

**MINUTES COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS, OHIO  
FEBRUARY 4, 2019**

Mayor Michael Dylan Brennan called the regular meeting to order at 7:17p.m.

Roll Call:

Present: Mrs. Susan Pardee  
Mrs. Pamela Cameron  
Mr. Phillip Ertel  
Mr. John Rach  
Mr. Mark Wiseman

Absent: Mr. Steven Sims  
Mrs. Michele Weiss

Also Present: Law Director Luke McConville  
Clerk of Council Kelly Thomas  
Finance Director James Goffe  
Fire Chief Robert Perko  
Police Chief Dustin Rogers  
Building Commissioner James McReynolds  
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 Mrs. Weiss. On roll call, all voted “aye.”**

**Approval of Minutes from January 22, 2019**

There were no corrections or additions to the January 22, 2019 Council minutes.

**MOTION BY MRS. PARDEE, SECONDED BY MR. WISEMAN to approve the Council minutes from January 22, 2019 as presented. On roll call, all voted “aye.”**

**Comments from Audience**

There were no public comments.

**Mayor’s Report**

Today marks our first city council meeting here at the CHUH Board of Education Offices. We are here in order to better serve the community. People with mobility issues may better attend our meetings here. I thank School Board President Jodi Sourini, school board members Malia Lewis, Dan Heintz, Jim Posch, Beverly Wright. I thank George Petkac, Mark Brown, and the staff here at the district for working with Kelly Thomas and Mike Cook to work out the logistics. And I thank outgoing Superintendent Dr. Talisa Dixon and welcome incoming interim superintendent Dr. Brian Williams.

Today also marks our soft opening at live streaming our city council meeting. We’ve been video recording our meetings since January of last year, with the intention of both bringing it in house and adding streaming as an option. Hopefully, this is viewable live as we speak. If not, we’ll have the video up regardless, and work out the kinks for next time.

Speaking of next time, our next meeting is Wednesday February 20th, and it will be here at the Board Offices. But one week before that, on Wednesday, February 13, we will hold the State of the City address. That will be at 7pm at the Jardine Room at John Carroll University. Our communications and civic engagement coordinator Mike Cook asked me a few days ago how long I thought I would speak. And I told him about an hour and half. And then I told him I was kidding, that an hour and 15 ought to do it. But seriously, I will be taking some time to talk about where we’ve been, where we are, and where we are going. I’ll be going over our accomplishments improvements and advancements of the last year, the city’s financial picture, and our goals going forward. Because while we have together

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achieved much, when it comes to redeveloping this city and making it sustainable, our work has only just begun.

I am pleased to announce that we received formal notification from Cuyahoga County for county funding for resurfacing Washington Boulevard from Wynn Road to Cedar Road. As part of the county's 50/50 program, the county is willing to contribute 50%, up to \$250,000, towards the project. As a portion of this project is in Cleveland Heights, CH will be contributing \$75,000 towards the project as well. Our thanks to Armond Budish and his staff for recognizing the worthiness of this project.

In commemoration of Black History Month, we have a joint resolution for consideration this evening. At our next meeting, we will be inviting the winners of the MLK essay contest to be recognized.

Finally, I would like to acknowledge and thank our former mayor, Susan Infeld, for accepting the responsibility of serving as the interim executive director of the Cuyahoga County Planning Commission. As a member myself of the county planning commission board, I am delighted to know Mrs. Infeld is willing to lead the day-to-day activities of the commission as we prepare to launch a full national search for a permanent replacement. I have volunteered to participate in that search process. In the meantime, I look forward to working with Mrs. Infeld to ensure that the interests of the Heights region are fully met while advancing the overall mission of providing services in support of long term and short-term comprehensive planning, quality of life, environment, and economic development of Cuyahoga County and its cities, villages and townships. She has assured me and the rest of the board that the agency's functionality will not change in any way during this transitional time. My thanks to Glenn Coyne for his service as outgoing executive director, and best of luck to him as he returns to his native Atlanta.

Thank you, this concludes my report.

#### **Agenda Items:**

Mayor Brennan requested a motion to amend the agenda to consider Resolution 2019-06. A Resolution honoring Black History Month 2019.

**MOTION BY MRS. CAMERON, SECONDED BY MR. ERTEL amending the agenda to allow for the consideration of Resolution 2019-06 Honoring Black History Month 2019. On roll call, all voted "aye."**

Mayor Brennan read the entirety of Resolution 2019-06 into the record.

**MOTION BY MRS. CAMERON, SECONDED BY MR. RACH for the passage of Resolution 2019-06 Honoring Black History Month 2019. On roll call, all voted "aye."**

#### **A. Ordinance 2019-02 Adopting the Solid Waste Management Plan for the Cuyahoga County Solid Waste Management District**

Mr. Pokorny provided the history of solid waste prior to House Bill 1988 noting that there were many issues with solid waste that affected the State of Ohio in general. Mostly it dealt with finding places for solid waste and trying to control the solid waste landfills. In 1988 House Bill 592 was passed and established the comprehensive solid waste regulatory plan that included many regulations and requirements to assure that adequate fill space would be available for the future and that waste reduction would be implemented in order to strength time out saving landfill space. The legislation established 52 Solid Waste Districts across the State, one of which is the Cuyahoga County Solid Waste District. As part of this one of the requirements placed upon solid waste districts throughout Ohio is to respond to the Ohio EPA with plans and goals to meet and exceed HB 592 requirements. The plan is also required to be updated every 5 years and ratified by the member cities within those districts.

Mr. Pokorny stated that in Cuyahoga County there are 59-member communities and every 5 years each community has to ratify the plan.

This year's updated plan included nine goals to achieve waste reduction and recycling goals. Mr. Pokorny noted that the full plan is available on-line at [www.cuyahogarecycles.org](http://www.cuyahogarecycles.org). The plan includes many programs and services that the City of University Heights participates in such as household

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hazardous waste collection and disposal, recycling and solid waste consortiums, scrape tire roundups, community litter programs, recycling grants programs, etc.

The Solid Waste District operates under a generation fee which was originally \$1 per ton of solid waste. The City of University Heights disposes of approximately 4600 tons of rubbish into landfills each year for about \$4,600. In the last previous set of plans and upgrades in 2007 the fee increased to \$1.50 per ton and the new plan proposes that in 2023 the fee increases to \$2.00 per ton. Currently the city generates about 4600 tons annually with a cost of approx. \$6,900 per year to the Cuyahoga County Solid Waste District as part of the generation fee. In the year 2023 the estimated cost will be \$9,200.

The plan has been reviewed by the City and the Administration is recommending that Council passes Ordinance 2019-02 Adopting the Solid Waste Management Plan for the Cuyahoga County Solid Waste Management District.

Mayor Brennan asked what the consequences if County municipalities were not to pass legislation updating the plan.

Mr. Pokorny replied that the plan goes to the Ohio EPA and is accepted by the Ohio EPA; if the communities do not adopt and ratify the plan the Ohio EPA will create their own plan and the City will subject to the terms of that plan

Mrs. Pardee added that she was happy that the Cuyahoga County Solid Waste District also spends money on education awareness and grants. Mrs. Pardee stated that the Cleveland Heights/University Heights schools a number of students have used the recycling bins.

**MOTION BY MRS. WEISS, SECONDED BY MR. WISEMAN approving Ordinance 2019-02 Adopting the Solid Waste Management Plan for the Cuyahoga County Solid Waste Management District. On roll call, all voted "aye."**

**B. Resolution 2019-04 Authorizing the Transfer of \$25,000.00 to the University Heights Future Corporation for Payment of Costs, Fees and Ongoing Operating Expenses**

Mr. McConville noted that Council previously passed an Ordinance adopting the Community Improvement Corporation to serve as the City's agent in an economic development capacity. The Corporation has registered with the Secretary of State of Ohio and the name of that Corporation is The University Heights Future Corporation. The Board consist of Mayor Brennen, Vice Mayor Pardee, Councilwoman Weiss, Councilman Wiseman, Community Representative Win Weizer, Economic Director Susan Drucker and Community Development Coordinator Patrick Grogan-Myers.

Mr. McConville stated that the Corporation's Board has met initially to consider the adoption of the Code of Regulations, to govern the Board activities as well as a Conflict of Interest Policy. It is anticipated that the Corporation will conduct regular meetings for purposes of economic development activities which may include transactions to acquire property. As the Corporation conducts its business will have ongoing fees, cost and will need funding from time to time for any purchases or acquisitions it makes. Mr. McConville said it was his understanding that Council was prepared to appropriate \$25,000 for the Corporation's ongoing expenses. This Ordinance will transfer that \$25,000 from the City to the Community Improvement Corporation, which will then be managed by the Corporation.

Mrs. Pardee asked what the anticipated cost for the startup phase in regard to the \$25,000 would be. What items would be needed to start up prior to any projects.

Mr. McConville replied that the cost before any projects would be fairly minimum. There is an outstanding filing fee for the articles of incorporation, modest attorney fees may be incurred, there maybe small business expenses such as office supplies, letterhead, etc.

Mrs. Pardee commented that the \$25,000 should go along way and last for a few years until there is something actually on the board that they want to do and in that case the Board would be looking at other potential sources.

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Mr. McConville agreed with Mrs. Pardee in that minus any projects the \$25,000 should go a long way. But added that he thought the goal of the CIC is to have projects and to be fairly active. If the CIC is looking to be active bringing projects on line and is meeting frequently the expenses will be far greater than the \$25,000 per year.

Mr. McConville added that he didn't think that the intent was to have \$25,000 in the budget. The intent was to conduct meetings for the purposes of strategic discussions about economic development that could involve land acquisitions and assembly as well as to see whether those kinds of projects are feasible and if they are to send the money for the acquisition.

Mayor Brennan agreed with Mr. McConville's comments. Noting that the CIC Board is comprised of a majority of Council members it was not as if there won't be a level of oversight with respect to what is being done as a CIC. When it comes to identifying the projects there very well could be kind of asking from the CIC to the City Council at a later date. The CIC doesn't want to get into the habit when it comes to day to day operations and small expenditures having to report to Council.

Mr. McConville noted that because of the way the CIC is composed and with having a majority of the members of Council on the board it doesn't make sense for the CIC to have to make request from Council every few meetings or 3 months to allocate the \$25,000. Mr. McConville added that he felt that it would be reasonable to think that the CIC Board would spend the money in the same manner as Council would.

Mrs. Pardee clarified that the \$25,000 would be seed money and that special projects with possibility different cost associated with it would come back to Council.

Mr. Rach noted that yes the \$25,000 was seed money and that it will help fund ongoing operating expenses and asked if there was any type of future revenue stream; i.e. development project fees so that money would flow into the account.

Mayor Brennan replied potentially and added that other CIC's in this region such as South Euclid's CIC has been going for 10 years and has become self-sufficient via the acquisitions of properties, repairing those properties and then reselling them.

Mr. McConville added a possible scenario where a CIC could have revenues that exceed its expenses where it has acquired pieces of property that are continuous to each other and by virtue of consolidating those pieces of property they become more valuable and then the CIC is then able to sell that property to a developer in an amount that exceeds what the bought it for. There are other scenarios where there may be a loss. The rule is that to the extent that Council has funded an acquisition on the behalf of the CIC and the CIC purchases the property. When the CIC purchases the property if there is a profit that profit will repay that principal amount back to Council.

For example, if Council gives \$100,000 to the CIC and then the CIC purchases the property and then sells the same property in excess of that amount the \$100,000 would come back to Council and the CIC would keep the excess dollars.

**MOTION BY MR. RACH, SECONDED BY MRS. CAMERON approving Resolution 2019-04 Authorizing the Transfer of \$25,000.00 to the University Heights Future Corporation for Payment of Costs, Fees and Ongoing Operating Expenses. Roll call on suspension of the rules, all voted "aye." and roll call on passage, all voted "aye."**

**C. Ordinance 2019-05 Authorizing the Creation of a Storefront Improvement Program to be Administered by the City's Economic Development Department**

Mrs. Drucker stated that Ordinance 2019-05 creating a storefront improvement program to be administered through the Economic Development Department. Any project submitted to the City for this program must be a substantial upgrade to the exterior appearance of any commercial building. The project has to be in University Heights and has to boost curb appeal. The program is an aid in improving the aesthetics in eliminating the blight in the University Heights commercial areas. The program is to also serve as incentive not only for the upkeep but also for the renovation of the commercial properties.

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Under the guidelines listed for the program eligible owners of commercial building may be reimbursed up to 50% of the total cost of eligible improvements up to a maximum reimbursement of \$25,000.

Mrs. Drucker made note of Councilman Sims concerns: (1) the program should be restricted solely to exterior improvements and added that this is an exterior maintenance program for exterior redevelopment projects only. This is outline in exhibit "B". (2) that what is currently proposed is eligible for uses that he (Councilman Sims) believes should be removed – Mrs. Drucker said that would be up to decide if her ideas were good or if they needed to be changed and/or removed. (3) suggested the reimbursement of architectural engineering related cost be limited to \$3000 for a single store front and up to \$7500 for multi store fronts. (4) Exhibit "B" be developed into the program brochure - Mrs. Drucker stated that she wanted to keep Exhibit "A and B" separate for the pilot year was because they want to see how everything works out and flows appropriately. If anything needs to change it will be easier to change items if the exhibits aren't a part of the actual Ordinance.

Mrs. Drucker suggested that Councilman Sims concerns be addressed when he is present.

Mrs. Drucker commented that the ceiling reimbursement was \$25,000 because the City wants to see substantial improvements, if the City is investing dollars in any redevelopment for commercial property it has to have a benefit. That benefit is to remove blight, improvement the appearance so that it adds value to not only the City but to the community as a whole and it also enhances the commercial district as a whole. Every applicant is not guaranteed \$25,000, they have to go through the complete process and provide the required information. Lastly, only the commercial building owner(s) can apply for this program not the individual business owners.

Mrs. Drucker noted that this is a pilot program.

Mr. Wiseman commented business owners always want to know if the City has funds to fix up their business.

Mrs. Pardee stated she was glad that this will start as a pilot program.

Mrs. Cameron questioned what good is it to help with the exterior of a building if the interior is in bad shape. Mrs. Cameron said she hoped that any exterior project would also include the entry into the facility as well.

Mrs. Drucker stated that she vets out the building owner's ideas prior to them going further in the process and she will also be an active part as the application goes through the various city boards and commissions. Mrs. Drucker noted that Council has the final approval.

Mr. Rach reviewed various aspects of the process, i.e. which boards to go to, getting bids from contractors, how is it decided who receives funding if there is a high demand – will projects be score according to the impact to the city, etc.

Mrs. Drucker replied noted that there is language that says applications can be granted based on the financial ability of the City. Meaning if there was an outpour the City has to be realistic as to what it can actually fund per year. For example, if an applicant came in October with a great project but the City had already funded three projects Mrs. Drucker might tell them to get their paperwork together and go through the process but wait unit the next year to actually apply when there would be new funding.

Mr. Rach asked if the 90-month window in which construction has start began after Council approval.

Mrs. Drucker replied yes.

Ordinance 2019-05 was placed on first reading.

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**D. Motion to Authorize the Mayor to Sign a Conflict Waiver to Allow the Law Director to engage in dual representation of the City and the City's Community Improvement Corporation, known as University Heights Future Corporation.**

Mr. McConville stated that the reality was that the Community Improvement Corporation (CIC) and the City are separately known but they will from time to time engage in transactions; such as transfers of property and transfers of money. Going forward the CIC will need legal advice on any transactions it engages in. The CIC is entitled to obtain its own legal counsel should it choose to do so.

Mr. McConville noted that at the CIC meeting that was held a few weeks prior the Board indicated their preference to hire Mr. McConville as their legal counsel because of his familiarity of the City's business. Mr. McConville stated that that was permissible as long as both entities (the City and the CIC) waive the conflict of interest. Mr. McConville added that it was his view that the Mayor has the administrative authority to waive the conflict to hire him as lawyer on the behalf of the City but that he asked the Mayor to place this on the Council agenda.

Mr. McConville added that some efficacies by having only one lawyer.

Mrs. Cameron asked Mr. McConville in the event a situation where to arise that he felt he couldn't represent one entity verses the other would someone from his law firm step in?

Mr. McConville replied no because that would help the CIC and added that he is the Law Director for the City. However, if ever a situation were to arise the parties are in an adversarial setting he would immediately recuse himself from the matter and that in those circumstances the CIC should obtain its own legal counsel and then the City can either elect to have him represent them or get their own counsel. Mr. McConville added that he thought that type of situation would be somewhat far fetch since the purpose of the CIC is to act as the City's agent and because the composition is essentially the same with six of the seven board members are either council members or part of the administration.

**MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON authorizing the Mayor to Sign a Conflict Waiver to Allow the Law Director to engage in dual representation of the City and the City's Community Improvement Corporation, known as University Heights Future Corporation. On roll call, all voted "aye."**

Mr. Rach noted that this waiver was specific to the current Law Director Luke McConville and any future Law Director would have to go through a similar waiver process.

Mr. McConville replied that Mr. Rach's comment was correct and that would bring having legal counsel for the CIC back to square one where they could hire their own legal counsel or use the City's Law Director and sign a conflict waiver.

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

Mayor stated that there was a need for an executive session to discuss real estate matters.

**MOTION BY MR. ERTEL, SECONDED BY MR. WISEMAN to hold an executive session immediately following this regular meeting for the purpose of discussing real estate matters. On roll call, all voted "aye."**

**Directors' Reports**

**Finance Director** – Mr. Goffe reported that the Finance Department has moved to a new accounting system and payroll will still be processed by ADP until the end of the first quarter. Mr. Goffe added that he continues to work with the Finance and Finance Advisory Committees on the 2019 budget.

**Law Director** – **Luke McConville** reported that he is in the process of scheduling a meeting with the City and the Fair Housing Center to discuss the City's Fair Housing Ordinance.

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**Police Department – Chief Rodgers** provided the following updates. The frontline parking permission program is live, links to the program is on the City's website and under the police department website page. Soon it will have a link on Facebook as well as John Carroll University social media sites. The parking permission request will be either approved or denied in real time. Currently the program limits the parking use permission to 2 days at a time and 6 days per calendar month for a total of 6 times (request) per calendar year per vehicle. If someone needs more extensive they will have to call central dispatch for permission. All the details and information are listed on the website.

Coffee with a Cop will take place at 2pm on Sunday, February 17 at the University Heights Public Library.

**Fire Department – Chief Perko** reported that the Fire Prevention Bureau has been opened for a month and within that month a variety of different activities have occurred including plan reviews, alarm system testing, annual safety inspections, complaint analysis, sprinkler system testing, fire inspection testing, alarm testing, review of the current City fire codes, etc. Lastly, the training and development officer will be shadowing the City of Columbus Fire Department at the end of February.

**Service Department – Mr. Pokorny** reported that due to the low temperature rubbish collection was changed to collecting Wednesday's route on Friday and Thursday's route today (Monday). This week the week rubbish will be on holiday schedule so everyone garbage will be pickup one day late.

There have been a number of watermain breaks, currently only 2 remain at Washington and Loyola and on Cedarbrook. There are approx. 12 holes from water breaks that need to be restored. A planned water shutoff of tomorrow morning is schedule for South Green near the Villas on the Green and everyone affected has been notified.

Mrs. Pardee asked about the additional \$5,000 that Council had set aside for additional tree trimming for the added homes.

Mr. Pokorny replied that those funds have not been expended yet because the contractor has not reach that point of the contract yet. The additional trimming will occur around May 2019.

**Building Commissioner – James McReynolds** reported that 9 cases are on the Shaker Heights Housing docket for Court. The house at the corner of Saybrook and Silsby, 3950 Silsby was demolished by the Cuyahoga County Landbank.

Mr. McReynolds noted that there are some issues with the Mikvah construction and the State Code regarding plumbing backflow and those issues are before the Board of Building Standards in Columbus. The designers will be in Columbus to represent the owners of project and Mr. McReynolds will be there to represent the City.

Mr. Ertel asked if the plumbing issue would impact just the Mikvah or also the surrounding neighbors.

Mr. McReynolds stated that it is possible that the contamination (that might be present) enters into the system and then gets dispersed.

**City Engineer – Joseph Ciuni** reported that the City received the grant from Cuyahoga County for the resurfacing of Washington Blvd. from Cedar to Wynn. Mr. Ciuni noted that the watermains have to be replaced in that same area so the water project will be first sometime in April followed by resurfacing in July. Dominion East Ohio Gas indicated that they will be starting the gas line replacements in Shaker Heights (Fairmount area) in the middle of February and then move into University Heights around March. Mr. Ciuni stated he would be providing updates.

**Communications and Civic Engagement – Mike Cook** reported that a survey from Guide Studios and the rebranding of the City has been sent to members of City Council, emailed to newsletter list for about 1,500 people and shareholders. Council meetings will now be taped for livestream use via inhouse measures.

**Economic Development - Susan Drucker** reported that the Business Directory of 2019 has been updated and ready for print as well as on the City's website. The commercial retail occupancy and vacancy database is complete. The database is based on the square footage for commercial and retail

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space. With University Square being taken out of the equation, the City is starting year with a 5.9% commercial/retail vacancy. The overall US retail current vacancy is 10.2% according to NRF Smart Brief. If University Square is included the numbers jump to 27.8% vacancy rate.

Lastly, Mrs. Drucker reported that the Heights Observer is sponsoring their “Best of the Heights” awards so make sure you vote for your favorite business before February 15.

**Housing and Community Development** – Mayor Brennen stated that Mr. Grogan-Myers was on vacation and that he didn’t have his report with him but would email it to members of Council at a later time.

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 met at the City Hall annex 2245 Warrensville Center Road on January 31 at 7pm to review the City’s budget. Mrs. Pardee added that it was important to understand what this Administration walked into a little over one year ago. Council has come to learn is that the Finance Department was almost in shambles, the Mayor inherited two finance directors who were not equal to the task. The Mayor has now hired someone who is outstanding and superior for the task; but, there is a lot of work to be done because Council was unable to the financial status of where the City was with any accuracy until now. The Finance Committee has met sporadically trying to work with the former Finance Directors and the information that was received was very inconsistent and incomplete. Mrs. Pardee noted that Council now has in the budget complete information which gives them a lot to work with.

Mrs. Pardee noted that the Financial Advisory Committee is comprised of dedicate citizens who are professors, business owners, municipal finance teachers, etc. Some members have served on the committee for a long-time. The members come to the meetings, go through the materials provide their expertise. Mrs. Pardee added that there has been such an outpouring of interest in joining the committee that the committee had to be closed at 12 members. Mrs. Pardee said that she is still happy to accept resumes because sometimes members come off the committee. The next scheduled Joint Finance/ Finance Advisory Committee meeting is February 7 at 7pm. The location to be announced. Additional meetings will be announced. The budget has to be approved by the end of March.

**Committee of the Whole** – Mrs. Pardee made mention of a previous comment by Mr. Sims where he suggested that there be a Council Committee that follows the Economic Development Department. In light of that commented Mrs. Pardee noted that there is a structure for the various council committees and that the committees typically follow the departments within the City. Mrs. Pardee thought was to transition Governmental Affairs into some type of development chair and asked council members if they could have a brief Committee of the Whole meeting to discuss where the committee stand, what they would like to realign and the names of the committees.

There were no other committee reports.

**MOTION BY MR. RACH, SECONDED BY MR. WISEMAN to exit Executive Session and resume Regular Session. On roll call, all voted “aye.”**

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

There being no further business, the meeting was adjourned.

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Michael Dylan Brennan, Mayor

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Kelly M. Thomas, Clerk of Council