$156,165.

Mr. Sims added that he was familiar with another community (Cleveland Heights) that had a bus shelter component to one of their projects and they installed a shelter that was like a solar shelter with solar panels, etc. and that community was able to secure a substantial grant for that. Mr. Sims stated he wasn't sure what University Heights was planning or how this could be integrated into that plan if possible.

Mayor Brennan remarked that he would be in favor of such a solar powered bus shelter, but also noted this project is on a very tight deadline. Although the bus shelter may be something that the City may or may not have to do in conjunction with the rest of the project, so the solar powered bus shelter could be explored further and come back at a later date.

MOTION BY MR. SIMS, SECONDED MRS. CAMERON for the Passage of Resolution 2018-42 Accepting a Community Block Grant in the Amount of \$142,965 from Cuyahoga County for 2018 Cedar/South Green Traffic Calming Project on emergency. Roll call on Suspension of the Rules, all voted "aye," and Roll call on Passage, all vote "aye."

I. Ordinance 2018-40 Re-Establishing the CDBG (Community Development Block Grant) Fund for Accounting for Federal Community Development Block Grants (on Emergency)

Mr. Goffe stated that this serves as an accounting matter and that the City didn't currently have a CDBG Fund and it is needed in order to segregate the Federal Funds that the City keeps from the rest of the City's Funds.

Mr. Goffe explained that in looking at the City previously had a CDBG Funds and to his knowledge the money was spent down and then rather than allow the fund number to continue to exist for future CDBG projects it was converted over to the Park Fund. Thus, the need to create a new CDBG Fund.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN to approve Ordinance 2018-40 Re-Establishing the CDBG (Community Development Block Grant) Fund for Accounting for Federal Community Development Block Grants on Emergency. Roll call on Suspension of the Rules, all voted "aye," Roll call on Passage, all voted "aye."

J. Ordinance 2018-41 Appropriating Funds for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2018 and Ending December 31, 2018 [CDBG grant] (on Emergency)

Mayor Brennan again noted the typographical error in Section 2 where \$13,200.00 should read \$156,165.00 and continued to read the title of Ordinance 2018-41 to be "Appropriating Funds in the Amount of \$156,165.00 for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2018 and Ending December 31, 2018 [CDBG grant] (on Emergency).

There was no additional discussion for this item.

MOTION BY MR. SIMS, SECONDED BY MRS. WEISS approving Ordinance 2018-41 to be “Appropriating Funds in the Amount of \$156,165.00 for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2018 and Ending December 31, 2018, CDBG Grant on Emergency. Roll call of Suspension of the Rules, all voted “aye,” Roll call on Passage, all voted “aye.”

K. Motion to Approve Seeking Bids for the Cedar-Green Improvement Project with County CDBG Funding

There was no additional discussion for this item.

MOTION BY MR. WISEMAN, SECONDED BY MR. SIMS approving the Seeking of Bids for the Cedar-Green Improvement Project with County CDBG Funding. On roll call, all voted “aye.”

L. Motion to request bids for Bombardier Sidewalk Snow Plow Equipment

Mr. Pokorny stated this was a request to purchase a new bombardier sidewalk snow plow. The current sidewalk snow plow is a 1986 unit and approximately three (3) years ago the City had a sister unit that broke and at that time the cost to purchase a new unit was approximately \$110,000. At this time Mr. Pokorny said he was requesting to replace the current 1986 unit before it breaks, which could happen in the near future.

Mrs. Weiss asked if Mr. Pokorny if the unit increase in cost over the three (3) years and that he was requesting \$140,000 for the replacement.

Mr. Pokorny replied that the \$140,000 is an estimate because he didn't know what the bids would come in at. A quote was requested from Gibson equipment which was the company that supplied the last unit and the figure was about \$138,000. Mr. Pokorny stated he hope that figure would come down with the public bid. Mr. Pokorny also noted that this purchase was discussed at several committee meetings and was included in the 401 Capital Expenditure for 2018.

MOTION BY MRS. CAMERON, SECONDED BY MR. SIMS authorizing the Requesting Bids for Bombardier Sidewalk Snow Plow Equipment. On Roll Call, all voted “aye.”

M. Resolution 2018-44 Accepting a Natureworks Grant of \$105,254 from Ohio Department of Natural Resources for the Silsby Road Park Project (on emergency)

Mr. Grogan-Myers stated this is to serve as best practice in accepting the grant from the Ohio Department of Natural Resources for the Silsby Road Park Project and then to appropriate the funds.

Mr. Goffe added that this project has a required 25% match by the City, so a portion of that advance will end up staying in that fund permanently for use of paying that part of the expenditure. Mr. Goffe stated that there would be an adjustment later in the year to recognize whatever the appropriate percentage/dollar amount needs to be regarding the transfer.

Mr. Wiseman asked about fencing for the park and how the Police Chief viewed this in terms of potential attraction to persons who don't behave themselves, especially during the nighttime hours. Mr. Wiseman asked if the neighbors had been notified of the project and park.

Mayor Brennan noted that the Interim Police Chief was absence due to vacation but that he understood that Interim Police Chief Rodgers has reviewed the plans and has indicated his approval of them with the 6ft. fencing as proposed and indicated.

Mr. Grogan-Myers stated he also spoke with Interim Police Chief Rodgers and that he hand delivered notices to the neighbors. Within the bid package the required landscaping for visibility from the street is to be low (not more than 2ft. in heights) meadow plantings in the front of the project. That will allow anyone to see

from the front of the park to the rear of the park. The evergreen that is location in the rear will be right up against the fence.

Mr. Rach noted that there should be a four-way stop at Silsby and Allison to provide a safe crossing of the road due to the amount of traffic.

Mayor Brennan said he would look into that, but it has to be done in conjunction with the County.

Mrs. Weiss asked if the fencing was only on three (3) sides of the park and if the access to the park was only on Silsby Road and whether that opening would be totally or partially open.

Mr. Grogan-Myers replied the only entrance is from Silsby and it would be completely open.

Mr. Sims asked if the fencing design had been decided and if so can you see through it.

Mr. Grogan-Myers stated it would be board on board to match the existing rear city owned fencing and you can't see through the fencing at all.

Mr. Sims asked if the adjoining property owners were in agreement with the fencing.

Mr. Grogan-Myers replied yes.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to approve Resolution 2018-44 Accepting a Natureworks Grant of \$105,254 from Ohio Department of Natural Resources for the Silsby Road Park Project on emergency. Roll Call on Suspension of the Rules, all voted "aye," and Roll Call on passage, all voted "aye."

N. Ordinance 2018-45 Appropriating Funds for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2018 and Ending December 31, 2018 [ODNR] (on emergency)

Mr. Goffe noted that there was a 25% match required by the ODNR and those monies will be coming out of the advanced money.

MOTION BY MR. SIMS, SECONDED BY MR. WISEMAN for the Passage of Ordinance 2018-45 Appropriating Funds for Current and Other Expenditures of the City of University Heights, Ohio for the Period Commencing January 1, 2018 and Ending December 31, 2018 [ODNR] and on emergency. Roll Call on Suspension of the Rules, all voted "aye," and Roll Call on passage, all voted "aye."

O. Motion to Approve and Award the Silsby Road Park Bid

Mr. Grogan-Myers stated that the single bidder for the project was R.J. Platen. Both the project Landscape Architect and Mr. Ciuni have worked with this company in the past and spoke highly of them. The project bid came in at \$104,867.00.

Mr. Rach noted in looking at the plans and the fencing it didn't appear that the fence goes all the way to the street on the sides. So, on the East property line it appears that the fence goes to about the front of the neighboring house and then on the West property line it goes midway up to the neighboring house on the west end. So, somebody driving by could see in from an angle as well as someone approaching East or West up until the house that is blocking the rest you can still see into the park.

Mr. Grogan-Myers said Mr. Rach was correct in his statements. Noting that the fencing becomes a 4ft. fence as it runs along the neighboring houses. So the fence is 6ft. in the rear and along the side property lines up until the picnic bench at which point it becomes 4ft.

Mr. Sims asked Mr. Ciuni if he had any thoughts as to way only one (1) bid was received and how was it advertised.

Mr. Ciuni and Mr. Grogan-Myers stated the same media channels were used as in other City bids.

Mrs. Pardee asked when the anticipated start and completion date was.

Mr. Grogan-Myers replied subject to approve at this meeting a pre-construction meeting with the contractor later in the week with the project starting as soon as possible. In regards to completion time we are limited by the season but by this Fall season.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to Approve and Award the Silsby Road Park Project to R.J. Platen. On Roll Call, all voted “aye.”

P. Motion to Approve Expenditure for the Ongoing Services by Mandacam Video Record City Council Meetings

Mayor Brennan stated that Mandacam has been video recording meetings this year and that he has a junior intern researching moving the City along on the next phase of how to handle in-house videography. In the meantime Council had previously budgeted for Mandacam Video and it is at the end. If the City were to use Mandacam through the end of the calendar year the estimated cost would be \$12,500.

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to Approve the Expenditure of \$12,000 for the ongoing services done by Mandacam Video to Record City Council Meetings. On Roll Call, All Voted “aye.”

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

There being no further business, the meeting was adjourned at 8:39pm.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council