

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
JANUARY 22, 2019**

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

Absent: Mr. Steven Sims

Also Present: Law Director Luke McConville
Clerk of Council Kelly Thomas
City Engineer Joseph Ciuni
Fire Chief Robert Perko
Police Chief Dustin Rogers
Building Commissioner James McReynolds
Communications and Civic Engagement Mike Cook
Community Development Patrick Grogan-Myers
Economic Development Susan Drucker

Approval of Minutes from January 7, 2019

There were no corrections or additions to the January 7, 2019 Council minutes.

MOTION BY MRS. PARDEE, SECONDED BY MR. ERTEL to approve the Council minutes from January 7, 2019 as presented. On roll call, all voted “aye.”

Comments from Audience

There were no public comments.

Mayor's Report

Yesterday was Martin Luther King Jr. Day. In celebration and in honor of Dr. King's memory, I invited children of all ages living in or attending school in University Heights to enter an essay contest in celebration of Martin Luther King, Jr's 90th birthday.

Participants were asked to respond to the question below in 500 words or less.

What do the words of Martin Luther King, Jr. mean to you and how do they apply to the world today? The response was overwhelming. We are still reading essays. And we hope to announce winners by the next city council meeting. Award winners will be invited to an awards presentation. One winner will be chosen per participating school (public, private, and home schoolers as a whole).

I would like to take a few minutes now to talk about accessibility to these city council meetings by the public. At the beginning of last year, we began video recording meetings in order to allow the public to view our meetings even if they could not attend. We will continue to do that. Another matter has arisen in the meantime.

The accessibility of this room has long been problematic for those with mobility issues. For years this was remedied by the presence of a chair lift. In recent months, that chair lift has become increasingly unreliable. We have put out to bid twice now the replacement of that lift with a new one. We have had a single bidder each time. Without getting into the merits of that bid here, even if we were to accept it, it would be some time before the new chair lift would be designed, fabricated, and installed. Furthermore, it is unclear at this time whether a new lift truly would remedy the problem.

As a responsible steward of the taxpayers dollars, I have reservations of making the investment in this building that may be necessary to making it truly accessible, when these facilities are already outdated and obsolete in so many ways, and still would be.

CC 01/22/2019

Since the last council meeting, I took the opportunity to meet with CHUH School Board President Jodi Sourini. As the city and the school board continue to look for ways to work together, we have fashioned a solution for the time being. Effective with our next city council meeting on February 4, 2019, and until further notice, all regular meetings of the University Heights City Council will be held in the public meeting room at the CHUH Board of Education Offices located at 2155 Miramar Boulevard in University Heights. The school district has generously allowed us to reserve that space for every regular meeting this calendar year. The only date change to the meeting schedule as of this time is the second meeting of February, the week of Presidents Day. Our city council meeting will be held that Wednesday, February 20th, at 7pm, as the meeting room was not available on Tuesday the 19th, as the Board of Education has a regular meeting of their own that day.

I thank Jodi Sourini, the CHUH School Board, George Petkac, and everyone at the District Offices who played a part in making this possible. This administration and this city council are committed to making our meetings accessible to the public, regardless of mobility concerns. We will hold our city council meetings in the accessible space at the BOE offices, as we continue to look for a more permanent solution to this ongoing problem.

Thank you, this concludes my report.

Agenda Items:

A. Reappointment of Patti Carlyle to the University Heights Fair Housing Commission for a full three-year term

Mayor Brennan stated that Mrs. Carlyle was appointed to the short remaining term in a staggered three-year Board which was reconstituted. The Fair Housing Commission had not been appointed for a period of time. Therefore, all three Commission Appointees had to be appointed and that was done on a staggered term basis to agree with the Ordinance. The Ordinance states the term is three years with a member being appointed every year. Mayor Brennan added that at the May Council meeting when the Commission members were appointed Mrs. Carlyle was placed in the shortest term with the intention that she would be reappointed to a full three-year term in January 2019.

Mayor Brennan commented that the Fair Housing Commission has not had to formally meet yet although there

MOTION BY MRS. WEISS, SECONDED BY MR. WISEMAN for the reappointment of Patti Carlyle to the University Heights Fair Housing Commission for a full three-year term. On roll call, all voted “aye.”

B. Reappointments of Ann Mannen and Kelly Jablonski to the City’s Board of Zoning Appeals Commission for a term period of two-years beginning February 1, 2019

Mayor Brennan stated that Ann Mannen is a long-time resident, a former Cuyahoga County Common Pleas Judge, a valuable member of the Board of Zoning Appeals and has express her willingness to serve another term. Kelly Jablonski along with her husband have a development business and she bring a valuable perspective to the Board and has also express her willingness to continue serving on the Board.

Mayor Brennan added that a third Board seat is vacant due to the resignation of Linda Johnson. Ms. Johnson resigned due to other responsibilities that would take the majority of her time. Mayor Brennan noted that he would be making the appointment to that seat soon.

Mrs. Weiss commented that she attends BZA meetings on the behalf of City Council and she was glad that both Ms. Mannen and Mrs. Jablonski are willing to continue their positions on the BZA.

Mr. McConville also added that both Ms. Mannen and Mrs. Jablonski have provide a great deal of expertise to the BZA. Each of them very carefully considers the matters that are brought before the Board. Mr. McConville encouraged Council to approve the reappointments of Ms. Mannen and Mrs. Jablonski.

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Mr. Rach stated that he had the opportunity to serve on the BZA with both Ms. Mannen and Mrs. Jablonski for several years just prior to his being appointed to City Council. Mr. Rach noted that they both do a tremendous job.

MOTION BY MR. RACH, SECONDED BY MRS. WEISS for the reappointments of Ann Mannen and Kelly Jablonski to the City’s Board of Zoning Appeals Commission for a term period of two-years beginning February 1, 2019. On roll call, all voted “aye.”

C. Ordinance 2019-01 Updating Chapter 14 of the Codified Ordinances by Enacting Sections 1424.11 Entitled “Cancellation Fee” and 1424.12 Entitled “No Charge Permit”

Mr. McReynolds stated that this Ordinance is in the hopes of alleviating the number of inspection cancellations that aren’t made in a timely fashion.

Mr. McConville added that he wanted to make it clear that in providing legal advice to the City; if this Ordinance is enacted the Ordinance will remove any sort of discretion of the Building Department in imposing the fee. The City can’t pick and choose who the fee is imposed against. Either parties are in violation of the Ordinance and the fee will then apply or they aren’t in violation of the Ordinance.

Mr. Wiseman noted that he wanted to know the underlining cost of the permits and asked Mr. McReynolds how many inspection cancellations he thought occurred in 2018 and it this would be for all types of inspections. Mr. Wiseman added that he agreed that this issue of cancellations need to be addressed but if the permit cost was less than \$100 then the \$100 fine maybe excessive.

Mr. McReynolds replied he would guess 2 to 4 a month and noted he agreement that the fee should not exceed the cost of the permit. Building permit fees round approximately between \$50 and \$100; where Housing permit fees are more.

Mr. Wiseman asked of all the cancellations what percentage of those were from absentee landlords.

Mr. McReynolds replied 90% of the cancellations come from absentee landlord rental inspections.

Mr. Grogan-Myers added that since he became Housing Director last year have been approximately 6 rental inspection no shows. This would be where the landlord/agent/tenant made an appointment and the appointment wasn’t cancelled nor was anyone at the property when the inspector showed up.

Mr. Wiseman asked if there was a current fine for not being at the property for the scheduled inspection.

Mr. Grogan-Myers replied no. But that there is a re-inspection fee which occurs after 2 failed inspections.

Mr. Wiseman stated that he would be in agreement with the proposed Ordinance as long as when persons apply for inspections that they receive information from the Building Department informing them that they have cancel any appointment 24 hours before the scheduled appointment time or they will receive a penalty fee of \$100.

MOTION BY MR. WISEMAN, SECONDED BY MR. ERTEL approving Ordinance 2019-01 Updating Chapter 14 of the Codified Ordinances by Enacting Sections 1424.11 Entitled “Cancellation Fee” and 1424.12 Entitled “No Charge Permit.” On roll call, all voted “aye.”

D. Ordinance 2019-02 Adopting the Solid Waste Management Plan for the Cuyahoga County Solid Waste Management District

Mayor Brennan informed Council that per State Law the Solid Waste Management Plan need to be adopted before April 22, 2019 and noted that Mr. Pokorny would be attending an information session regarding the plan. The Solid Waste District is asking all the communities that it services to adopt the plan.

CC 01/22/2019

Ordinance 2019-02 was placed on first reading.

E. Ordinance 2019-03 Authorizing Supplemental Temporary Appropriations for Expenditures of Carryover 2018 Purchase Orders of the City of University Heights, Ohio for the Period Commencing January 1, 2019 and Ending March 31, 2019

Mayor Brennen read into the record Mr. Goffe explanation for Ordinance 2019-03.

Normally, purchase orders for a specific purchase are left open when rolling from one year to the next year until the invoice associated with that purchase order is paid. Through this process, the funds need for purchase orders paid in the subsequent year do not need to be re-appropriated.

Due to the change of accounting systems, all 2018 purchase orders are closed in the old eGov accounting system, and thus release the appropriations on the funds that would have paid those 2018 purchase orders. In order to enter the 2018 purchase orders, which would normally carryover from 2018 to 2019, into the new VIP Fusion accounting system, the funds need for the purchase orders need to be re-appropriate. Ordinance 2019-3 approves supplemental appropriations to the 2019 Temporary Appropriations for the purpose of re-appropriations the funds for the 2018 carryover purchase orders.

Mrs. Pardee asked if monies have been added to the original appropriations or if the original appropriations been reordered in terms of the amounts under certain accounts.

Mayor Brennen replied that it was his understanding that they are the same appropriations as approved previously and that this is not additional money that is being appropriated. This is being done because the Finance Department is in the process of switching the accounting system from eGov to VIP Fusion.

Mrs. Pardee added that it appears that this is the realignment of appropriations for where they are needed based on carry-over purchase orders from 2018.

Mrs. Weiss noted she was in favor of Ordinance as long as the stated appropriations aren't additional appropriations.

MOTION BY MRS. WEISS, SECONDED BY MR. ERTEL for the approval of Ordinance 2019-03 Authorizing Supplemental Temporary Appropriations for Expenditures of Carryover 2018 Purchase Orders of the City of University Heights, Ohio for the Period Commencing January 1, 2019 and Ending March 31, 2019. Roll Call on Suspension of the Rules, all voted "aye." Roll call on Passage, all voted "aye."

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

There was no need for an executive session.

Directors' Reports

Finance Director – Mayor Brennan read Mr. Goffe's report.

Bank reconciliations for November and December 2018 have been submitted to City Council.

The bank reconciliation and associated financial reports for December 2018 are interim reports since December 2018 has not yet been closed. Closure of December 2018 has been delayed by the implementation of the VIP Accounting System and preparation of the draft 2019 Permanent Appropriations Budget. The remaining 2018 Imbalance of Bank versus Book will be resolved as part of the closure of December 2018.

CC 01/22/2019

Implementation of VIP Fusion Accounting and Payroll System:

Law Director – Luke McConville provided the follow updates:

The Fair Housing Center filed a complaint with the City for the review of certain violations of the Fair Housing Ordinance relating to housing practices by a particular landlord that owns property throughout the City. In response to the complaint the City received a lengthy position statement from the respondent landlord that raised a variety of defenses including: (1) challenging the facts of the allegations and specifically indicating that rental applicants were never turned away when they indicated that they were recipients of housing vouchers; (2) challenging the constitutionality of the City's Ordinance as it relates to the City's prohibition of discrimination on basis of "source of income" which is a term that is used in the City's Ordinance.

The respondent argued that the term "source of income" was not defined within the Ordinance and was overly broad, leaving the respondent without proper notice as to what the prohibited conduct was.

Mr. McConville stated that procedurally under Codified Ordinance 820.11 after each party briefed the issues the Law Director is permitted either to dismiss the case or if he/she finds there are grounds for the complaint to refer the matter to a conciliation hearing which is the equivalent of mediation. In this case Mr. McConville referred this matter to a conciliation and that was to take place later this week. However, the parties agreed over the phone to attempt to resolve the matter on a pre-hearing basis by utilizing the Law Director as an intermediary.

During that process the Fair Housing Center, who filed the complaint was candid in admitting that it was only looking for prospective relief, namely that the landlord wouldn't repeat the complaint. To be fair and for purposes of the record Mr. McConville emphasized that the respondent's position was that they never engaged in the prohibited conduct in the first place and that they had provided evidence to the City to corroborate that position.

The Fair House Center also candidly suggested that it would consider withdrawing their complaint if the City would consider revising its Ordinance to provide a precise definition of "source of income" to avoid any type of ambiguity or future challenge on this basis to the Ordinance.

Mr. McConville stated that he verbally indicated to the Fair Housing Center lawyer that he thought Council would be willing to meet to consider such a change, but also that he could not make any guarantees. Mr. McConville said he received two emails from the Housing Center; the first email withdrew its complaint against the respondent landlord and the second email asked for a meeting with the City's Mayor and any interested members of Council to discuss possible modification to the Fair Housing Ordinance. Based on that request Mr. McConville recommended the Mayor and Council that they provide him with dates to arrange a meeting with representatives from the Fair Housing Center to consider certain modifications to the Ordinance that would protect the City and provide clarity to all of the parties. Mr. McConville also informed everyone that the Housing Center expressed both their appreciation and gratitude for the manner in which the City handled their complaint.

Police Department – Chief Rodgers provided the following updates. An Administrative Assistant has been hired. Background checks are still ongoing for Patrol Officer. The frontline parking permission program will be live at the week end. On January 9 both myself and Fire Chief Perko met with the County's Emergency Management Director Mark Christian and Operation Supervisor Brian Cloths to discuss ways to enhance the City's familiarity with the County level resources and assistance as it relates to emergency management at the City level. Chief Rodgers stated that they have also been looking at a program known as Ready Certify, that program is designed to help communities build emergency management programs with a focus on planning operations and training exercises.

Fire Department – Chief Perko reported that the department had been training and conducting firefighter survival drills at the city owned house located at 3950 Silsby. Some of the firefighters use personal time to build structures inside the house to allow realistic training. There has also been leadership training, this was done with a regional approach with Shaker Heights and organized by the Ohio Fire Chiefs Association. The department started its first ever Acting Officer Program, so if a fire officer is unavailable to operate this will allow for the department to use its firefighters to act in their capacity and now they will have training to support them in that role. The Fire Prevention Bureau is up and running. The next CPR classes will be held on January 24 at the University Heights Public Library.

CC 01/22/2019

Service Department – Mayor Brennan read Mr. Pokorny's Report

The 2018-3 Tree Pruning and Removal Project being performed by Parks Tree continues: Ashurst Rd. and Edgerton Rd. from Fairmount Blvd to Hillbrook Rd. are complete. Work will continue next on Dysart Rd. and then Charney Rd. also from Fairmount Blvd. to Hillbrook Rd. A public meeting with representatives of Parks Tree and our Consulting Arborist to discuss this project at 6:30 PM prior to our next Council Meeting on February 4th.

Yard Waste Collection - The Service Department continues to work on the disposal of leaves and brush collected during the past collection cycle. We hope to have all debris removed from the Service Department Yard and Kerwin Yard by the end of this week. For the next two months all yard waste must be bagged for collection. Curbside leaf collection will resume April 1st for the month of April.

Snow and Ice Control - The Service Department Staff works diligently to provide safe roads for the motoring public. We would like to remind the public that City Ordinance 452.16 bans parking on public streets when snow fall exceeds two inches in depth and that Ordinance 660.05 requires residents keep their sidewalks free of snow, ice and any nuisance.

Building Commissioner – James McReynolds reported that the house at 2223 Brockway/Tullamore, which caught on fire has been given a 15-day court notice because based on conversations with the owner and other persons that Mr. McReynolds has run into at the property he is not confident that the repairs will be done. Most of the damage is confined to the 3rd floor; otherwise the house may be able to be salvaged.

Mr. Wiseman asked if there was anything that could be done to force the homeowner hand. Can the Court issue the City an administrative order?

Mr. McReynolds replied yes an order to either abate the condition or to condemn the house.

Mr. McConville stated that first the City needs to get the homeowner in front of the Judge, this would be the first step and then if necessary take other more aggressive actions.

Mr. Ertel asked if the City could tarp the roof.

Mr. McConville replied no because the City doesn't own the property.

City Engineer – Joseph Ciuni reported on the Dominion East Ohio Gas Project to replace the gas pipes is tentatively scheduled to start in February in the Fairmount/Hillbrook/Edgerton area with 4 miles of gas lines to be replaced. This will take most of the year to complete. Mr. Ciuni stated that he would inform Council of the timeline schedule when he gets it from the gas company.

Communications and Civic Engagement – Mike Cook reported that the Parks and Recreation met just before the Council meeting with ideas to create a temporary skating ring with either traditional ice or synthetic ice, sprinkler park and expand the use of the Community Park. The re-design of the city's website is targeted to be completed by February 13. Continuing to work with Susan Drucker in helping and urging the local businesses to compete and get votes for "best of" contest.

Special Projects – Rachel Mullen stated that last week the Memorial Day Parade Committee held its first meeting to begin to organize this year's parade, the next meeting is on February 6th. The USO is has a donation box in the City Hall lobby for members of the Coast Guard who aren't receiving their paychecks because of the government shut down. The response to this has been great, anyone who donates received a University Heights mug.

Economic Development - Susan Drucker reported that the Cedar Road Midas is temporary closed for remodeling. Mrs. Drucker added that she and Mr. Cook continue to work with and promote the small businesses in University Heights by creating them a promotional ad. Lastly, Mrs. Drucker said she was proposing the creation of a Storefront Improvement Pilot Program. The idea is to allow one year to see what the application looks like, what the process would be, etc. We want to have the ability to massage the program for the next year to see how it really works. The purpose of the program is to encourage property owners to improve the exterior and physical appearance of their commercial buildings. The program is designed to provide some financial assistance to the property owners to renovate their existing building storefronts. The project must upgrade the physical appearance and

CC 01/22/2019

boost curb appeal because that is the value that the city receives as part of this project. It is a value for the community, a value for the business districts and builds on the city's current beautification and mitigation efforts in the commercial districts. This also supports the city's master plan where one of the goals is to promote redevelopment and to encourage economic development and growth in existing commercial areas.

Housing and Community Development – **Patrick Grogan Myers** reported that he and Susan Drucker will be meeting with the Cedar/Taylor Merchants Association in the next upcoming weeks. Secondly, the NOACA TLCI Transportation for livable communities initiative study is going on and looking at the Taylor Road corridor. Part of the plan is to make that district friendlier to bikes, to pedestrians and to all modes of transportation. A public meeting will be held in conjunction with this initiative in the next few months to unveil some of the ideas. Lastly the city owned house at 3950 Silsby is scheduled for demolition tomorrow.

There were no other director reports.

Standing Committees

Finance Committee – Vice Mayor Pardee reported that the Finance Committee along with the Financial Advisory Commission will meet at the City Hall annex 2245 Warrensville Center Road on January 31, February 7 and February 14 at 7pm to work on the City's budget. Mrs. Pardee announced that a number of residents have stepped forward with their interest in becoming members of the Financial Advisory Committee.

Civic Information – Mrs. Cameron reported that the Civic Information will meet soon regarding the "Move to Amend Bill" and that she is working with Mr. Cook in creating a list of people to help residents with snow and leaf removal on a volunteer basis.

Governmental Affairs – Mrs. Weiss stated that the committee met one month ago and that she is working on an Ordinance with the Law Director in changing the permitted age to purchase tobacco products to 21. The Ordinance should be ready to present to Council within a month or so.

Recreation - Mr. Ertel reported that there was a Parks and Recreation meeting just prior to the Council meeting and that a lot of good ideas were kicked around and that he was looking forward in working with the Mayor and Administration to flush those ideas out.

There were no other committee reports.

MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON 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