

**MINUTES COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS, OHIO  
MAY 22, 2018**

Mayor Michael Dylan Brennan called the regular meeting to order at 7:03p.m.

Roll Call:

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

Also Present: Law Director Luke McConville  
Finance Director Michael Frederick  
Clerk of Council Kelly M. Thomas  
Police Chief Dustin Rogers  
Fire Chief Robert Perko  
Service Superintendent Jeffrey Pokorny  
Building Commissioner James McReynolds  
City Engineer Joseph Ciuni  
Community Development Patrick Grogan-Myers

**Approval of Minutes from Regular Meeting May 7, 2018**

Mr. Rach asked noted that he made the correction on page 6 in the minutes from May 7, 2018.

**MOTION BY MR. RACH, SECONDED BY MR. SIMS to approve the Council minutes from May 7, 2018 as corrected. On roll call, all voted “aye.”**

**Comments from Audience**

There were no comments from the audience.

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

**Since our last meeting.**

We had a neighborhood meeting on Silsby to meet with neighbors of the site of the new pocket park to discuss the latest sketches. Those sketches are here in chambers, and they are also available for viewing on the city website.

I attended the Mayors and Managers meeting in Columbus to discuss issues of importance to our city with state leaders.

We held the Heritage Home Meeting here in chambers last Thursday, and it was standing room only for the presentation. There was a lot of interest in the program, both in seeking free expert advice in rehabbing and repairing our homes, and in the below market interest financing programs available. If you missed the program, information can be found at [www.heritagehomeprogram.org](http://www.heritagehomeprogram.org) and specific questions can be answered by calling 216-426-3116. Thank you to [Trudy Andrzejewski](#) for her engaging and informative presentation.

University Heights is a member of the Suburban Council of Governments for the Northeast Ohio Regional Sewer District. I’m pleased to report that my fellow government officials and representatives have elected me the new Secretary of the organization. The other officers are Broadview Heights Mayor Sam Alai at President and Lyndhurst Mayor Patrick Ward as Vice President. I look forward to furthering the interests of our city and our residents before the NEORS and enhancing our city’s profile in the process.

The buildout at 2245 Warrensville Center Road is ongoing. We will be presenting to the finance committee at its May 31 7pm meeting proposals regarding computer hardware, office equipment and furniture. I would prefer in the interest of transparency to consider those not as separate projects but to bring them before the council, and this is anticipated to be before council at the next meeting.

I want to take a moment to talk about grass in our city. I wish I were talking about medical marijuana dispensaries, but no, I'm talking about the lawns. Our building department has tagged over 300 lawns in the city for grass and weeds more than 8 inches in height. A number of our neighbors, especially those who live next to some of the offending lawns, have been calling and emailing asking when the city will be out. I assure you all that our contract mower has the list, has been working on it since late last week, and work continues. With over 300 lawns to cut, only some of them will be the first ones cut, and some of them will be the last ones cut. But we will get to them all. Hopefully, the property owners will take whatever extra time is allowed to remedy their own lawns for themselves. For the record, I've mowed my lawn three times already. And now for the good stuff.

### **Memorial Day Parade and Ceremony.**

The Memorial Day Parade is the official kickoff to summer in our city, and historically it has been the city's premier event, as it will be this year. The parade steps off on Silsby Road on the west end of the city at 11:00AM and marches across town along Silsby to S. Belvoir and to the John Carroll University campus, where a post parade ceremony and festival will take place. Parade participants have received their assigned spots for the lineup. Some matters of note:

- United States Air Force Flyover at 11:30am over the intersection of Warrensville and Silsby. We have received word that it will be an Air Force F-16 that will fly over. It will be taking off from Toledo and show fly over the parade in the vicinity of City Hall at 11:30AM.
- Decorating Station for Bikes. The city along with the UH Library and SportsClips is sponsoring a decorating station prior to the parade. Kids of all ages can go to Community Park at 9:30 am on Memorial Day and decorate their bikes for the parade. The Library staff will assist the kids in decorating and then walk them to the parade line-up area. Thanks once again to SportsClips for donating the decorations.
- At the end of the parade route, the city will hold its traditional post parade festival, including ponies, the petting zoo, the bounce house, and the food trucks. The League of Women Voters will have a voter registration table. Chief Rogers has arranged for auxiliary police to have a bicycle licensing station.
- The tribute to our fallen veterans will be at noon or after noon, depending on the length of the parade. The event will be outside the entrance of DeCarlo Hall at the Southwest corner of Washington and S. Belvoir. The rain location will be just inside that same entrance in the gymnasium. Speakers include: Rabbi Yakov Katz of the Kollel, Father Bernie McAniffe of Gesu (who will deliver the invocation and benediction, respectively), Kate Malone of JCU, and me. The Keynote Speaker will be Army Major Tim Jenkins, Assistant Professor of Military Science at John Carroll University. UH Resident Barbara Blankfeld will sing the national anthem. After the flag placement and gun salute, the University Heights Symphonic Band will play Taps.
- The extended forecast calls for rain in the morning. Here's hoping the weather dries up before we line up.
- In anticipation of what is going to be a successful event, I would like to thank Special Project Manager Lisa Mayernik for her instrumental role in making this event a success, together with our Service Director Jeff Pokorny, who too has been working tirelessly together with John Pucella and the rest of the service department to get things ready. I'd like to thank Joe Ciuni, for everything he did to get the Silsby Road repaving project done in time for the parade. And I'd like to thank our Memorial Day committee: Pete Bernardo, Barbara Blankfeld, Harvey Blankfeld, Linda Bruff, Jane Evans, Robin Gernsheimer, Wendy Gernsheimer, Jerry Jacobson, Jeff Muller, Mike Sears, Sean Weiss, and with them, Councilman Phil Ertel. Thank you, all of you.

**Purvis Park – The pool opens Saturday. Holiday weekend hours: Saturday and Sunday from 1 to 8:30PM, and Memorial Day from 1 to 6pm.** I was over on Saturday to look around. We've got new paint, we've got new chairs, new umbrellas, and a brand spanking new credit card machine to handle pool pass and tennis lesson payments. And we're ordering a second machine like it for Building Department, next.

The **Rain Barrel Workshop**, it tomorrow, Wednesday, May 23<sup>rd</sup> at 6:30pm in the Service Department Garage. Cost is \$60 for the rain barrel and free to come and just listen. Registration has closed for purchasing a rain barrel, but this is a reminder to attend if you did register.

The city in conjunction with the Cuyahoga County Solid Waste District will host a free seminar on **Backyard Composting**. That will be Tuesday June 5 at 7:00PM at City Hall.

The **Municipal Future citizen committee** is convening for its first meeting on Sunday June 3<sup>rd</sup> at 2pm at the University Heights Library, Meeting Room 1. Win Weizer is chairing the committee. Citizens who have volunteered to serve on the committee have received an extensive email from her regarding the goals of the committee. Which, to paraphrase her briefly, is to evaluate the present facilities and configurations with respect to citizen needs, and to hear and evaluate the anticipated wide range of opinions as to what is needed to better serve the community.

Finally, the governmental affairs committee is meeting on Thursday, May 24 at 7pm. Items before the committee are the proposed tax abatement on major home renovations and additions, and updating our food truck ordinance. These are housing and quality of life issues I strongly support for the betterment of our housing stock and of our community. The abatement program will be another step in several we are taken here collectively in city government with respect to strengthening our housing stock and our neighborhoods. I unfortunately will not be able to attend the meeting. But I have a good excuse. I will be singing in the Sing

Out at Severance Hall this Thursday night, a fundraiser for the Cleveland Rape Crisis Center. Judge KJ Montgomery has been a long time proponent and supporter of the center and of the event, and she recruited me. It was an easy sell for such a worthy cause.

This concludes my report.

**Agenda Items:**

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

Mr. Wiseman stated that during the Building Committee meeting the discussion was that the building inspectors inspect the rental properties every 2 years and that the committee members felt that that was frequent enough. Mr. Wiseman added that with the increase of rentals the City wants to make sure that the rental properties are safe for the tenants. Mr. Wiseman said the difficult part was finding how the Administration would handle and pay for the increase in inspections because the Building Commissioner had informed Council that the rental inspections were done every 2 years because that was all the physical manpower the Department had to complete the inspections. So the Department will now need additional inspectors and the proposed new fee structure will allow for this increase in inspections. Mr. Wiseman noted that the permit fee is being doubled and the permit time is also being reduced where the rental permits for a single-family home will now be \$600 per year; two-family homes will be \$800 a year; and, 3<sup>rd</sup> floor rentals will be \$200 per year.

Mr. Wiseman explain that landowners who obtained their rental permits under the previous fee structure will maintain that permit for the next 2 years. There will be 1 year before the City begins to capture so in essence it will take at least 2 years to capture all rental properties. Mr. Wiseman concluded by saying this legislation will help the City keep greater tabs on the people that are renting and in regards to the fees; Council believes the fees are something that the landlord can spread out over the life of a lease. So, if there are four renters and the owner pays \$600 a year it wouldn't end up being a lot of money. Mr. Wiseman added that this legislation was discussed in committee and no one was against it.

Mr. McConville added that the Ordinance had a substantive change in the Ordinance excluded arrangements where the dwelling unit is occupied by one family. There is a definition for that in the zoning code, where the issue of no monetary or in-kind exchange is taking place is addressed. Childcare and home maintenance cases have been addressed where they have been excluded from needing permits. This was a way to address a concern that has been raised over time by several residents who owned homes and were allowing family members to live in the homes.

Mayor Brennan also added that some specific situations include duplexes where a homeowner owns a duplex. The Mayor noted he was aware of a case where there was a single mother with a child and her mother lived in the other half of the duplex and the grandmother watches the child. In this case the City required the single mother to file a rental application for the mother/grandmother side of the duplex. Mayor Brennan stated the City doesn't want to do that, this Ordinance will bring that sort of issue to an end. Another example would be where a parent purchases a house and their child lives in it because they attend John Carroll University or any other reason. As long as a family member lives in the house and no money is actually being exchanged the City will not consider the dwelling as rental property.

Mrs. Weiss asked Mayor Brennan if the individual cases that he was aware of be informed about the change in the definition of rental properties.

Mayor Brennan replied that perhaps so type of notification could be done, but on the other hand the parties would probably find out when they went to renew their rental permit or via social media or by contacting City Hall.

Mr. Sims commented that although he had some reservations about the fees that would be charged after careful consideration he felt the fees were reasonable and noted that he was fully supported this legislation. In regards to the penalty section of the Ordinance Mr. Sims said he found the portion where it states a separate offense shall be deemed committed each day during or on which a violation occurs or continues troubling because a violator could then be looking at penalties in the thousands of dollars. Mr. Sims said he didn't know if the was Council's or the City's intend or objective and maybe the thousands of dollars as a ceiling would be better.

**MOTION BY MR. WISEMAN, SECONDED BY MRS. CAMERON to approve Ordinance 2018-28 Amending Codified Ordinance Section 1280.10 Entitled “Rental of One and Two-Family Dwelling Units in U-1 and U-2 Districts,” for the Purpose of Amending the Duration of Rental Permits, Modifying the Rental Permit Fee Schedule and Updating Appeal Procedures Commission. On roll call, all voted “aye.”**

**B. Ordinance 2018-29 Authorizing the Transfer of Funds from the General Fund (101) to the Capital Improvement Fund (401)**

Mayor Michael Brennan stated that the Ordinance is for the transfer \$100,000 from the General Fund to the Capital Improvement fund for the purchase of 3 police cars.

Mr. Rach commented that the purchase of the police cars was discussed at the last Safety Committee meeting. Mr. Rach added that he was in favor of the purchase conditional to the money being placed in the Capital Improvement Fund and noted that the purchase was budgeted for 2017. Approval of the Ordinance would allow the City to ----- and make good on last years decision to purchase the police vehicles.

**MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to approve Ordinance 2018-29 Authorizing the Transfer of Funds from the General Fund (101) to the Capital Improvement Fund (401). Roll call on suspension of the rules, all voted “aye.” Roll call for passage, all voted “aye.”**

**C. Motion to Approve the Purchase of three (3) Police Vehicles from Lebanon Ford in a amount not to exceed \$90,000.00 and Required Supporting Equipment for a total amount not to exceed \$170,137.00**

Interim Police Chief Rogers reported that 2 vehicles will be marked and 1 will be unmarked. All three vehicles will be purchased under State Contract along with any necessary equipment and accessories. With the purchase of the three vehicles the department will be able to maintain the current fleet number. Chief Rogers added that the cut-off date to purchase these vehicles under State Contract is May 30, 2018 and the City can receive up to \$10,000 in trade-in values. Also, the new marked vehicles may have more detailed graphics.

Mr. Rach noted that the graphics marking should agree with any new City branding.

Mr. Sims asked Chief Rogers what the necessary equipment included.

Chief Rogers replied a few of the items include computers, dash cameras, etc.

**MOTION BY MR. RACH, SECONDED BY MRS. CAMERON to Approve the Purchase of three (3) Police Vehicles from Lebanon Ford in a amount not to exceed \$90,000.00 and Required Supporting Equipment for a total amount not to exceed \$170,137.00. On roll call, all voted “aye.”**

**D. Motion to Approve the Purchase of ten (10) Portable Radios from Motorola Solutions in an amount not to exceed \$41,522.25 and update remaining Portable Radios by B & C Communications in an amount not to exceed \$670.50 for Fire Department with a total not to exceed \$50,000**

Interim Fire Chief Perko stated that the current radios are no longer supported.

Mr. Wiseman asked Chief Perko when did the County give the City the current radios.

Chief Perko replied that the radios were received in 2017 and that they were from the Republic National Convention.

Mr. Rach noted that there was \$50,000 in the Capital Budget for this purchase.

**MOTION BY MR. SIMS, SECONDED BY MRS. WEISS to approve the Purchase of ten (10) Portable Radios from Motorola Solutions in an amount not to exceed \$41,522.25 and update remaining Portable Radios by B & C Communications in an amount not to exceed \$670.50 for Fire Department with a total not to exceed \$50,000. On roll call, all voted “aye.”**

**E. Accept Bid from Ronyak Paving as the lowest and best bid and Authorizing the Mayor to Enter into Contact for 2018 Street Improvement Project with Ronyak Paving Inc. not to exceed \$722,276.00**

Mr. Ciuni reported that bids were opened on May 11, 2018 and that six bids were received. The project consists of resurfacing 7 street, crack sealing various streets and the construction of bump-outs at Cedar Taylor. Mr. Ciuni added that a small portion of Hadleigh Road is in Shaker Heights and Shaker will be billed by the contractor for their portion.

**MOTION BY MRS. PARDEE, SECONDED BY MR. SIMS to Accept the Bid from Ronyak Paving as the lowest and best bid and Authorizing the Mayor to Enter into Contract with Ronyak Paving Inc. for the 2018 Street Improvement Project in an amount not to exceed \$722,276.00. On roll call, 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**

An Executive session was not needed.

**Directors' Reports**

**Law Director** Luke McConville stated that the hearing on the epic life style litigation regarding 3886 Silsby Road will take place on May 23, 2018. It which time it Mr. McConville assumes the court will approve the receivership lien on the premises.

Regarding small cell technology the magistrate rendered an opinion that the summary judgement that was granted was not enforceable on the bases that the language in the court's opinion referenced a first amendment complaint as opposed to a second amendment complaint. Therefore, certain parties were excluded as a result some of the second amendment complaint was not encompassed by that motion. As a result the magistrate has asked the parties to brief that issue and that creates some possibilities for resolution. Mr. McConville said he hopes to be able to provide another update in a few months.

Mr. Wiseman asked Mr. McConville to further explain the epic life style litigation for the house on Silsby and what could be expected going forward once the receivership lien is approved, would that be the green light to for them to start making repairs on the house.

Mr. McConville replied that currently the house is fully brought up to code. The building department has review the work that is being done and the Court has received a lot of visual evidence during the proceedings. The home looks beautiful from the pictures. The house is currently being rented by a family. Once the receivership lien is released Mr. McConville believes the house will go up for sale.

Mr. Sims added that this would prove evident that homes in bad shape can be repaired.

**Fire Chief** Robert Perko stated that the research to install emergency traffic light on Silsby in front of the Fire Department was estimated around \$35,000 so the decision was made to go with plan b where the area of street pavement in the front of the station would be striped.

Hydrant flushing has been completed and the painting of hydrants will be done by community volunteers.

The Department will re-start teaching CPR classes in June and August.

The new rescue squad should be delivered in June 2018.

**Police Chief** Dustin Rogers stated that weather permitting the street line stripping program is starting and will occur between the hours of 7pm and 5am. It should take three weeks to complete stripping the City.

**Service Department** Jeffrey Pokorny reported that the City received the "Tree City USA" award for the 40<sup>th</sup> year in a row and is in second place in the State of Ohio. The City of Lakewood is in first place with the designation of 41 years.

Mr. Sims asked if the City could place banners signs acknowledging that on the utility poles.

Mr. Pokorny said that the City would have to get permission from the utility company to place anything on the utility poles.

Mayor Brennan added maybe the City could use the poles where the City had the snowflakes on during the holiday season.

**Building Commissioner** James McReynolds reported that CATT Company came out to service and test the City's emergency generator and noted that the City will now be able to conduct generator test during the week as a routine on its own without calling CATT out for a service call. Mr. McReynolds noted that the inspectors have started notifying and tagging properties that are in violation of having high grass and informed everyone that if they have questions or complaints about yard care for any house in University Heights, they should call the Building Department directly so that the issues can be handled in a timely fashion.

Mr. Sims asked if the grass abatement company was provided any guidelines as to what level the City expected them to cut the grass down to.

Mrs. Cameron asked if the City needed more help than having just one contractor cutting the grass abated properties so that they would the lawns could be cut more timely.

Mayor Brennan agreed with Mrs. Cameron comment.

**Community Development** Patrick Grogan-Myers reported that the Heritage Home Loan seminar was well attended by residents. Letters encouraging homeowner to contact the County Auditor's office for assistance was mailed out to property owners are delinquent on their property taxes.

The Community Development Block Grant funding period is July 1 – December 31, 2018 and a public hearing was held to get project ideas for funding.

There were no other Director reports.

**Standing Committee Reports:**

**Finance Committee:** Mrs. Pardee reported that the committee will meet on May 31 to discuss

**Governmental Affair:** Mrs. Weiss stated that the committee will meet on May 24 to discuss

**Safety Committee:** Mr. Sims stated that the committee met

There were no other committee reports.

**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.

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Michael Dylan Brennan, Mayor

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Kelly M. Thomas, Clerk of Council