

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
SEPTEMBER 17, 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. Phillip Ertel
Mr. John Rach
Mrs. Michele Weiss
Mr. Mark Wiseman (7:10)

Absent: Mr. Steven Sims

Also Present: Law Director Luke McConville
Clerk of Council Kelly Thomas
Finance Director James Goffe
Police Chief Dustin Rogers
Fire Chief Robert Perko
Building Commissioner James McReynolds
Service Director Jeffrey Pokorny
City Engineer Joseph Ciuni
Communications and Civic Engagement Mike Cook
Economic Development Susan Drucker

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to excuse the absence of Mr. Sims and Mr. Wiseman. On roll call, all voted “aye.”

A. Appointing Interim Fire Chief Robert Perko to the position of Fire Chief

Mayor Brennan announced the appointing of Robert Perko from his position of Interim Fire Chief to the position of Fire Chief.

Mayor Brennan administered the Oath of Office to Fire Chief Perko.

B. Appointing Interim Police Chief Dustin Rogers to the position of Police Chief

Mayor Brennan announced the appointing of Dustin Rogers from his position of Interim Police Chief to the position of Police Chief.

Mayor Brennan administered the Oath of Office to Police Chief Rogers.

Mayor Brennan asked for a motion to have a brief recess to allow everyone to congratulate the Chiefs and to enjoy the light refreshments.

C. Motion to Hold a Brief Recess

MOTION BY MRS. CAMERON, SECONDED BY MR. ERTEL to enter into a brief recess. On roll call, all voted “aye.”

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS to re-enter regular session. On roll call, all voted “aye.”

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The regular meeting was resumed at 7:47pm

Approval of Minutes from Special Meeting July 23, 2018 and September 4, 2018

MOTION BY MRS. WEISS, SECONDED BY MR. ERTEL to table the Council minutes from July 23 September 4, 2018 to allow time for review. On roll call, all voted “aye.”

Comments from Audience

There were no audience comments.

Mayor’s Reports and Communications to Community

NEW SAVE THE DATE FOR THE CIVIC AWARDS DINNER: Wednesday, November 14, 2018 for the city’s first civic awards dinner since 2009. At that event, we will name our 2018 citizen of the year, employee of the year, public servant of the year, among other recognitions. A special edition of the newsletter is out soliciting nominations and recommendations for civic recognition from the community. Ms. Maggie McPhee will serve as the MC for the evening. Ticket information will be announced soon.

At the last Council meeting Mayor Brennan stated and read a letter that he sent to landlords of certain party house on Warrensville Center Road. Mayor Brennan reported and read a letter that the City received from the landlord. The letter acknowledged receiving the Mayor’s letter regarding the disturbance their renters caused on August 25. Noting that as being a previous JCU student and a renter of a home on Warrensville Center Road he was well aware of the neighborhood rules and expectations. The landlord stated it was those rules that aided their decision to purchase the house as a rental and noted that it was their desire that their renters are good neighbors and that they had no intention of putting up with that sort of nonsense. The landlords stated that they personally contacted the parents and coaches to inform them that this would be the last warning they will receive. In conclusion the landlords stated they take this matter very seriously and if the tenants don’t modify their behavior then they are not wanted as tenants.

MARK YOUR CALENDARS for Police and Fire outreach events.

Coffee with a Cop will be Wednesday, October 3rd at 10am at Jack’s Deli. The event is a relaxed, informal discussion about the issue’s residents find important. The goal is to improve trust and build relationships, one cup of coffee at a time.

The League of Women’s Vote will be hosting “Candidates Night” on Thursday, October 4 at 7pm at the Cleveland Heights Community Center; 1 Monticello Boulevard.

The University Heights Fire Department will host an open house on Sunday October 7th from 11:30am to 2:30pm, come tour the fire station and see the trucks. There will be demonstrations, a safety presentation, and activities for the kids.

Mayor’s Sustainability Committee will meet on Tuesday, October 9 at 6:30pm to discuss garbage collection and at 7:30pm the Communications Committee will meet to discuss the “trash tribune/garbage gazette/at your service” and alternatives for the distribution of the monthly newsletter.

Mayor Brennan stated that at the last Council meeting he advised his intention to allow the previously ordered delayed implementation of the rental registration fee program to sunset on September 14 to scheduled and then Council tonight to repeal in part the fee schedule in Ordinance 2018-28; that repeal ordinance is on tonight’s agenda. Mayor Brennan repeated that the repeal is not the City’s end of the reformation of the rental registration program. A new (rental) program is in the works but in the meantime, presuming tonight’s repeal the City will resume the collection of fees for rental permit applications and inspections.

Mayor Brennan announced that he is looking for a new Executive Assistant and Special Projects Coordinator because Lisa Mayernick’s last day was September 12. Mayor Brennan thanked Mrs. Mayernick for her service to both his administration and the previous administration.

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D. Ordinance 2018-53 Restoring the Fire Chief to the Civil Service Rank of Captain

Mr. Wiseman explained that the purpose of this Ordinance was to protect both the Police and Fire Chief in the event that they are no longer chosen to serve in their office that they would not lose their position as a rank employee of the city.

Mayor Brennan added that the reason behind the two rank restoration agreements is that both the Police Chief and Fire Chief have accepted the positions at a time when neither has become vested in their retirement plans.

Mr. Ertel commented if their ranks are protected where was the incentive for them to do a good job?

Mayor Brennan replied that if he felt that there would be something demoralizing about losing the leadership position if they simply were not performing as expected. Another point is that as Chiefs they serve at the pleasure of the Safety Director who may want to take the Department in another direction and the price of doing that should not cost somebody their career or their ability to be rehired because there are age restrictions where one may enter a new department as a firefighter or police officer; both Chief Rogers and Chief Perko are beyond those ages, thus their employment opportunity in their chosen fields would be extremely limited unless they were offered the opportunity to go back to the rank and file. This Ordinance protects their personal interest and is best for them and the City. Having a rank restoration Ordinance is customarily for the City when a Chief has risen from the ranks, the last time was with Fire Chief Pitchler.

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH Approving Ordinance 2018-53 Restoring the Fire Chief to the Civil Service Rank of Captain. Roll call on suspension of the rules, all voted “aye,” and roll call on passage, all voted “aye.”

E. Ordinance 2018-54 Restoring the Police Chief to the Civil Service Rank of Sergeant

Mayor Brennan noted that prior to becoming Chief, Chief Rogers last rank was sergeant and the difficulty that would ensue if Chief Rogers were to leave the position of Chief and then if his rank were to be resorted to Sergeant as opposed to a high rank such as Lieutenant stated this Ordinance is similar to Ordinance 2018-53 except that since Chief Rogers jumped a rank it would be better in the event that he is removed as Police Chief it would be better for the department and for Public Service that he would go down potentially to the rank of lieutenant and not necessarily find himself being commanded by persons above him at the lieutenant level that he had just been commanding as Chief. Mayor Brennan added that it can't be just declared by Ordinance that Chief Rogers would become a Lieutenant where he to ever stop being Chief. What can be done is that it can be agree now to restore Rogers back to the rank of Sergeant or a higher rank that may be approved by the City's Civil Service Commission. Under the rules for Civil Service, the Civil Service Commission may when there is a matter of public interest waive the rules.

Mr. McConville added that the civil service rules govern promotion within the department so there isn't a way for Council to go around what is in those civil service rules. However, included in the rules is the ability of the Civil Service Commission upon application to waive rules in certain circumstances where the public interest is impacted. Mr. McConville stated that it was the Administration's intent to take this matter to the Civil Service Commission and explain what the situation is and ask them to allow a bump back in the event that would ever occur to the rank of Lieutenant without otherwise impacting anyone else in the Civil Service. Thus, the Administration would be adding an additional Lieutenants position so not to penalize anyone else in the Civil Service who might be on a list for promotion and the City would take care of any issues that could arise with rank if a bump back occurs.

Mayor Brennan commented that there would be a 2-step process (1) Council passes Ordinance; (2) Civil Service Commission meet upon application to consider the question as to whether it is in the public interest to waive the rule and allow Chief Rogers to return to the position of Lieutenant as opposed to Sergeant should that need ever arise.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON Approving Ordinance 2018-54 Restoring the 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.”

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F. Resolution 2018-55 Authorizing the Mayor to Seek Financial Assistance from The Ohio Public Works Commission (OPWC) State Public Works Program to Fund Washington Boulevard (from Wynn Road to Cedar Road) Resurfacing Project

City Engineer, Mr. Joe Ciuni stated that this was the annual application to the Public Works Commission. Last year the City applied for resurfacing Washington Blvd., including the waterline project. The waterline project was awarded last year by CWD, but the resurfacing wasn't. This application is just for the resurfacing of Washington Blvd. from Cedar Road to Wynn Road. The City will find out in December of 2018 if the project was awarded funds; if so the monies will be available July 1, 2019. If awarded the funding the City can do the engineering one year ahead of the funding; but, the City cannot enter into any contracts for the construction work until it gets an agreement from the State around the 2nd or 3rd of July 2019. Mr. Ciuni added that this is a joint project with the City of Cleveland Heights.

MOTION BY MRS. CAMERON, SECONDED BY MR. ERTEL approving to Resolution 2018-55 Authorizing the Mayor to Seek Financial Assistance from The Ohio Public Works Commission (OPWC) State Public Works Program to Fund Washington Boulevard (from Wynn Road to Cedar Road) Resurfacing Project. On roll call, all voted "aye."

G. Ordinance 2018-56 Establishing an Unclaimed Monies Fund

Mr. Goffe stated that this is per Ohio Revised Code where any monies that sit unclaimed in any City's fund accounts for a period of 5 years reverts back to the City's General Fund.

Mrs. Cameron asked if this was the State Unclaimed Funds account.

Mr. Goffe replied that City funds don't go into State Funds, but this is the same concept that the State uses.

Mrs. Cameron asked what the City's process of notification to the public was for these unclaimed funds.

Mr. Goffe replied that there was no process of notification as such. The funds are unclaimed because the City has no way of reaching whoever the owner of the funds were. The individual would have to contact the City.

Mrs. Cameron noted that she would be in favor of this if there was a notification process.

Mr. Goffe commented that Mrs. Cameron's idea was good but not practical for the unclaimed dollar amount.

Mayor Brennan noted that Geauga County Court places a listing of unclaimed funds on their bulletin board and website.

Mrs. Cameron stated that she would be in agreement for posting on the City's website.

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS approving Ordinance 2018-56 56 Establishing an Unclaimed Monies Fund. Roll call on suspension of the rules, all voted "aye," and roll call on passage, all voted "aye."

H. Ordinance 2018-57 Repealing Certain Portions of Ordinance 2018-28 that Modified the City’s Rental Registration Program; Temporarily Reinstating the Prior Rental Permit Duration and Fee Schedule by Amending Subsections (D) and (F) of Codified Ordinance Section 1280.10

Mayor Brennan stated that this Ordinance is being officially introduced by himself as Mayor. Reiterating his comment from the previous Council meeting Mayor Brennan said that he knew that the Building Committee has been working diligently on this legislation and even had a special meeting over the summer to address and listen for ideas in respect to possible refinements that could be made to the revised rental ordinance program. Mayor Brennan continued to say that he wanted to make very clear that the repeal is only in part of the previous Ordinance because there are some very good things that were included in the original Ordinance and we want to keep. This is not a retreat but rather a simply pragmatic step so that the Building Department can resume collecting fees for rental inspections and rental permit applications while the work of revising the overall rental application program continues.

Mr. Wiseman commented that the Building Committee is working through the parameters for a new program. There have been a lot of concerns from different citizens and landlords. But they have yet to hear from the citizenry in terms of their thoughts about the rental program. Mr. Wiseman said he would like to have a meeting at some point in the future where citizens get to come inform Council what they think about the renters and how the rentals are affecting the neighborhoods. Mr. Wiseman added that it was no doubt that the rental registration fee system and the work that the city does to oversee the landlord community needs to be examined and how it needs to be administered.

Mr. McConville stated that this Ordinance reinstates the rental fee structure and the period of licensure that was in place prior to the enactment of Ordinance 2018-28. The City is currently in a position where it is confident in saying that the current fee structure is not sufficient to support the operations of the program and that there is a desire on the City’s part to reach a fee structure that will recoup the City’s administrative cost.

Mayor Brennan commented that the while there is a group of entities that is being regulated, when that group has the ability to pay for their regulation it makes more sense that they pay for it instead of the taxpayers as a whole.

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS Approving Ordinance 2018-57 Repealing Certain Portions of Ordinance 2018-28 that Modified the City’s Rental Registration Program; Temporarily Reinstating the Prior Rental Permit Duration and Fee Schedule by Amending Subsections (D) and (F) of Codified Ordinance Section 1280.10. Roll call on suspension of the rules, all voted “aye,” and roll call on passage, all voted “aye.”

I. Motion Authorizing the Seeking of Bids for 2018-3 Tree Pruning and Removal Contract

Mr. Pokorny stated this was a request for Council to authorize the City to seek bids for the 2018-3 tree pruning and removal program. The program will be performed in zone 3, the southwest portion of the city (Eaton Road to Warrensville Center Road and Hillbrook south to Fairmount). It is estimated that there will be about 400 trees on the list with an estimated cost of \$78,000. The funds will come from the tree improvement fund.

Mr. Wiseman noted the need to heighten the awareness about the City’s Tree Program to the residents.

Mayor Brennan offered that Mr. Cook could look for a better way to educate the residents.

MOTION BY MR. ERTEL, SECONDED BY MR. RACH to Authorize the Seeking of Bids for 2018-3 Tree Pruning and Removal Program Contract. On roll call, all voted “aye.”

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J. Motion to Confirm Mayor's Appointment of Finance Director James Goffe and Deputy Finance Director Rita Drew to the Regional Council of Governments for the Regional Income Tax Agency (R.I.T.A.)

Mr. Goffe stated that this a requirement by R.I.T.A. (Regional Income Tax Agency) that the appointment of persons by the City Executive to the Regional Council of Governments be confirmed by the City's legislative body. The appointments are for the City's representative and alternate representative to the Regional Council of Governments that operates and runs R.I.T.A.

MOTION BY MRS. PARDEE, SECONDED BY MRS. WEISS in Confirming the Mayor's Appointment of Finance Director James Goffe and Deputy Finance Director Rita Drew to the Regional Council of Governments for the Regional Income Tax Agency (R.I.T.A.). On roll call, all voted "aye."

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

Mayor Brennan stated that there was a need to hold Executive Session for real estate matters.

MOTION BY MRS. CAMERON, SECONDED BY MR. WISEMAN to hold an Executive Session for personnel and real estate matters. On roll call, all voted "aye."

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Directors' Reports

Finance Director – James Goffe reported that the IT upgrade implementations have begun; the Wi-Fi access throughout City Hall including the addition of a guest network (access to internet only) has been upgraded, the exchange server hardware for emails is being installed. The email switch over will occur the upcoming weekend (all city email accounts will be temporary disbanded from Friday, Sept. 14 – Monday, Sept. 17). The Finance Department has added the following part-time personnel (30 – 35 hours) Rita Drew, Deputy Finance Director and Denise Ballard. The Finance software programming will soon be upgrade because the current software is outdated and upgrading will also help in bring payroll back in house to save time and money. Finally, the financial books for August 2018 have been closed out.

Law Director – Luke McConville reported that there will be a Special Board of Zoning (BZA) meeting on Wednesday, September 26 at 8am with a training session for the BZA members immediately after the special meeting. Small Cell regulation litigation has been resolved by the State Legislators with the passage of House Bill 478. HB 478 was a compromise bill that was heavily negotiated between the representative for the various cities around the state and the telecommunications industry. The City's Ordinance that regulates small cell infrastructure and installations was drafted in order to comply with the new State law. However; now the Federal Communications Commission (FCC) is considering federal regulations that if enacted would in all likelihood preempt various portions of the Ohio state law and cause the City to have to go back and review our legislation to see where it was and was not compliant with potentially new federal law. The Ohio Municipal League has urged its cities to provide correspondence to the FCC during the FCC comment period where the FCC receives comments from the general public. Mr. McConville stated that University Heights will be sending a letter to the FCC during this comment period to describe the process by which House Bill 478 was enacted and also the unique circumstances that give rise to that process; specifically, the litigation that the City was involved in. The City's counsel for that litigation is Walter Haverfield.

Police Department - Chief Rodgers reported that the new additional parking signs are placed on Washington Blvd. (just SE of Warrensville Center Road). The signage was moved up east approximately 3 parking space from Warrensville Center Road for better traffic flow and to prevent bottleneaking. Restricted parking signs were also placed on Fenway just past the Swenson's driveway to accommodate the ingress and egress out of the Swenson's access drive. Lastly the department will be hiring an additional four officers to fulfill the current staffing level of 30.

Fire Department – Chief Perko reported that September is the National Preparedness month and recommend residents look at FEMA's webpage as well as the county emergency management page for tips on having an emergency plan - they have four themes for each week of the month the theme for this week is to make and practice your plan. This week's theme is to check your homeowner flood and sewer policy coverage and with last week's theme being life saving skills the Fire Department is holding its last CPR training at 5:30 on November 29 at the University Heights library. The National Test of the emergency alert system that was scheduled for September 20 has been rescheduled for October 30. FEMA encourages everyone to download the FEMA app on their cell phones. The Fire Department ladder committee met to review the last ladder truck demonstration and decided which manufacturer will best meet the city's needs and look forward to sharing this information with the Safety Committee. Fire Hydrant testing will be near the end of September, early October. And the Fire Department Open House will be on October 7 at 11:30.

Service Department – Jeff Pokorny reported that tree removal bids and planting will be opened next Friday, September 28, with the plantings to occur sometime in October/November. Preparations are underway for the paving of the remainder of the City Hall parking lot. The summer-fill salt delivery has occurred with @ 2,500 tons of road salt being stored at the Cleveland Heights salt storage facility.

Mrs. Cameron asked about the status of the Washington Blvd. (just east of Warr. Ctr.) resident's complaint about the apartment building's tree lawn tree whose roots were approaching her property. Mr. Pokorny replied that the Administration met with her and the Administration has not agreed to remove the tree; currently the tree is still there and is healthy. What the City did agree to do was to remove the tree roots if she needed to replace the sidewalk and/or driveway.

Building Department – James McReynolds reported that Bellefaire is holding its grand opening on September 28 at 9am for the new 12 bed inpatient pediatric psychiatric unit. The Baby Bop construction project on Cedar Road is looking at a possible opening in October. Both Verizon and Sherwin Williams have applied for new signs. Interviews for both the position of clerk and building inspector are in progress.

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Communications and Civic Engagement - Mike Cook reported the delivery method for the City newsletter will hopefully be changed for the November issue. Maggie McPhee will be the Master of Ceremony for the Civic Awards Dinner. Information about the new City magazine will be provided at the next Council meeting, the magazine will be modeled after the City of Lyndhurst and South Euclid magazines with the help of the Cleveland Jewish News. Working with the Police Department on additional community engagement projects; i.e. hidden in plain sight, etc.

Economic Development - Susan Drucker stated that the business directory has been updated and will be uploaded to the City's website. Introductory letters to businesses have been mailed and within those letters is a link to a survey that will provide the her with information about their business to be of better service to them. Working with the Heights library and Chamber of Commerce on the "small business" Saturday event (a national event) will take place the Saturday after Thanksgiving. The library will serve as the host for this event. Mrs. Drucker attended a kick-off event with Cleveland Heights for a Taylor Road corridor study to help identify ways to make Taylor Road more desirable for walking, biking and taking transit. There will be two parts to the study: (1) parking analysis; (2) improvements that can be made for walking and biking so that there is more traffic around the businesses.

Community Development – Mayor Brennan reported that work will begin on the Cedar Green pedestrian improvements during the first week of October with completion expected the first week on November. Work on the begin on the curb bump outs at the Cedar Taylor business district will begin this weekend. The Cedar Taylor businesses will receive notification of this. There will be a public hearing on Thursday, September 27 at 6pm in Council Chambers for the next round of Community Development Block Grant and Community Development Supplemental Grant Funding. The Department looks forward to hearing the community's thoughts and ideas for the City's applications. If persons cannot attend the meeting they can email their thoughts to the Community Development Office at development@univeristyheights.com. Lastly, the property at 3950 Silsby has transferred to the County Land Bank and they will begin to evaluate the house for demolition.

There were no other director reports.

Standing Committees

Finance Committee - Mrs. Pardee reported that the Committee will meet again in the upcoming future.

Governmental Affairs Committee - Mrs. Weiss reported that the committee met just before the council meeting and discussed the CIC and hope to have legislation presented at the next council meeting.

Safety Committee – Mr. Rach stated that a poll is out for a meeting and new dates may be proposed.

There were no other committee reports.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to return to regular session. On roll call, all voted "aye."

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

There being no further business, the meeting was adjourned.

Michael Dylan Brennan, Mayor

Kelly M. Thomas, Clerk of Council